



**Monday, April 19, 2021
City Council Combined Meeting**

**Council Chambers
3815 Sachse Road, Building B
6:30 p.m.**

The City Council meeting will be held in the Council Chambers and via videoconference.

A temporary suspension of the Open Meetings Act to allow telephone or videoconference public meetings has been granted by Governor Greg Abbott and therefore, members of the public are entitled to participate in person or remotely.

Citizens may use the ZOOM link below to participate via chat for any questions/comments.

**<https://us02web.zoom.us/j/81406835746>
Or Telephone: (Toll Free) 877-853-5247
Webinar ID: 814 0683 5746**

Members of the public who wish to submit their written comments on a listed agenda item can also submit their comments by filling out the public meeting speaker form at: <http://www.cityofsachse.com/328/Agendas-Minutes-Videos> or by visiting the Agendas & Minutes button on the homepage of the City's website.

Comments must be received before 4:00 p.m. on Monday, April 19, 2021.

The City of Sachse reserves the right to reconvene, recess or realign the workshop meeting, regular meeting, called Executive Session or order of business at any time prior to adjournment.

As authorized by Section 551.071(2) of the Texas Government Code, these meetings may be convened into closed Executive Session at any time during the City Council workshop or regular meeting for the purpose of seeking confidential legal advice from the City Attorney on any workshop or regular meeting agenda item listed herein.

A. 6:30 PM WORKSHOP MEETING

1. Call to Order: The City Council of the City of Sachse will hold a Workshop Meeting on Monday, April 19, 2021 at 6:30 p.m. to consider the following items of business:
2. Discuss the Michael J. Felix Community Center and potential summer hours.
3. Discussion of City Council meeting agenda items.
4. Adjournment.

B. 7:00 PM REGULAR MEETING

1. Call to Order: The City Council of the City of Sachse will hold a Regular Meeting on Monday, April 19, 2021 at 7:00 p.m. to consider the following items of business:
2. Invocation and Pledges of Allegiance.

C. Special Announcements

1. Mayor and City Council announcements regarding special events, current activities, and local achievements.

D. Citizen Input

1. Citizen Input: The public is invited at this time to address the Council. Please come to the microphone and state your name and address for the record or citizens wishing to speak may use the chat function to state their name, address, and question for the record. However, if your remarks pertain to a specific agenda item, please hold them until that item, at which time the Mayor may solicit your comments. Time limit is 3 minutes per speaker. The City Council is prohibited by state law from discussing any item not posted on the agenda according to the Texas Open Meetings Act, but may take them under advisement. Issues raised may be referred to City Staff for research and possible future action.

E. Consent Agenda - All items listed on the consent agenda will be considered by the City Council and will be enacted on by one motion. There will be no separate discussion of these items unless a Councilmember or citizen so requests.

1. Approve the minutes of the April 5, 2021, regular meeting.
2. Approve the minutes of the April 5, 2021, joint workshop meeting.
3. Authorize the City Manager to execute a contract for professional services for the design of the Sable Hills Lift Station improvements between the City of Sachse and Birkhoff, Hendricks and Carter, LLP in the amount of one-hundred twenty-three thousand five-hundred and zero cents (\$123,500.00).
4. Approve the Consent Agenda Items as presented.

F. Regular Agenda Items

1. Conduct a public hearing to consider and act on an ordinance amending the Code of Ordinances by amending Chapter 11 titled "Zoning".
2. Consider an Ordinance amending Chapter 1 of the Code of Ordinances by amending Section 1-22 "Code of Ethics" to provide for provisions prohibiting council members and persons related to an employee, the mayor or any member of the City Council from serving on certain boards, commissions and corporations unless expressly permitted by law.
3. Discuss and receive an update on a potential Bailey Road Project

G. Executive Session

1. The City Council shall convene into Executive Session pursuant to Texas Government Code, Section §551.087 Economic Development Deliberations: to deliberate the offer or other financial incentive to a business prospect generally located along the President George Bush Turnpike.
2. Take any action as a result of Executive Session.

H. Regular Meeting Closing

1. Adjournment.

I, the undersigned authority, do hereby certify that this notice of meeting was posted in accordance with the regulations of the Texas Open Meetings Act and was posted on the bulletin board, an accessible location at Sachse City Hall.



Michelle Lewis Sirianni, City Secretary

Accommodation requests for persons with disabilities should be made at least 48 hours prior to the meeting by contacting Lauren Rose, ADA Coordinator, via phone at 972.429.4770, via email at lrose@cityofsachse.com, or by appointment at 3815 Sachse Road, Building B, Sachse, Texas 75048.

**Agenda Item Details**

Meeting	Apr 19, 2021 - City Council Combined Meeting
Category	A. 6:30 PM WORKSHOP MEETING
Subject	2. Discuss the Michael J. Felix Community Center and potential summer hours.
Access	Public
Type	Discussion, Information

Public Content**BACKGROUND**

This will be the first summer that the Michael J. Felix Community Center will be open without restrictions due to COVID-19.

OVERVIEW

Staff has put together a proposal for City Council to review that has the Community Center open later in the evening during the summer months.

POLICY CONSIDERATIONS

There are no policy considerations affiliated with this item.

RECOMMENDATION

Discuss summer hours at the Michael J. Felix Community Center.

[Community Center Summer Hours Presentation.pdf \(82 KB\)](#)

Michael J. Felix Community Center



The City of
SACHSE

Current and Proposed Hours of Operation

	Current Hours	Proposed Summer Hours
Tuesday	10 AM-9 PM	10 AM-9 PM
Wednesday	10 AM-7 PM	10 AM-9 PM
Thursday	10 AM-9 PM	10 AM-9 PM
Friday	10 AM-7 PM	10 AM-9 PM
Saturday	9 AM-5 PM	9 AM-5 PM
Sunday	Closed	Closed
Monday	Closed	Closed



Considerations and Recommendation

- Currently there is one unfilled part time position
 - Staff is in the process of interviewing for the 3rd part time position that is open
 - This position will assist with summer hours, early morning camps and after hours indoor reservations once they resume in mid-May after elections are complete
- Recommendation: begin summer hours on June 8, 2021



Council Discussion





Agenda Item Details

Meeting	Apr 19, 2021 - City Council Combined Meeting
Category	E. Consent Agenda - All items listed on the consent agenda will be considered by the City Council and will be enacted on by one motion. There will be no separate discussion of these items unless a Councilmember or citizen so requests.
Subject	1. Approve the minutes of the April 5, 2021, regular meeting.
Access	Public
Type	Action (Consent), Minutes
Recommended Action	Approve as presented.
Minutes	View Minutes for Apr 5, 2021 - City Council Regular Meeting

Public Content

BACKGROUND

Minutes of the April 5, 2021, regular meeting.

POLICY CONSIDERATIONS

There are no policy considerations affiliated with this item.

RECOMMENDATION

Approve the minutes of the April 5, 2021, regular meeting.

[04.05.21 Minutes.pdf \(158 KB\)](#)

All items listed on the consent agenda will be considered by the City Council and will be enacted on by one motion. There will be no separate discussion of these items unless a Councilmember or citizen so requests.

CITY COUNCIL OF THE CITY OF SACHSE

MEETING MINUTES

APRIL 5, 2021

The City Council of the City of Sachse held a regular meeting on Monday, April 5, 2021, at 6:30 p.m. at Sachse City Hall, 3815-B Sachse Road. Those present were Mayor Mike Felix, Mayor Pro Tem Brett Franks, Councilmembers Michelle Howarth, Frank Millsap, Chance Lindsey, Cullen King, and Jeff Bickerstaff; City Manager, Gina Nash; City Secretary, Michelle Lewis Sirianni; IT staff, Danny Wheeler and James Burns; Director of CIP and Public Works, Corey Nesbit; Parks and Recreation Director, Lance Whitworth; Finance Director, Teresa Savage; Fire Chief, Marty Wade; and Police Chief, Bryan Sylvester.

Mayor Felix opened the regular meeting at 6:33 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE TO U.S. AND STATE FLAGS:

Councilman Bickerstaff offered the invocation and Mayor Pro Tem Franks led the pledges.

EXECUTIVE SESSION: The City Council shall convene into Executive Session pursuant to Texas Government Code, Section §551.087 Economic Development Deliberations: to deliberate the offer or other financial incentive to a business prospect generally located along the President George Bush Turnpike.

At 6:35 p.m., the City Council recessed into Executive Session.

At 7:15 p.m., the City Council reconvened back into the regular meeting.

No action was taken.

MAYOR AND CITY COUNCIL ANNOUNCEMENTS REGARDING SPECIAL EVENTS:

Mayor Pro Tem Franks thanked everyone who participated and staff involved regarding the Easter festivities. He also announced that groups can sign up to participate in the Arbor Day Jubilee Clean Up & Team Up taking place on Saturday, April 17.

Councilman Bickerstaff congratulated the Sachse High School Boys soccer team for their success this year and going to the state playoffs.

Proclamation recognizing April 17, 2021 as Arbor Day in the City of Sachse.

Mayor Felix read and presented a Proclamation to Lance Whitworth, Parks and Recreation Director.

Proclamation recognizing April 17, 2021 as Keep America Beautiful Great American Cleanup Day in Sachse.

Mayor Felix read and presented a Proclamation to Lance Whitworth, Parks and Recreation Director.

Mr. Whitworth announced how groups could sign up and participate in the cleanup event.

Mayor Felix added announcements regarding where residents can go for Early Voting and how to apply for the Sachse Scholarship.

CITIZEN INPUT:

Mayor read the following into the record from Jackie Eichelberger, 7121 Bailey Road.

“Mr. Mayor and Council,

In answer to several letters to Council recently that expressed concern and urgency about conditions on Bailey Road, I would like to add a few words.

Our neighborhood on Bailey is home to close to 100 Sachse citizens living in 30 or so houses that all face the street. We are well aware of the road conditions just outside our front doors.

We know that the City and the Council are not ignoring or avoiding making necessary repairs on Bailey...delaying, yes, but not ignoring or avoiding.

Perhaps not everyone is aware that for the past 2 ½ years, there's been on-going construction in Sable Hill Estates between Williford and Bailey with extensive and major grading preparations and plans for and building of about 30 new houses.

This work is still in progress and has brought with it all the heavy-duty trucks, dump trucks, cement trucks, rock haulers, cranes, earth moving equipment, workers and trades, streaming in and out daily, that are a necessary part of any large construction project. They all use Williford and Bailey to get to their job sites.

I believe the City simply realized that any repairs on Bailey and Williford done before this development was completed would be short lived and in vain. Repairs would not hold up under these conditions.

In my opinion, the City wisely decided to delay doing major work on these two streets. I think most of us can understand this logic and are willing to wait until the time is right and funding is available.

We're finally seeing Sachse's minor arterial roadway projects being undertaken. Sachse Road is under construction and the Merritt Road widening and Merritt/Woodbridge Parkway connection

is in final planning and set to begin next year. These heavily traveled road projects were years in the planning.

Funds for the needed repair or reconstruction of collector streets including Bailey and Williford will be part of the 2021 Bond that Council will present to Sachse citizens on the ballot at the November election.

While we appreciate the concerns that have been expressed, we hope that folks will have a bit more patience along with those of us who live on Bailey and Williford. It may be uncomfortable to drive on our streets for a while longer. But, luckily, as we all know, there are other routes between Hwy. 78 and Sachse Road that can be used instead. Thank you.”

Matthew Holboke, 5511 Oakridge Circle, stated he asked the bond committee what the timeframe would be if passed and when they would see construction. He was disappointed that they could not respond. He also asked why their meetings were not being conducted in-person.

CONSENT AGENDA: All items listed on the Consent Agenda are considered routine and will be acted on by one motion, with no separate discussion of these items unless a City Councilmember or citizen so requests.

- 1. Approve the minutes of the March 15, 2021, combined meeting.**
- 2. Approve moving the first regular City Council meeting in July to Monday, July 12, 2021.**
- 3. Approve moving the second regular City Council meeting in July to Monday, July 26, 2021.**
- 4. Accept the monthly revenue and expenditure report for the period ending February 28, 2021.**
- 5. Approve a resolution authorizing the City Manager to execute an Interlocal Agreement (“Master Agreement”) between the City of Sachse and Dallas County, Texas, for the purpose of transportation improvements on roads inside Dallas County that are in the Dallas County Mobility Plan.**

Councilman Bickerstaff made a motion to approve the consent agenda items as presented. Councilman King seconded that motion and the motion was unanimously approved.

REGULAR AGENDA ITEMS:

Discuss the July 3, 2021, Red, White, and Blue Blast.

Mr. Whitworth stated that COVID-19 has created some challenges in regard to special events, but staff has been able to make modifications in order to create some normalcy. The City Council recently gave direction to staff to modify the Red, White, and Blue Blast to host just the fireworks portion of the event with some type of drive through food event. In light of the recently lifted restrictions on mask mandates and the ability for businesses to operate at 100% capacity, staff is seeking additional feedback. Staff has contacted vendors to determine their availability if the City moves forward with the event. Mr. Whitworth indicated the following vendors are still available

including the band, the stage, portable restroom facilities, the petting zoo, the Jumperbee, golf carts, Jumbo Wars yard games, and the fireworks. Of the food vendors, most are only willing to do the event if it is in the park. They are not open to the drive through option. In order for staff to focus on the event modifications regarding additional sanitation and getting vendors set up, they will not be able to do the parade. Staff recommends that they move forward with the event on July 3, 2021, as in past years with food and vendor booths, the band, kids' activities, and fireworks.

Councilman King asked if there were any additional thoughts regarding the petting zoo since it is a very popular attraction. Mayor Pro Tem Franks added his concerns over the petting zoo and suggested eliminating the activities.

Mayor Felix stated he would like to move forward with the event. Councilman Millsap agreed that he would like to see the event take place. Councilman Lindsey indicated the same, but asked about restrooms (portables). Mr. Whitworth replied that they will be doubling up on the portables and adding more frequent cleanings.

Councilman Bickerstaff stated he was okay with moving forward, but asked about the vendors.

Councilwoman Howarth stated she was leaning towards only having the fireworks, the band, and food vendors.

The consensus of the City Council was to move forward on the event.

Receive an update regarding actions taken by the City as a result of the COVID-19 pandemic and any future measures that may be necessary including city operations and facilities, public safety, financial employee impact, the CARES Act, and the American Rescue Plan.

Mrs. Nash stated that there is no update this meeting. Staff is currently awaiting further guidance from the US Treasury regarding the American Rescue Plan on how to proceed.

ADJOURNMENT:

Mayor Felix adjourned the meeting at 7:47 p.m.

MIKE J. FELIX, MAYOR

ATTEST:

Michelle Lewis Sirianni, City Secretary



Agenda Item Details

Meeting	Apr 19, 2021 - City Council Combined Meeting
Category	E. Consent Agenda - All items listed on the consent agenda will be considered by the City Council and will be enacted on by one motion. There will be no separate discussion of these items unless a Councilmember or citizen so requests.
Subject	2. Approve the minutes of the April 5, 2021, joint workshop meeting.
Access	Public
Type	Action (Consent), Minutes
Recommended Action	Approve as presented.
Minutes	View Minutes for Apr 5, 2021 - Joint City Council and SEDC Workshop Meeting

Public Content

BACKGROUND

Minutes of the April 5, 2021, joint workshop meeting.

POLICY CONSIDERATIONS

There are no policy considerations affiliated with this item.

RECOMMENDATION

Approve the minutes of the April 5, 2021, joint workshop meeting.

[04.05.21 Minutes Joint EDC.pdf \(90 KB\)](#)

All items listed on the consent agenda will be considered by the City Council and will be enacted on by one motion. There will be no separate discussion of these items unless a Councilmember or citizen so requests.

CITY COUNCIL AND ECONOMIC DEVELOPMENT CORPORATION
JOINT WORKSHOP MEETING MINUTES
APRIL 5, 2021

The City Council and the Economic Development Corporation of the City of Sachse held a joint workshop meeting on Monday, April 5, 2021, at 7:30 p.m. at Sachse City Hall, 3815-B Sachse Road. Those present were Mayor Mike Felix, Mayor Pro Tem Brett Franks, Councilmembers Michelle Howarth, Frank Millsap, Chance Lindsey, Cullen King, and Jeff Bickerstaff; Sachse Economic Development Board members Spencer Hauenstein, Tim Shivers, Niloufer Watkins, Marcia Harris-Daniel, and Angela Keeton; City Manager, Gina Nash; Petty and Associates Consultant, Trent Petty; City Secretary, Michelle Lewis Sirianni; IT staff, James Burns, and Police Chief, Bryan Sylvester. EDC Board member Teddy Kinzer was absent.

Mayor Felix opened the joint workshop meeting at 6:57 p.m.

EDC President Hauenstein opened the joint workshop meeting at 6:58 p.m.

GOALS, OBJECTIVES DISCUSSION: Hold a discussion regarding goals, objectives, and Bylaws as it relates to the Type B Corporation.

Mr. Petty with Petty and Associates presented a series of definitions on Economic Development, which involved the word 'process'. Mr. Petty outlined several areas of leadership including establishing expectations, providing clear written direction and guidance, monitoring and measuring performance interactively, and providing constant support and feedback. He proposed to the City Council and the EDC Board several items to consider that will include a needs assessment, as well as the communication framework, an organizational chart of the EDC, and reporting relationships of the City boards and commissions and staff. Mr. Petty noted that an additional workshop be done in order to focus on items such as setting goals, strategies, and objectives, developing performance indicators and/or dashboard, and a routine reporting schedule.

Concerns on communications between the EDC and the City Council and how the recent changes to the Bylaws occurred were expressed, but collectively they are ready to move forward in making the City successful.

ADJOURNMENT:

Mayor Felix adjourned the meeting at 9:08 p.m.

MIKE J. FELIX, MAYOR

ATTEST:

Michelle Lewis Sirianni, City Secretary



Agenda Item Details

Meeting	Apr 19, 2021 - City Council Combined Meeting
Category	E. Consent Agenda - All items listed on the consent agenda will be considered by the City Council and will be enacted on by one motion. There will be no separate discussion of these items unless a Councilmember or citizen so requests.
Subject	3. Authorize the City Manager to execute a contract for professional services for the design of the Sable Hills Lift Station improvements between the City of Sachse and Birkhoff, Hendricks and Carter, LLP in the amount of one-hundred twenty-three thousand five-hundred and zero cents (\$123,500.00).
Access	Public
Type	Action
Preferred Date	Apr 19, 2021
Absolute Date	Apr 19, 2021
Fiscal Impact	Yes
Dollar Amount	123,500.00
Budgeted	Yes
Budget Source	Utility Fund
Recommended Action	Authorize the City Manager to execute a contract for professional services for the design of the Sable Hills Lift Station improvements between the City of Sachse and Birkhoff, Hendricks and Carter, LLP in the amount of one-hundred twenty-three thousand five-hundred and zero cents (\$123,500.00).
Goals	Strategically invest in the City's existing and future infrastructure.

Public Content

BACKGROUND

The existing Sable Hills Lift Station was installed in the early 1960s, in conjunction with the Sable Hills Estates development, which was platted in 1961. The service area for the existing lift station was recently expanded to provide service for new lots developing in the Sable Hills Estates addition.

OVERVIEW

The existing lift station requires an upgrade in operating capacity to meet demands of the increased wastewater flows. This project will also update the lift stations wet wells, vaults, provide backup power, increased site security and meet all current standards as required by the Texas Commission on Environmental Quality (TCEQ).

POLICY CONSIDERATIONS

There are no policy considerations affiliated with this item.

RECOMMENDATION

Authorize the City Manager to execute a contract for professional services for the design of the Sable Hills Lift Station improvements between the City of Sachse and Birkhoff, Hendricks and Carter, LLP in the amount of one-hundred twenty-three thousand five-hundred and zero cents (\$123,500.00). This is a project that is included for funding in the Utility Fund budget.

[Sable Hills Lift Station Design Presentation.pdf \(272 KB\)](#)

Sable Hills Lift Station Design

City Council
April 19, 2021

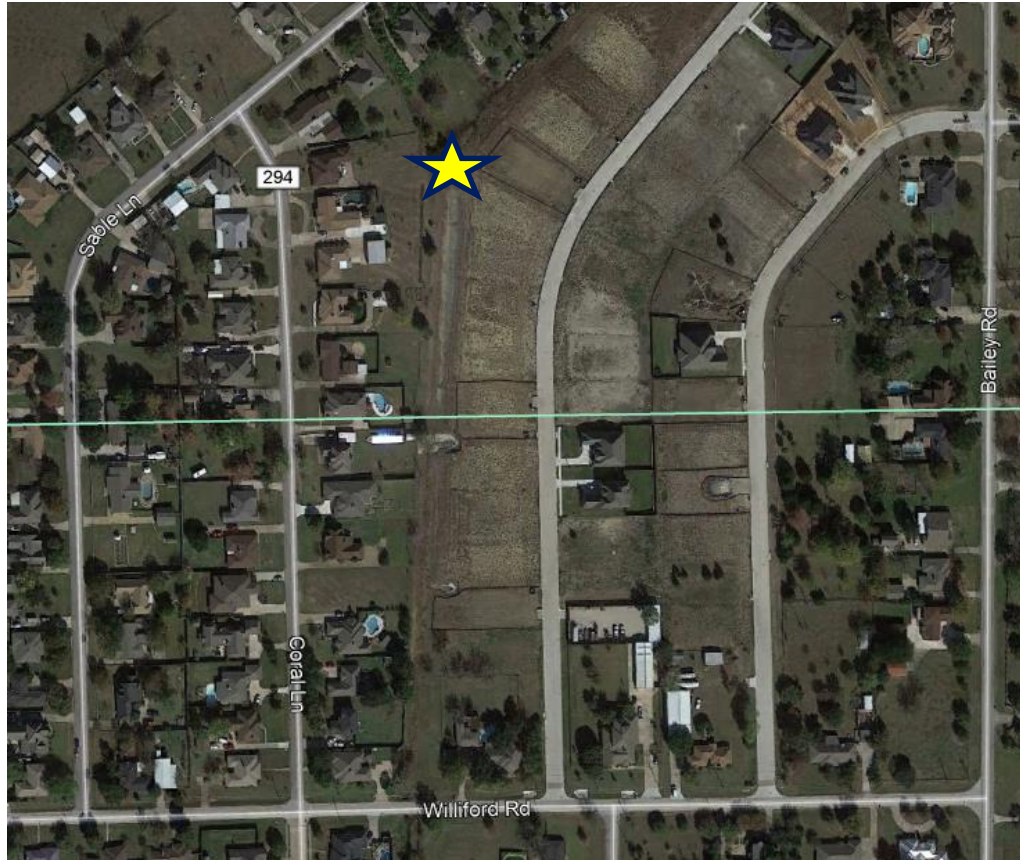


Overview

- Site Location
- Background
- Staff Recommendation



Site Location



Background

- The existing Sable Hills Lift Station was installed in the early 1960s, in conjunction with the Sable Hills Estates development
- The service area for the existing lift station was recently expanded to provide service for new lots developing in the Sable Hills Estates addition
- The existing lift station requires an upgrade in operating capacity to meet demands of the increased wastewater flows
- This project will also update the lift stations wet wells, vaults, provide backup power, increased site security and meet all current standards as required by the Texas Commission on Environmental Quality (TCEQ)



Staff Recommendation

- Authorize the City Manager to execute a contract for professional services for the design of the Sable Hills Lift Station Improvements between the City of Sachse and Birkhoff, Hendricks and Carter, LLP in the amount of one-hundred twenty-three thousand five-hundred and zero cents (\$123,500)
- This contract will be funded from the Utility Fund





Agenda Item Details

Meeting	Apr 19, 2021 - City Council Combined Meeting
Category	F. Regular Agenda Items
Subject	1. Conduct a public hearing to consider and act on an ordinance amending the Code of Ordinances by amending Chapter 11 titled "Zoning".
Access	Public
Type	Action, Discussion, Information
Fiscal Impact	No
Budgeted	No
Recommended Action	Staff recommends approval of the ordinance amendment.

Public Content

BACKGROUND

At the request of the Planning and Zoning Commission, staff brought forward zoning ordinance items for discussion at the Planning and Zoning Commission's October 19, 2020 meeting.

- Discussion items focused on:
 - Warehouse/self-storage uses within the PGBT Zoning District;
 - Minor Auto Repair uses within the C-1 Neighborhood Commercial and PGBT Zoning Districts;
 - Reapplication for denied rezoning requests; and
 - Miscellaneous clean-up items.

Staff presented the Commission's recommendations at the February 1, 2021, City Council Workshop, where the Council agreed with the recommendations provided by the Planning and Zoning Commission.

OVERVIEW

- The Zoning Ordinance provides for the safe, efficient, and orderly development of the city by regulating the types of uses and specific development standards for all development occurring in the city.
- The Zoning Ordinance is one of the tools used to implement the City's Comprehensive Plan.
- The maintenance of existing ordinances is considered routine in order to provide a healthy and functioning regulatory framework that meets the needs of the community.
- The ongoing maintenance of regulations and the streamlining of processes and provisions are identified as tasks in the City's 2017 Comprehensive Plan.

POLICY

- Facilitating development within Sachse by enacting standards that align with state law and the vision established by the City's Comprehensive Plan.
- Provide ongoing maintenance of City ordinances.
- The current Zoning Ordinance is available by clicking [here](#).

RECOMMENDATION

At the April 12, 2021 Planning and Zoning Commission meeting, the Commission voted 5-0 to recommend approval of the proposed ordinance amendment.

[Zoning Ordinance Amendment Presentation.pdf \(358 KB\)](#)

[Chapter 11 Zoning Ordinance - Redline.pdf \(1,342 KB\)](#)

[Zoning Ordinance Amending Chapter 11 Zoning.pdf \(227 KB\)](#)

Zoning Ordinance Amendment

City Council
April 19, 2021



Request

Conduct a public hearing to consider and act on an ordinance amending the Code of Ordinances by amending Chapter 11 titled “Zoning”.



Overview

- At the request of the Planning & Zoning Commission, staff brought forward zoning amendment items for discussion to the Commission's October 19, 2020 meeting.
- Discussion items included:
 - ❑ Warehouse/Self-Storage uses;
 - ❑ Minor Auto Repair uses;
 - ❑ Rezoning reapplications; and
 - ❑ Other clean-up items
- Staff presented the Commission's recommendations at the February 1, 2021 City Council Work Session, where the Council agreed with the recommendations of the Commission.



Proposed Changes

- Removal of warehousing/self-storage uses as a permitted use in the PGBT - Turnpike Mixed-Use District and making the use subject to an SUP (Special Use Permit) in the PGBT – Turnpike Commercial District.
- Removal of Auto Related Uses as a permitted use in the PGBT – Turnpike Commercial District and making the use subject to an SUP in the PGBT Turnpike-Mixed-Use District.
- Make Auto Repair (Minor) uses subject to an SUP in the C1 Neighborhood Commercial District.
- Clarifies provisions regarding reapplication of denied zoning applications to one year unless requested, referred back or a denial without prejudice from the City Council.
- Clarifies requirements for lots being platted prior to development.
- Miscellaneous clean-up (i.e. misspellings, definitions etc.)



Recommendation

- At their April 12, 2021 Planning & Zoning Commission meeting, the Commission voted 5-0 to approve the ordinance amendment.



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SACHSE, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 11 TITLED "ZONING"; BY AMENDING "EXHIBIT A ZONING ORDINANCE"; PROVIDING A CONFLICTS CLAUSE; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. That the City of Sachse Code of Ordinances is amended by amending Chapter 11 titled "Zoning Ordinance", to read as follows:

"Chapter 11

ZONING

...

Sec. 11-3. Planning and zoning commission.

AMEND 11-3(C)(5):

(C) Rules and regulations. The following rules and regulations are hereby adopted by the city for the making of applications for zoning changes and for the handling of public hearings before the city planning and zoning commission and the city council:

(5) At the time of the hearing before the city council, the applicant and opposition shall be given an opportunity to be heard in connection with the proposed change of zoning. After both the applicant and the opposition have been heard, the public hearing will be closed. After closing of the public hearing, the city council shall make a decision as to whether or not the proposed zoning change should be made as requested, or should be made in some modified form, or whether it should be denied with or without prejudice. In the event the city council votes to grant a zoning change a written ordinance shall be prepared for submission to the city council. No zoning change shall become effective until after a written ordinance granting such change has been prepared and duly adopted by the city council, and the caption of said ordinance published in the official newspaper, as the law in such cases provides.

AMEND 11-3(6) BY DELETING (b):

(6) Any zoning matter acted upon by the planning and zoning commission will not again be considered for a period of one year, except:

(a) At the request of, referral back or a denial without prejudice from the city council.

~~(b) On written request by the applicant, with pertinent facts which the planning and zoning commission deems sufficient to warrant a new hearing. Such request shall not be set for public hearings unless approved by a majority vote of the planning and zoning commission. If a rehearing is granted by the planning and zoning commission then the procedure thereon shall be the same as that given an original application for zoning change filed with the planning and zoning commission.~~

...”

SECTION 2. That the City of Sachse Code of Ordinances is amended by amending Chapter 11 titled “Zoning Ordinance” by amending Exhibit A Zoning Ordinance by amending the various provisions of Articles 1 through 11, to read as follows:

“EXHIBIT A ZONING ORDINANCE

...

ARTICLE 2. DEFINITIONS

DELETE *ANIMAL KENNEL OR POUND.*

AMEND *Batching plant and Batching plant, temporary:*

Batch plant. An asphalt or concrete batching plant which has fixed features with foundations for the plants, conveyor belts (usually), office buildings of permanent nature, fixed storage, as well as other amenities; permanent plants generally sell the products on contract or by the truck load.

Batch plant, temporary. A concrete or asphalt batching plant constructed for the purpose of providing concrete or asphalt for a single construction project and intended to be removed following the completion of that project.

AMEND:

Distribution center, general warehousing. The storage in an enclosed building of materials and goods including all office, distribution and sales space. This definition does not include motor freight terminals or railroad freight terminals.

AMEND *Equipment Storage, leasing, indoor:*

Equipment storage, leasing. A facility for renting tools and equipment.

AMEND:

Gas pumps, fuel sales. A retail fuel sales facility selling fuel for motor vehicles including, but not limited to, automobiles, motorcycles, buses, or recreational vehicles (excluding semi-trailer trucks

with at least three axles that are designed to tow trailers) with no ancillary services such as vehicle service, vehicle repair, or sale of items other than fuel. The fueling or gasoline station may be attended or automated.

AMEND *Heavy industrial, uses:*

Heavy industrial, plant operations. Heavy industrial manufacturing, processing, assembling, researching, and developing, packaging, shipping, storing, servicing or other such activities which are not prohibited by law and do not meet standards set forth in the definition of light industrial uses and high risk uses.

AMEND *HUD code home:*

HUD code manufactured home. A manufactured home constructed with a permanent chassis designed for over-the-road transportation and delivered to the home site in one or more sections according to the National Manufactured Home Construction and Safety Standards Act of 1976 enforced by the Department of Housing and Urban Development (HUD). HUD regulates the home's design and construction, strength and durability, transportability, fire resistance, energy efficiency and quality control. It also sets tough performance standards for heating, plumbing, air-conditioning, thermal and electrical systems.

AMEND:

Independent senior living. A facility containing dwelling units, accessory uses and support services specifically designed for occupancy by persons 55 years of age or older. Such facilities may include accommodations for persons who are fully ambulatory or who require no medical or personal assistance or supervision, as well as accommodations for persons who require only limited or intermittent medical or personal assistance.

AMEND:

Kennel (indoor and conditioned). A facility including outside runs for the short-term boarding or keeping of animals permitted by the Health Code to be kept within the city.

ADD AS NEW DEFINITION:

Laboratory, light manufacturing, distillery. Manufacturing, processing, assembling, packaging, shipping, storing, servicing activities not elsewhere listed for other than retail purposes which do not emit dust, odor, smoke, gas or fumes beyond the bounding property lines of the tract upon which the use is located and which do not generate noise or vibration at the boundary of the property, which is generally perceptible in frequency or pressure above the ambient level of noise or vibration in the adjacent areas, except as provided by any noise ordinance.

DELETE *LIGHT INDUSTRIAL USES.*

ADD AS NEW DEFINITION:

Model home. A dwelling unit built by a builder or developer to allow potential purchasers to see what the finished product will look like.

ADD AS NEW DEFINITION:

Office, medical or professional. A room or group of rooms used for the provision of professional, executive, management or administrative services.

DELETE OFFICE EQUIPMENT SALES, REPAIR AND MAINTENANCE.

DELETE OFFICE GENERAL.

DELETE OFFICE SHOWROOM/WAREHOUSE.

ADD AS NEW DEFINITION:

Open storage. The storage of any equipment, machinery, commodities, raw, semi-finished materials, and building materials, not accessory to a residential use, which is visible from any point on the building lot line when viewed from ground level.

AMEND

Outdoor display (sales). The outdoor display of goods, materials and (or) equipment sold on premises during normal business hours of a retail or wholesale business.

DELETE OUTDOOR STORAGE.

ADD AS NEW DEFINITION:

Personal or professional services. An establishment which provides services related to grooming, appearance, care, or repair of personal apparel; and which may sell products used or recommended for those same purposes incidental to the services provided.

ADD AS NEW DEFINITION:

Research and development, data center. An establishment engaged in research and new product development activities in the field of medicine or in high-technology intensive fields, including the on-site manufacture and assembly of high-technology prototypes, provided all activities and storage of equipment and materials take place within the principal building.

DELETE RETAIL SALES WITH GAS PUMPS.

ADD AS NEW DEFINITION:

Seasonal sales. Temporary sales of product normally sold in a period of the year devoted to or marked by certain activities, events, or climate conditions, such as special holidays, summer season, winter season.

DELETE WAREHOUSE, GENERAL.

...

ARTICLE 3. DISTRICTS

...

Sec. 1. Number of districts.

...

AMEND SPECIAL DISTRICTS BY DELETING OP OFFICE PARK AND MX MIXED USE DISTRICT:

Special districts.

AG agricultural.

PD planned development district.

...

Sec. 2. R single-family dwelling districts.

AMEND 2.2 (r)(1)b ONLY

2.2 Uses permitted. Property and buildings in R, single-family dwelling district, shall be used only for the following purposes:

r. Accessory uses, which shall include the following, when the primary use is residential:

(1) Home occupations which are secondary to the primary residential use and which involve the manufacture, assembly, sale or service of goods, or which involve the providing of a service, subject to the following conditions:

b. No person that is not a family member who resides in the dwelling unit, may participate in the home occupation on the premises.

...

Sec. 4. C-1 neighborhood shopping district.

AMEND 4.2 BY DELETING (b) AND RENUMBERING REMAINING SECTIONS

4.2 Uses permitted.

(a) Property and buildings in C-1 neighborhood shopping districts shall be used for retail stores and shops which do not exceed 14,000 square feet of gross floor area each and which supply the regular and customary needs of the residents of the neighborhood and which are primarily for their convenience. See chapter 11, exhibit a, article 3, section 13;

~~(b) — Name plates and signs relating only to the use of the establishment and premises or to products sold on the premises;~~

(b) Accessory buildings and uses customarily incidental to allowed uses;

(c) A building used for any of the uses listed in this section may not have more than 40 percent of its floor area devoted to purposes incidental to the primary use. No materials or goods offered for sale in connection with the allowed uses shall be displayed or stored outside of a building. Service machines such as those for ice, soft drinks and newspapers may be permanently displayed behind the front building line;

(d) Sleeping facilities for caretakers and night watchmen employed on the premises are permitted. No other residential use is permitted; and

(e) Temporary construction facilities incidental to the development of property as permitted in this district are allowed for so long as construction work is in progress.

...

AMEND 4.4 BY ADDING A NEW (b)

4.4 Building regulations.

(a) Height regulations. No building shall exceed three and one-half stories, or 40 feet in height, except as hereinafter provided in article 4, section 3.

~~(b) Exterior walls. All exterior walls shall be of masonry construction, and must meet the required construction standards for this zoning district. The regulation contained in the preceding sentence does not apply to glass, doors, or window walls.~~

(b) Accessory buildings. Accessory buildings and structures are considered commercial buildings and shall obtain all necessary permits and inspections. The color of accessory buildings shall be the same as the main building.

...

Sec. 5. C-2 general commercial district.

AMEND 5.2 BY DELETING (e):

5.2 Uses permitted.

(a) Property and buildings in C-2 general commercial districts shall be used for those uses provided for in chapter 11, exhibit a, article 3, section 13;

(b) Buildings, structures and uses customarily incidental to allowed uses, provided that there shall be no manufacture, processing or compounding of products other than such as are customarily incidental and essential to retail establishments;

(c) Any other store or shop for retail trade or for rendering personal, professional or business service which does not produce more noise, odor, dust, vibration, blast or traffic than those enumerated in chapter 11, exhibit a, article 3, section 13. Except for open display

permitted in chapter 11, exhibit a, article 3, section 13 and under subsection 5.3 of this section 5, no article or material stored or offered for sale in connection with permitted uses shall be stored or displayed outside of a building unless it is so screened by permanent ornamental walls, fences or planting (in accordance with article 4, section 2) that it cannot be seen from adjoining streets or lots when viewed by a person standing at ground level; provided, however that no screening in excess of eight feet is required;

(d) Temporary construction facilities incidental to the development of property as permitted in this district are allowed for so long as construction work is in progress.

~~(e) — Refuse storage screening: Materials and trash receptacles stored outside shall be screened from public view by a combination wood and masonry fence not to exceed eight feet in height.~~

...

AMEND 5.5 BY AMENDING (e) ONLY:

5.5 Building regulations.

...

(e) Accessory buildings. Accessory buildings and structures are considered commercial buildings and shall obtain all necessary permits and inspections. The color of accessory buildings shall be the same as the main building.

...

Sec. 6. I-1 restricted manufacturing and warehousing district.

AMEND 6.5 [6.4] BY DELETING (b)

6.5 [6.4] Building regulations.

(a) Height regulations. No building or structure shall exceed 90 feet in height, except as hereinafter provided in article 4, section 3 of this Ordinance.

~~(b) — Exterior fire resistant construction. All main buildings shall be masonry or pre-engineered metal building systems in accordance with the Building Code of the City of Sachse.~~

...

Sec. 7. I-2 general industrial district.

AMEND 7.4 BY DELETING (b)

7.4 Building regulations.

(a) Height regulations. No building shall exceed 90 feet in height, except as hereinafter provided in article 4, section 3.

~~(b) — Exterior fire resistant construction. All main buildings shall be masonry or pre-engineered metal building systems in accordance with the Building Code of the City of Sachse.~~

...

Sec. 8. AG-agricultural district.

AMEND 8.3 (c) ONLY

8.3 Building regulations.

(c) The exterior design of single family homes shall be governed by the architectural design standards (chapter 11, exhibit a, article 4, section 7), and agriculture related structures and accessory structures shall abide by the accessory structure standards (chapter 11, exhibit a, [article 4,] section 12.1).

...

Sec. 11. SP-special use permits.

AMEND 11.3:

11.3 Uses in I-2 only. A special use permit may be granted for the following high risk uses in the I-2 Industrial Two District only:

{Remainder of 11.3 is unchanged}

...

Sec. 13. Use designations.

AMEND USE CHART 13.2.4 COMMERCIAL USES:

Use Chart 13.2.4 Commercial Uses

SF-RE	SF-39	SF-15	SF-12	SF-10	Section	AG	C1	C2	I-1	I-2
...										
					Office, medical or professional		P	P	P	P
...										

AMEND USE CHART 13.2.5 TRANSPORTATION USES

Use Chart 13.2.5 Transportation Uses

SF-RE	SF-39	SF-15	SF-12	SF-10	Section	AG	C1	C2	I-1	I-2
...										
					Auto repair, minor		S	P	P	P
...										

...

Sec. 14. PGBT zoning districts.

AMEND TABLE 14.5.1 SCHEDULE OF USES

TABLE 14.5.1 SCHEDULE OF USES

	Turnpike Commercial (TC)	Turnpike Mixed-Use (TMU)	Turnpike Transition (TT)
Land Use			
Commercial Uses (Office, Retail, Sales and Service Uses)			
...			
Auto-related uses	NP	S (P/C)	NP
Storage facilities	NP	S (P/C)	NP
...			

AMEND BY ADDING “S = Special Use Permit Required”:

P/C = Permitted with design criteria per [Table 14.5.1\(B\)](#)

S = Special Use Permit Required

B. Use criteria. All uses listed as P/C in [Table 14.5.1](#) shall also meet the following standards.

Use	Zone	Location and Design Criteria
...		
Storage Facilities	Turnpike Mixed-Use	• Storage uses shall be a minimum of three stories. Shall be 100% indoor access and climate controlled. • Shall be located behind another building(s) and/or shall not have any frontage along a type A or B street. • Must incorporate above criteria with SUP request.
Auto-Related Uses	Turnpike Mixed-Use	• Gas pumps and canopies shall not be located at the corners of the facility's lot. • Car lots are not permitted. • Any buildings associated with the use shall also have a pedestrian entrance at a type A street. • Must be setback at least 50 feet with a landscape buffer. • Auto sales, repairs and storage uses shall be fully contained inside of a building. • Must incorporate above criteria with SUP request.
...		

...

Sec. 15. Old Town Zoning District.

AMEND SEC. 15.7 F. 1 ONLY

15.7 Street and streetscape design standards.

F. Existing infrastructure.

1. New development shall install new infrastructure subject to city regulations. However, single lot infill residential uses, including allowed home conversions and excluding urban living residential and other non-residential uses, may utilize existing infrastructure or alternative design standards, subject to minor modifications approval, for sidewalks, drainage, paving, access and utilities.

...

ARTICLE 4. GENERAL PROVISIONS APPLYING TO ALL OR SEVERAL DISTRICTS

AMEND SEC. 10.7 A(7) ONLY

10.7 Illumination

A. Limitations on neighboring property. The limit of illumination on neighboring property

from one establishment shall be based on the zoning of the neighboring property. Maximum computed maintained and maximum measured foot-candles at the neighboring property lines shall not exceed:

- (7) Exception. Illumination at interior property lines on contiguous lots in a multitenant nonresidential development may exceed the above criteria when necessary to provide constant lighting levels of adjoining parking areas, fire lanes and interior access roadways as determined by the Director of Development Services.

...

ARTICLE 6. PERMITS AND CERTIFICATES

AMEND AS FOLLOWS:

It shall be unlawful for any person, firm or corporation to commence the construction, enlargement or structural alteration of any building or structure in the city, or using or occupying the same without first applying for and securing a building permit, or to use or occupy same without first securing a certificate of occupancy permit.

Creation of building site. A permit for the construction of a building or buildings upon any tract or plot shall be issued only if a building site, building tract or building lot has been created in compliance with one of the following:

- (1) The lot or tract where any building is to be constructed is part of a plat of record, properly approved by the planning and zoning commission and/or city council, and filed in the plat records of the county;
- (2) The plot, tract, or lot faces upon a dedicated street and was separately owned prior to the effective date of the ordinance from which this chapter is derived, or prior to annexation of the property into the city, whichever is applicable; however, only one building permit for a single main building conforming to all the requirements of this chapter may be issued on each such original separately owned parcel unless either subsection (1) of this section is complied with; or
- (3) A permit for the construction of a non-residential building or buildings upon any tract or plot may be issued if a building site, building tract or building lot has been reflected on an approved plat. A certificate of occupancy shall not be issued until a final plat has been filed for record with the county clerk and all other applicable regulations have been appropriately satisfied.

...

ARTICLE 9. UNPLATTED PROPERTY

AMEND SECTION SEC. 1:

Sec. 1. Zoning Required

1.1 The planning and zoning commission shall not approve any plat of any subdivision within the city limits until the area covered by the proposed plat has been permanently zoned by the city council.”

SECTION 3. To the extent of any irreconcilable conflict with the provisions of this ordinance and other ordinances of the City of Sachse governing the use and development of the Property and which are not expressly amended by this ordinance, the provisions of this ordinance shall be controlling.

SECTION 4. That all provisions of the Ordinances of the City of Sachse, Texas, in conflict with the provisions of this Ordinance be and the same are hereby, repealed, and that all other provisions of the Ordinances of the City of Sachse not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 5. That 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 as a whole or any part or provision thereof other than the part thereof decided to be unconstitutional, illegal, or invalid.

SECTION 6. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Ordinances of the City of Sachse, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 7. That any person, firm, or corporation violating any provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances, as amended, 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 8. This ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED by the City Council of the City of Sachse, Texas on the _____ day of _____ 2021.

APPROVED:

Mike J. Felix
Mayor

DULY ENROLLED:

Michelle Lewis Sirianni
City Secretary

APPROVED AS TO FORM:

Joseph J. Gorfida, Jr.
City Attorney
(04-15-2021:TM 121847)

CHAPTER 11 ZONING

Sec. 11-1. Zoning ordinance adopted.

The Zoning Ordinance (Ordinance No. 1255) adopted by the City Council of the City of Sachse on the 3rd day of April, 1995, as subsequently amended, is included in this Code of Ordinances at the end of this chapter as [Exhibit A](#). Due to the nature of the zoning ordinance and the technicalities involved in adopting or amending it, such ordinance is printed herein as enacted with subsequent amendments inserted in their proper place. (Ordinance 1255 adopted 4/3/95; Ordinance 3947, sec. 1, adopted 10/7/19)

Sec. 11-2. Zoning fees.

(1) Applications shall be accompanied by required fees as set forth in the City of Sachse Master Fee Schedule established by resolution of the city council.

(2) Zoning application fees and charges shall be collected by the City of Sachse when a request for rezoning or variance is tendered to the city, and each of the fees and charges shall be paid in advance, and no action of the city or any board or agency shall be valid until the fee shall have been paid to the city. These fees shall be charged on all requests, regardless of the action taken by the city and whether the request is approved or denied. The money collected shall defray the cost of administrative, clerical, and inspection services necessary.

(Ordinance 398 adopted 8/27/84; Ordinance 2074, sec. 1, adopted 4/19/04; Ordinance 3432, sec. 1, adopted 11/5/12)

Sec. 11-3. Planning and zoning commission.

A. Created.

(1) There is hereby created a planning and zoning commission of the city. Such commission shall consist of seven members, and may include alternates. The commission members shall be qualified voters in the city.

(2) The members of the planning and zoning commission shall be appointed by a majority of the city council. Members shall be appointed to staggered, overlapping two-year terms.

(3) Vacancies in the planning and zoning commission occurring other than through the expiration term of office shall be filled by the majority vote of the entire city council. Such appointee shall serve for that portion of the unexpired term remaining of the vacancy being filled.

(4) If any member of the planning and zoning commission is absent from three consecutive regular meetings, such member may be removed by the City Council.

(5) The members of the planning and zoning commission shall serve without compensation.

(6) Four members of the planning and zoning commission shall constitute a quorum, and all members, including the presiding chairman, shall have the right of one vote each, a quorum being present. All actions by the planning and zoning commission shall be by a majority vote of those members present. The planning and zoning commission shall:

(a) Organize and select officers in June of each year, which shall include a chairman, vice-chairman and secretary to serve for one-year terms;

(b) Adopt its own rules of procedure for the conduct of its public hearings; and

(c) Keep accurate minutes of its meetings which shall be recorded with the city secretary, and such minutes shall become a part of the permanent city records. Its meetings shall be open to the public at all times. The commission shall meet at least once a month.

B. Duties and powers. The planning and zoning commission shall generally have the following duties and powers:

(1) To obtain information and make recommendations to the city council and to cooperate with all boards and other agencies as to all facts bearing upon the needs of the city with regard to the development of boulevards, streets and avenues and other public ways or places and city plans and subdivision development generally.

(2) To formulate a plan to regulate and restrict the location of trades and industries, and the location of buildings designed for specific uses, and to regulate and limit the height and bulk of buildings. To effect such purposes, the commission shall divide the city into zones of such number, shape and area as may seem best to carry out a definite plan for the development of the city, and shall submit the same to the city council for approval or rejection. In performing such duties, the commission shall function as provided under articles 1011a to 1011j, Revised Civil Statutes.

(3) To recommend to the city council whether property should be acquired for boulevard purposes, and also whether or not any change should be made in the width or length of any street or boulevard.

(4) To cooperate with and advise the city council with respect to any plan for the location or change of public buildings, bridges, approaches or other structures erected by the city.

(5) To keep itself informed with reference to the progress of city planning in this and other counties, and to make studies and recommendations for the improvement of the plan of the city with view to the present and future movement of traffic and the convenience, health, recreation, safety, general welfare and needs of the city, based upon the city plan. Such commission shall consider and report to the city council with reference to all facts bearing on the designs and their relations to the city plan of all new public ways, lands, buildings, bridges, improvements of drainage, extension or opening of streets and avenues.

(6) To pass upon whether or not plats of land and proposed plats of land within the city or coming under the city's jurisdiction should be accepted, and to formulate and furnish to the city council regulations governing the platting of additions which shall be for the guidance of the public in this regard.

(7) To act in an advisory capacity to the city council in all matters pertaining to zoning, public improvements, civic improvements, city planning, opening, widening and changing of streets, and such other matters relating to civic improvements as such commission may deem beneficial and to the interest of the city.

C. Rules and regulations. The following rules and regulations are hereby adopted by the city for the making of applications for zoning changes and for the handling of public hearings before the city planning and zoning commission and the city council:

(1) Applications for zoning changes must be made in writing and filed with the office of development services on a form approved by the city manager or his/her designee. The form to be used in making the application shall contain such information as may be required by the city manager or his/her designee.

(2) Written notice of the public hearing shall be sent to property owners as required by law prior to the hearing by the planning and zoning commission. The notice shall be mailed at least ten days prior to the hearing to all owners of property affected by the proposed change in the zoning by sending such notices to all persons owning property within 1,000 feet of the area of the proposed change of zoning. The notice shall be sent to persons whose names appear on the current tax roll.

(3) The planning and zoning commission may investigate such application before or after public hearing so that the members may be fully acquainted with the subject property and the surrounding area. At the hearing, proponents and opponents shall be given full and adequate opportunity to present their respective views and the planning and zoning commission will, from their personal inspection, and evidence presented, makes its recommendation to the city council as to whether or not the zoning change or special use should be granted or denied, or any other disposition which the planning and zoning commission may deem proper. It shall be the duty of the chairman of the planning and zoning commission, or in his absence, the vice-chairman, assisted by the secretary and members of the planning and zoning commission present at the hearing, to prepare a report in writing, which shall consist of a resume of the evidence heard by the planning and zoning commission and any facts which the planning and zoning commission may have gained by personal inspection of the premises and surrounding area involved, and to which shall be attached the recommendation of the planning and zoning commission shall then be filed with the city secretary for presentation to the city council.

(4) When the planning and zoning commission has recommended that the application for a change of zoning be denied, the development services office shall notify the applicant of the recommendation of the planning and zoning commission and advise the applicant that if the applicant desires the matter to be presented to the city council for its consideration, the applicant shall notify the development services

office within 30 days of his desire that the case be submitted to the city council for its consideration. In the event the applicant does not notify the office of development services in writing of his desire that the case be submitted to the city council for its consideration, no further action shall be taken. If such notice is given to the office of development services, the office of development services shall schedule the case for a hearing before the city council. Prior to the hearing before the city council, notice of such proposed hearing shall be published in the official newspaper of the city one time, at least 15 days prior to date of the hearing, such notice to give the time and place of the hearing, a description of the property, information as to the request made by the applicant and the recommendation of the planning and zoning commission. Prior to the hearings before the city council, the development services office shall deliver to the city council the report and recommendation of the planning and zoning commission.

(5) At the time of the hearing before the city council, the applicant and opposition shall be given an opportunity to be heard in connection with the proposed change of zoning. After both the applicant and the opposition have been heard, the public hearing will be closed. After closing of the public hearing, the city council shall make a decision as to whether or not the proposed zoning change should be made as requested, or should be made in some modified form, or whether it should be denied with or without prejudice. In the event the city council votes to grant a zoning change a written ordinance shall be prepared for submission to the city council. No zoning change shall become effective until after a written ordinance granting such change has been prepared and duly adopted by the city council, and the caption of said ordinance published in the official newspaper, as the law in such cases provides.

(6) Any zoning matter acted upon by the planning and zoning commission will not again be considered for a period of one year, except:

(a) At the request of, referral back or a denial without prejudice from the city council;

(7) Action by the planning and zoning commission shall be considered only as a recommendation that the proposed zoning change be granted or denied. Any action or recommendation made by the planning and zoning commission shall be governed by the provisions of article 1011a or 1011j of Vernon's Revised Civil Statutes and the Comprehensive Zoning Ordinance of the city.

(8) In the event a protest against such proposed change has been filed with the city secretary, duly signed by the owners of 20 percent or more either of the area included in the such proposed change or of the land within 1,000 feet of such area, such amendment shall not become effective except by a three-fourths vote of the governing body.

(9) In the event a request for zoning change to the planning and zoning commission is withdrawn following placement on the agenda thereof, said request shall be deemed disapproved and shall be so stated in the minutes.

(10) In the event a recommendation for approval is forwarded to the city council by the planning and zoning commission and said request is withdrawn after placement on the city council agenda, said request shall be deemed disapproved and shall be so stated in the minutes.

(11) In the event any request for zoning change is denied by vote of the city council or is denied by virtue of the provisions in subsections C(9) or C(10) of this section, said request shall not be resubmitted or considered by the planning and zoning commission or the city council for a period of one year. Said period shall begin to run on the date any such disapproval is entered in the minutes by the city secretary.

(D) Removal. Removal of members of the planning and zoning commission shall be in accordance with the provisions of [Article VIII, Section 8.01](#)(2) of the City of Sachse's Home Rule Charter.

E. Joint public hearings with city council. In accordance with the provisions and authority of article 1011f, Revised Civil Statutes of the State of Texas, the city council of the City of Sachse, Texas, may hold any public hearing, after published notice as required by law, jointly with any public hearing which is required by law to be held by the planning and zoning commission. Provided, however, that in such a case the city council shall not take action on any such matter before the joint hearing until it has received the final report of the planning and zoning commission.

(Ordinance 182 adopted 2/26/74; Ordinance 210 adopted 12/22/75; Ordinance 296 adopted 9/14/81; Ordinance 395 adopted 9/17/84; Ordinance 1100 adopted 8/16/93; Ordinance 2032, secs. 1, 2, adopted 9/2/03; Ordinance 2188, sec. 1, adopted 12/19/05; Ordinance 2244, secs. 1, 2, adopted 10/2/06; Ordinance 3555, sec. 3, adopted

Deleted: six months

Deleted: (b) On written request by the applicant, with pertinent facts which the planning and zoning commission deems sufficient to warrant a new hearing. Such request shall not be set for public hearings unless approved by a majority vote of the planning and zoning commission. If a rehearing is granted by the planning and zoning commission then the procedure thereon shall be the same as that given an original application for zoning change filed with the planning and zoning commission.

1/6/14; Ordinance 3947, sec. 1, adopted 10/7/19)

Cross reference – See also City Charter, article IX.

Sec. 11-4. Board of adjustment.

A. Created.

(1) Under the authority of the Home rule Charter of the City of Sachse, Texas there is hereby created a board of adjustment. This board shall consist of five members and may include four alternates, appointed by a majority of the city council for a term of two years. Vacancies on the board shall be filled first by alternate members on the basis of seniority. All other vacancies shall be filled by appointment by the original appointing authority of a suitable person to serve out the unexpired term of any member whose place on the board has become vacant for any cause.

(2) If any member of the board of adjustment is absent from three consecutive regular meetings, such member may be removed by the City Council.

B. Purpose, meetings, minutes. The board is hereby vested with power and authority, in appropriate cases and subject to appropriate conditions, and safeguards to make such exceptions to the terms of the zoning ordinance of the City of Sachse in harmony with its general purpose and intent and in accordance with general or special rules therein contained for the purpose of rendering full justice and equity to the general public. The board may adopt rules to govern its proceedings provided, however, that such rules are not inconsistent with this section. Meetings of the board shall be held at the call of the chairman, who may administer oath and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicate such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

C. Appeals to board. Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board of municipality affected by any decision of the administrative office. Such appeals shall be taken within 15 days time after the decision has been rendered by the administrative office, by filing with the officer from whom the appeal is taken and the board of adjustment, a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all papers constituting the record upon which the action appealed was taken. An action appealed from shall stay all proceedings upon the action appealed, unless the officer from whom the appeal is taken certified to the board of adjustment, after the notice of appeal has been filed with him, that by reason of facts, stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed, otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record or application on notice to the officer from whom the appeal is taken and due cause shown.

D. Powers.

(1) The board of adjustment shall have the following powers: to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of the zoning ordinance. To hear and decide special exceptions to the terms of the zoning ordinance upon which the board is required to pass under this section.

(2) To authorize upon appeal in special cases, such variances from the terms of the zoning ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the zoning ordinance will result in unnecessary hardship, and to that the spirit of the zoning ordinance shall be observed and substantial justice done.

(3) In exercising its powers the board may, in conformity with the provisions of articles 1011-a and including 1011-j of the 1925 Civil Statutes of Texas, revise or reform, wholly or partly, or may modify the order, requirements, decision or determination as ought to be made and shall have all the powers of the officer for whom the appeal is taken.

(4) To hold hearings and make determinations as to the proper amortization schedule to be fixed for nonconforming uses which have failed to comply with the city Ordinances concerning zoning after said tract has been annexed and brought into the City of Sachse, Texas. The board shall, in accordance with law, provide a compliance date for the nonconforming use under a plan whereby the owner's actual investment in the use before the time that use became nonconforming can be amortized within a

definite period. In this connection, the factors to be considered by the board of adjustment in making its determination will be:

- (a) The amount of time required for the property owner to terminate the nonconforming use and to recover its investment in the nonconforming structures.
- (b) The actual dollars invested in the nonconforming structures, less the past depreciation taken by the owner, which shall be the owner's investment in the structure in (a) above.
- (c) The property owner's reasonable and necessary opportunity for recovery of its investment shall be measured from the time the existing use becomes nonconforming, not be conditions upon the expiration of the city's tolerance.
- (d) The effects of the nonconforming use on adjoining properties and the surrounding area and the effect of cessation.
- (e) The suitability or lack thereof of the nonconforming use to the adjoining properties.
- (f) The effects of the nonconforming use on new development in the city.
- (g) The health, safety, and welfare of the community with regard to the nonconforming use.

E. Seventy-five percent vote required. Each case heard before the board must be heard by 75 percent of the board members. The concurring vote of 75 percent of the members of the board is necessary to decide in favor of any applicant or action (i.e. 75 percent of five is four votes required for passage). In the event a member is not sitting due to a conflict of interest, three favorable votes are required for passage (i.e. 75 percent of four is three).

F. 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 municipality may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within ten days after the filing of the decision in the office of the board and not thereafter.

(Ordinance 548 adopted 2/4/87; Ordinance 1101 adopted 8/16/93; Ordinance 1345 adopted 3/4/96; Ordinance 1365 adopted 5/20/96; Ordinance 1709 adopted 2/7/00; Ordinance 3555, sec. 4, adopted 1/6/14)

EXHIBIT A ZONING ORDINANCE

(As amended through Ordinance No. 1624 adopted November 2, 1998)

ARTICLE 1. PREAMBLE

PREAMBLE

WHEREAS, the City Council of the City of Sachse, did on February 13, 1995, receive the final report of the city planning and zoning commission recommending adoption of this zoning ordinance in its final form and recognizing the need of zoning regulations to properly safeguard the general public welfare, health, peace and safety of the community, the city council determined that this zoning ordinance should be adopted.

Sec. 1. Enacting clause.

1.1 That Ordinance No. 547 known as the Zoning Ordinance of the City of Sachse, together with all amendments, is hereby repealed, and that there be enacted in lieu thereof the following Comprehensive General Zoning Ordinance of the City of Sachse. However, the zoning maps enacted pursuant to Ordinance [No.] 547, which delineate the boundaries of each use district, are not repealed, but shall continue in full force and effect.

Sec. 2. Purpose.

2.1 It is hereby declared to be the purpose and intent of the city council in enacting this ordinance that the zoning regulations and districts as herein established have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals and general welfare of the city. They have been designed to lessen the congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land, to avoid undue concentration of population; to facilitate the adequate provision of transportation, water,

sewerage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, for the character of the district, and its peculiar suitability for the particular uses specified; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city consistent with a comprehensive plan.

Sec. 3. Zoning district map.

3.1 The boundaries of zoning districts set out herein are delineated upon a zoning district map of the city adopted as part of Ordinance No. 547. Such zoning district maps are continued herein.

3.2 One original of zoning district map shall be filed in the office of the city secretary. This copy shall be the official zoning district map and shall bear the signature of the mayor and attestation of the city secretary. This copy shall not be changed in any manner. In case of any question, this copy, together with amending ordinances, shall be controlling.

3.3 An additional copy of the original zoning district map shall be placed in the office of development services. The copy shall be used for reference and shall be maintained up-to-date by posting thereon all subsequent amendments.

(Ordinance 2015, sec. 1, adopted 5/5/03; Ordinance 3947, sec. 2, adopted 10/7/19)

Sec. 4. Zoning district boundaries.

4.1 Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.

4.2 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

4.3 Boundaries indicated as approximately following city limits shall be construed as following city limits.

4.4 Boundaries indicated as following railroad lines shall be construed to be the established, the boundary shall be interpreted to be midway between the right-of-way lines.

Sec. 5. Compliance required.

5.1 All land, buildings, structures, or appurtenances thereof located within the city which are hereafter occupied, used, erected, altered or converted shall be used, placed and erected in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located except as hereinafter provided. Land used in meeting the requirements of this ordinance with respect to a particular use or building shall not be used to meet the requirements for any other use or building.

Sec. 6. Preserving rights and continuity in enforcement, pending litigation, and violations under ordinance and amendments thereto.

6.1 By the passage of this ordinance no presently illegal use or building shall be deemed to have been legalized unless such use falls within a use district where the actual use and standards under the terms of this ordinance would be conforming. Any use which does not conform to provisions of this ordinance shall be a nonconforming use or structure if it legally existed as a conforming or nonconforming use or structure prior to adoption of this ordinance or an illegal use if it did not exist as a conforming or nonconforming use or structure, as the case may be. It is further the intent and declared purpose of this ordinance that no offense committed, and no liability, penalty or forfeiture, either civil or criminal, incurred prior to the time the previous zoning ordinance was repealed and this ordinance adopted shall be discharged or affected by such repeal; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures may be instituted or causes presently pending proceeded within all respects as if such prior ordinance has not been repealed.

6.2 The prior elimination from zoning ordinance of the R-7.2 single-family dwelling district, the R-7.8 single-family dwelling district, and the R-4 single-family dwelling district shall not make lawful buildings, structures or uses presently located in areas presently so zoned as nonconforming. The zoning map of the City of Sachse shall continue to show such areas to be zoned R-7.2 single-family dwelling district, R-7.8 single-family dwelling, and R-4 single-family dwelling district, as the case may be. [Article 5](#), "Nonconforming Uses" of this article shall not apply to such areas. Development or redevelopment within such districts shall be governed by the development standards and allowed uses in effect at the time of the elimination of such zoning categories, and such provisions in the Zoning Ordinance shall be continued for that purpose.

Sec. 7. Newly annexed areas.

7.1 All territory hereafter annexed to the City of Sachse, Texas shall be temporarily classified agricultural. The city council, at its own initiative, may establish permanent zoning as soon as practicable.

7.2 The procedure for establishing the permanent zoning on any annexed territory shall be the same as is provided by law for the amendment of the zoning ordinance as outlined in [article 12](#).

Sec. 8. Administrative adjustment.

8.1. Administrative adjustments are specified deviations from otherwise applicable development standards where development is proposed that would be:

- (1) Compatible with surrounding land uses;
- (2) Harmonious with the public interest; and
- (3) Consistent with the purposes of this zoning ordinance.

8.2. The director of development services shall have the authority to authorize adjustments of up to ten (10) percent from any dimensional standard or numerical requirement set forth in this zoning ordinance. Any adjustment request greater than ten (10) percent shall be treated as a variance handled by the Board of Adjustment (BOA) subject to the requirements of [Section 11-4](#).

8.3. Administrative Adjustment Criteria:

- (1) To approve an administrative adjustment, the director of development services shall make an affirmative finding that the following criteria are met:
 - (a) That granting the adjustment will ensure the same general level of land use compatibility as the otherwise applicable standards;
 - (b) That granting the adjustment will not materially or adversely affect adjacent land uses or the physical character of uses in the immediate vicinity of the proposed development; and
 - (c) That granting the adjustment will be generally consistent with the purposes and intent of this zoning ordinance.

(Ordinance 3947, sec. 2, adopted 10/7/19)

ARTICLE 2. DEFINITIONS

1.1 All words used in the present tense shall include the future; all words in the singular number include the plural number and all words in the plural number include the singular number; the word "structure" includes the word "building," and "dwelling" includes "residence" and "place of habitation"; the word "person" includes "corporation," "co-partnership," "association," and "individual", the word "shall" is mandatory and not discretionary. Terms not herein defined shall have the meaning assigned to them in the building codes terms not defined herein or in the building code shall have the meaning customarily assigned to them.

Accessory structure. A detached subordinate building containing more than 20 square feet of area and more than four feet in height used for purposes customarily incidental to the residential occupancy of the main building and not involving the conduct of a business or service not normally found in conjunction with the residential use. Accessory buildings shall not be utilized nor rented as a dwelling unit.

Accessory use. A use customarily incidental, appropriate and subordinate to the principal use and located on the same lot therewith.

Adjacent. Touching, adjoining, contiguous, or abutting.

Air conditioning service. A facility providing supplies, repair and installation of air conditioning and heating equipment.

Agriculture. Any activity related to the cultivation of the soil, the production of crops for human food, animal feed or planting seed or for the production of fibers; floriculture, viticulture, horticulture; the raising or keeping of livestock; the planting of cover crops.

Airport/heliport. A facility for the landing, taking off, storage and servicing of fixed or rotary wing aircraft.

Alley. Any public right-of-way affording a secondary means of vehicular access to abutting property, and not intended for general traffic circulation.

Alterations. Any change, addition, or modification in construction, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as “altered” or “reconstructed.”

Alternative financial services. A check cashing business, payday advance or loan business, money transfer business, or car title loan business.

Ambulance service. A privately owned business which provides ambulance service to the public. Any site for such business may contain facilities for the storage of ambulances, office space, and sleeping quarters for those employees who are on call.

Amenity center. A private recreation facility which may include swimming pools, meeting rooms, open space, or other amenities maintained by a Homeowner’s Association.

Analytical laboratory. A facility for testing and analyzing scientific problems to include but not limited to soil testing, concrete compression testing and similar uses.

Antennas. See definition for telecommunications.

Antique shop. An establishment offering for sale objects d’art, furniture, glassware, china or similar furnishings, which have value and significance as a result of age, design and sentiment.

Arcade. An establishment in which there is located four or more skill or pleasure machines that may be operated by giving or paying any form of currency, credit or debit cards, or tokens for which a fee has been or will be paid.

Assisted living facility. An establishment that furnishes, in one or more facilities, food and shelter, to four or more persons who are unrelated to the proprietor of the establishment and that provides personal care services as defined by Chapter 247 of the Texas Administrative Code. Personal care services include assistance with meals, dressing, movement, bathing, or other personal needs or maintenance; the administration of medication; or the general supervision or oversight of a person’s physical and mental well-being.

Athletic club/instruction-Indoor. An area providing exercise or recreational facilities such as game courts, swimming pools or exercise equipment and whose facilities are entirely contained indoors.

Athletic club/instruction-Outdoors. An area providing exercise or recreational facilities such as game courts, swimming pools, exercise equipment or areas and playing fields, some of which may be located outdoors.

Auto (motorized) leasing. A facility for the display and rental of passenger vehicles (no heavy equipment or commercial leasing/rental).

Auto (motorized) sales or storage. A facility for the display, service and retail sale of new or used automobiles or motorcycles. Vehicles that require repair or which cannot be legally operated shall not be stored on-site for longer than 14 days.

Automobile repair, major. Major repair, rebuilding, replacement or reconditioning of engines or transmissions for motor vehicles; wrecker service with vehicle storage; collision services including body, frame or fender straightening or repair; customizing; overall painting or paint shop; automotive glass and upholstery; those uses listed under “automobile repair, minor”; and other similar uses. All repair work shall be performed inside a structure. Vehicles shall not be stored on site for longer than 60 days. The modifications of automobiles, motorcycles, watercrafts. All-terrain vehicles (ATV’s) shall be considered a major automotive use. The use shall include hot rod vehicles.

Automobile repair, minor. Minor repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as grease, oil, spark plug, and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses, brake parts, mufflers; automobile washing, steam cleaning, and polishing; performing state inspections and making minor repairs necessary to pass said inspection; servicing of air-conditioning systems, and other similar minor services for motor vehicles except heavy load vehicles, but not including any operation named under “automobile repair, major” or any other similar use. All repair work must be performed inside a structure. Vehicles shall not

Deleted: Animal kennel or pound. A facility including outside runs for the short term boarding or keeping of animals permitted by the Health Code to be kept within the city.¹¹

be stored on site for longer than 14 days.

Automobile wrecking yard. A place used for the dismantling, disassembling, crushing or compacting of motor vehicles or trailers, or the storage, sales or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Bait sales, live. The storage and sale of bait such as minnows and worms.

Bakery, commercial. A manufacturing facility for the production and distribution of baked goods and confectioneries.

Batch, plant. An asphalt or concrete batching plant which has fixed features with foundations for the plants, conveyor belts (usually), office buildings of permanent nature, fixed storage, as well as other amenities; permanent plants generally sell the products on contract or by the truck load.

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Batch, plant, temporary. A concrete or asphalt batching plant constructed for the purpose of providing concrete or asphalt for a single construction project and intended to be removed following the completion of that project.

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Battery repairing and rebuilding. A facility for the service, repair or rebuilding of batteries.

Bed and breakfast. An establishment that provides no more than ten bedrooms for guests, exclusive of the owner/operator's sleeping quarters. Guests shall be permitted to stay for no more than 14 days. The facility may contain a kitchen and dining area. No food shall be prepared within a bedroom, nor shall the facility contain a restaurant or banquet.

Bingo hall. A facility that is primarily used for commercial bingo operations as defined under Texas law. This does not include facilities primarily used (50 percent or more) by nonprofit organizations for fund raising or other charitable purposes.

Birthing center. An establishment where a woman is scheduled to give birth following a normal, uncomplicated low-risk pregnancy. The term does not include a hospital, ambulatory surgical center, a nursing home, or the residence of the woman giving birth.

Board. The board of adjustment.

Boarding/rooming house. A residence structure other than a hotel where lodging and/or meals for four or more persons is provided for compensation or other consideration.

Boarding school. An educational institution that has a curriculum for elementary or secondary education and that contains facilities for lodging and meals for students.

Boat and watercraft sales, leasing service and repair. A facility for the display, service and retail sale or rental of new or used boats and/or watercrafts. Boats and watercrafts that require repair or which cannot be legally operated shall not be stored on-site for longer than 14 days.

Body art studio (tattoo, piercing etc.). An establishment that offers either tattooing or body piercing. Tattooing is the marking or coloring of skin with dyes or inks. Tattooing for medical purposes, plastic surgery or reconstructive surgery and for cosmetic purposes such as permanent and eye and lip make-up that are accessory to other uses are not included in this definition. All tattoo studios shall be licensed by the Texas Department of Health.

Bottling plant. A facility for the mixing, bottling, storing and distribution of soft drinks, mineral water or similar products.

Building. Any structure having a roof or other covering, and designed or used for the shelter or enclosure of any person, animal, or property of any kind.

Building height. The vertical distance measured in feet from finished grade to the highest point of the roof for flat roofs; to the deck line for mansard roofs; and to the average height between eaves and the ridge for gable, hip and gambrel roofs.



Building line. The line parallel or approximately parallel to a lot line, marking the required minimum setback from a lot line at which a building may be erected.

Building material sales. The indoor or outdoor storing and retailing or wholesaling of various types of building materials, such as lumber, bricks, paint, roofing, electrical, plumbing, concrete, doors, windows,

siding, and other such materials used in the building construction industry.

Building permit application. An application submitted to development services for new construction and remodeling, including any exterior remodeling which increases the exterior dimensions of any structure. The construction of masonry walls or fences exceeding 30 inches in height measured at the natural grade, the enclosure of an existing canopy, carport, porte-cochere or the construction of decking which exceeds 30 inches in height from the natural grade.

Building official. The officer or other designated authority charged with the administration and enforcement of this ordinance.

Bus terminal building. Any premises for the transient storage or parking of motor driven buses and the loading or unloading of passengers.

Care of alcoholics, drug dependents, or psychiatric, patients: In-home. Permanent care and supervision of patients in a single-family residential setting. Not more than six such patients shall reside on the premises at any one time. Facilities for a family caring for the patients may be provided.

Care of alcoholics, drug dependents, or psychiatric, patients: Institutionalized. An institutionalized-type facility for the care of the listed patients.

Care of alcoholics, drug dependents, or psychiatric, patients: Residential. A facility to provide residential lodging and food service the listed types of patients while in transition from an institution to a normal life style or for those patients who need temporary assistance.

Carpet or rug cleaning and repair. A facility for the commercial cleaning or repairing of household or commercial grade carpets or rugs.

Carport. An unenclosed structure open on two or more sides for one or more vehicles.

Car title loan business. An establishment that makes small consumer loans that leverage the equity value of a car or other vehicle as collateral, where the title to such vehicle is owned free and clear by the loan applicant and any existing liens on the car or vehicle cancel the application. Such loans are often for 30-day terms and failure to repay the loan or make interest payments to extend the loan allows the lender to take possession of the car or vehicle.

Car wash. A structure used to wash motorcycles, automobile and other light load vehicles. The facility has to have an attendant.

Catering. An establishment that serves and supplies food to be consumed off premises; a service providing meals and/or refreshments for public or private entertainment for a fee; provides food and incidental service for a social affair or for a private dwelling, but does not use commercial vehicles that are equipped in any manner for purposes of transporting food to be sold directly from such vehicles.

Cemetery. Land used for the burial of human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries if operated in connection with and within the boundaries of such cemetery.

Centerline, street or alley. A line midway between the bounding right-of-way lines of a street or alley.

Charitable boarding (temporary). Facilities for providing overnight sleeping accommodations and/or food facilities for poor and indigent people such as provided by Salvation Army missions.

Charter school. A school operated under a charter by the Texas Education Board.

Check cashing business. An establishment that provides to the customer an amount of money that is equal to the face of the check or the amount specified in the written authorization for an electronic transfer of money, less any fee charged for the transaction, and where there is an agreement not to cash the check or execute an electronic transfer of money for a specified period of time. This definition excludes a state or federally chartered bank, savings and loan association or credit union, pawnshop or grocery store.

Child/children. A person or persons under the age of 21 and living with a parent or guardian.

Child care center (day care). A facility providing care, training, education, custody, treatment or supervision for four or more children for all or part of the 24-hour day and licensed by the state department of human services.

City. The City of Sachse.

City manager. The chief executive officer and administrative head of the city government. The city manager may designate persons who are under direction to act in his behalf as he deems appropriate.

Civic clubs/fraternal lodges. A regular meeting place accommodating ten or more members of a nonprofit membership organization engaged in civic, social and fraternal activities.

College or university. An institution established for educational purposes offering courses for study beyond the secondary education level, but excluding trade and commercial schools.

Commercial amusement, indoor. A facility that offers entertainment or games of skill to the general public for a fee and that is wholly enclosed within a building.

Commercial amusement, outdoor. A facility offering entertainment or games of skill to the general public for a fee where any portion of the activity takes place outside. This definition shall also include a skateboard ramp and related activities.

Commercial and industrial equipment. A facility for the repair and service of heavy equipment used in commercial or industrial operations.

Commercial laundry/cleaners. A facility greater than 4,000 square feet (gross floor area) in area for laundering or dry cleaning garments or similar items on a bulk basis and received from businesses or laundry and cleaners as well as individuals.

Commercial school. A private business offering, on a regular basis, instruction or training, in a trade, craft, skill, activity, and/or profession, exclusive of other listed schools. Examples of commercial schools include: auto and truck repairing, welding, building construction and repairing, truck driving, bartending, secretarial training, electronics assembling and repairing, computer programming and maintenance, medical training, legal training, artistic and design training, personal grooming, modeling and private schools specializing in such things as speech, hearing, sight or reading therapy; teaching or training of retarded, handicapped or blind persons. A commercial school shall be considered as a permitted use in any district in which [that same trade, craft, skill, activity, and/or profession is permitted as a business or other non-school use.]

Construction office. A temporary building used as an office by a contractor during the development of a property.

Contractor's yard (equipment and storage). A building, part of a building or land area for the storage of materials, tools, products and vehicles used in the conduct of a construction business and plumbing, electrical, welding, etc.

Convention facility. A building or complex of buildings that house cultural, recreational, athletic, convention or entertainment facilities owned and/or operated by a government agency.

Convent or monastery. The living quarters for a religious order or for the congregation of persons under religious vows.

Country club. Land area and buildings which may include a golf course, club house, dining room, swimming pool, tennis courts and similar recreational or service uses available only to members and their guests.

Coverage. The percent of a lot or tract covered by the first floor or the largest floor of a building or structure whichever is larger, including all covered porches, patios, garages, accessory buildings, etc. Unsupported roof overhangs and other allowed architectural projections shall be excluded from coverage computation.

Custodial quarters. Living quarters provided for the on-site dwelling of a security guard within a retail, commercial or industrial facility. For residential uses, custodial quarters shall be considered as living or sleeping accommodations for the on-site dwelling of a servant or employee.

Custom made furniture manufacturing. A facility for the manufacture or repair of furniture on a single item basis.

Day camp. A land area which may include buildings or outside areas for activities such as arts, crafts, games, exercise or sports.

Density. The ratio of the number of dwelling units per net acre of platted area being developed. Net acre shall be defined as the acreage of a site less any existing or proposed rights-of-way, or flood plain that is not either reclaimed or substantially improved as open space and incorporated into the project.

Detention center. Living facilities for juveniles being detained or held under governmental jurisdiction.

Distribution center, general warehousing. ~~The storage in an enclosed building of materials and goods including all office, distribution and sales space. This definition does not include motor freight terminals or railroad freight terminals.~~

Deleted: See definition for Warehousing, general.

District. See "zoning district."

Drive-in movie theater. An area containing a movie screen, concession stand and vehicle parking spaces for the purpose of viewing motion pictures from parked vehicles.

Drive-through establishment. A business that allows the interior passage of motor vehicles for the retail sale of food or beverages, or the delivery of food or beverages to the occupants of the vehicle.

Driving range. A place or facility where golfers can practice their driving strokes, usually consisting of a row of tees fronting an open area of ground. Putting areas shall also be permitted.

Drug store/pharmacy. A facility for the preparing, preserving, compounding and the retail sale of drugs, medicines and related items.

Duplex. A residential structure providing complete, independent living facilities for two (2) separate families containing two dwelling units attached by a common wall.

Dwelling unit. A building, or a portion thereof, designed or used for occupancy by one family for residential purposes, but not including hotels and motels, travel trailers, tents, and other such temporary residences.

Electronic cigarette or e-cigarette. Any device that uses an atomizer or similar device that allows users to inhale nicotine vapor or other vapor without the use of fire, smoke, or ash. The definition of e-cigarette shall include, but is not limited to, electronic cigars, electronic cigarillos, or electronic pipe, and any cartridge or other component of the device or related product including any liquid products that are manufactured for use with e-cigarettes.

Equipment storage, leasing. A facility for renting tools and equipment.

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Erected. Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction.

Exterior corridor. A hallway or other pedestrian access way for a building, which is not fully enclosed and is open to the elements.

Family. One or more persons related by blood, marriage or adoption or a group of not to exceed five persons not all related by blood or marriage, occupying a single-family dwelling, boarding or lodging house, hotel, club or similar dwelling for group use.

Farms, ranches, orchards. An area which is used for growing of farm products such as vegetables, fruits, trees and grain and for the raising thereon of the farm animals such as horses, poultry, cattle and sheep and including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other animals.

Financial institution. An establishment for the custody, loan, exchange or issue of money, the extension of credit and/or facilitating the transmission of funds.

Firearms sales and repair. An establishment that is primarily engaged in the sale and repair of firearms and accessories.

Firewood bulk sales, temporary. Any site which contains one cord or more of firewood which is offered for sale in any quantity on a seasonal basis.

Flea market, indoor. A site where space inside a building is rented to vendors for the sale of merchandise such as new and used household goods, personal effects, tools, art work and similar items in small quantities. Individual vendors shall not be required to obtain a certificate of occupancy for the space they are renting.

Flea market, outdoor. A site where space outside a building is rented to vendors for the sale of merchandise such as new and used household goods, personal effects, tools, art work and similar items in small quantities.

Floodplain. Any land area susceptible to being inundated by water from any source.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floodway fringe. The area between the floodway and the boundary of the base or 100-year flood.

Floor area, gross. Total area of a structure measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage. In computing floor area in residential districts, garages and carports shall be excluded.

Floor area, net. The gross floor area of a structure less stairs, washrooms, elevator shafts, and other common areas open to the public or semi-public uses.

Floor area ratio. An indicated ratio between the number of square feet of total floor area of building(s) on a lot and the total square footage of land in the lot.

Foster home. Temporary care of more than four children who are unrelated to the foster parent.

Frontage. All the property, measured along the property line abutting on one side of the street upon which such property is addressed.

Furniture and appliance sales. Retail stores selling goods used for furnishing the home including, but not limited to furniture, floor coverings and household electrical or gas appliances.

Furniture and upholstery cleaning or repair, reupholstering. An establishment with facilities for the commercial cleaning or repair of furniture, including reupholstering, and including the storage of materials and supplies necessary for the conduct of said business.

Garage, private. An accessory building or a portion of a main building for storage of motor vehicles or parking as may be required in connection with the permitted use of the main building. For residential uses, a private garage shall be utilized for purposes customarily incidental to the residential occupancy of the main building and not involving the conduct of a business or service not normally found in conjunction with the residential use.

Garage sales. Occasional sales on residential premises.

Gas pumps, fuel sales. ~~A retail fuel sales facility selling fuel for motor vehicles including, but not limited to, automobiles, motorcycles, buses, or recreational vehicles (excluding semi-trailer trucks with at least three axles that are designed to tow trailers) with no ancillary services such as vehicle service, vehicle repair, or sale of items other than fuel. The fueling or gasoline station may be attended or automated,~~

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Deleted: See definition for Retail sales with gas pumps.

Go cart track. A facility for the driving of motorized vehicles less than ten feet in length (except motorcycles), including closed course, straightaway or acceleration runs.

Golf course. An area of twenty or more acres improved with trees, greens, fairways, hazards and which may include a clubhouse or pro shop.

Grade, average. A ground elevation established for the purpose of regulating height and number of stories, determined by averaging ground elevations at corners, ends, or turning points of the structure in question.

A. Average grade for a building shall be determined by averaging the elevation of the ground at each corner of the building.

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B. Other average grade determinations shall be made by the building official.

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Grain elevator. A facility for the temporary storage of large quantities of agricultural grain.

Greenhouse, residential. A structure for growing plant materials limited to a maximum of 400 square feet in area.

Greenhouse, commercial. A facility for the growing and distribution of plant materials.

Grocery/supermarket. An establishment for the display, preparation and retail sale of foods and associated items.

Group home (community home). A home serving six (6) or fewer mentally or physically handicapped persons provided the home provides care on a 24-hour basis and is approved or licensed by the State for that purpose. A group home shall be considered a single-family home and is defined pursuant to

Chapter 123 of the Human Resources Code.

Growing of farm products (non-commercial). Definition to be added.

Guard and patrol service. Facilities for storing and maintaining equipment used by private security, guard, or patrol services including motor vehicles and firearms as well as office and dispatching facilities for said service.

Guest house. A secondary structure on a lot which contains dwelling accommodations for the temporary occupancy by guests, relatives, servants, or caretakers and is not for rent.

Halfway house. A residential facility providing shelter, supervision and residential rehabilitative services for persons who have been inmates of any county, state or federal correctional institution and released and require a group setting to facilitate the transition to a functional member of society.

Heavy industrial, plant operations. Heavy industrial manufacturing, processing, assembling, researching, and developing, packaging, shipping, storing, servicing or other such activities which are not prohibited by law and do not meet standards set forth in the definition of light industrial uses and high risk uses.

Height. See "Building Code."

Helipad. A landing pad for the occasional and infrequent use by rotary wing aircraft.

High risk uses. Any use which is determined to be of special health or safety hazard due to excessive and/or toxic fumes, smoke, gas, or dust; odors; noise; vibration; or danger from fire, explosion or radiation and involves materials meeting the "degree of hazard-4" criteria of the International Fire Code in quantities deemed to be hazardous by the Director of Development Services.

Home improvement center. The indoor retail sale and storage of building materials for home improvements, repairs, or maintenance. Plants materials shall not be required to be indoors.

Home instruction. The teaching in the home of such activities as piano, voice, swimming, hobbies, and crafts and paintings when such uses are secondary to the use of the structure. Such activities should not involve the use of equipment not normally found in the home and shall not be advertised by a sign on the property. There shall not be more than four individuals receiving instruction at one time.

Home occupation. An occupation customarily carried on in the home by a member of the occupant's family without the employment of additional persons, without the use of a sign to advertise the occupation, without offering a commodity for sale on the premises, without the use of materials and equipment not usually found in a home and does not create obnoxious conditions to abutting or neighboring property such as noise, odor, increased traffic, light, or smoke.

Hookah/smoke lounge. A business establishment for which the configuration of the floor area is to facilitate on-site consumption of tobacco, cigarette, and nicotine-enriched solutions. For clarification purpose, a hookah/smoke lounge and/or any other similar uses shall be considered an individual business class separated from a retail tobacco store or a retail electronic-cigarette/vaporizer store.

Hospital. A building licensed by the state as a hospital that provides health services primarily on an in-patient basis.

Hotel/motel. A building occupied or used as a temporary abiding place of individuals or groups of individuals who are lodged with or without meals for compensation.

HUD code manufactured home. A manufactured home constructed with a permanent chassis designed for over-the-road transportation and delivered to the home site in one or more sections according to the National Manufactured Home Construction and Safety Standards Act of 1976 enforced by the Department of Housing and Urban Development (HUD). HUD regulates the home's design and construction, strength and durability, transportability, fire resistance, energy efficiency and quality control. It also sets tough performance standards for heating, plumbing, air-conditioning, thermal and electrical systems.

Improved surface. A continuous parking surface such as concrete or other alternative materials that are shown to be impervious yet as durable as concrete pavement to be approved by the city engineer.

Incidental and secondary uses. Uses that have not been specifically identified within the use chart, which may require a determination of use by the development services director.

Independent senior living. A facility containing dwelling units, accessory uses and support services

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specifically designed for occupancy by persons 55 years of age or older. Such facilities may include accommodations for persons who are fully ambulatory or who require no medical or personal assistance or supervision, as well as accommodations for persons who require only limited or intermittent medical or personal assistance.

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Janitorial service. A facility providing the storage of equipment or supplies used for janitorial work and the administrative offices for the offering of such services.

Junk. Manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition; and all other used products subject to being dismantled or recycled.

Kennel (indoor and conditioned). A facility including outside runs for the short term boarding or keeping of animals permitted by the Health Code to be kept within the city.

Deleted: See definition for Animal kennel or pound.

Laboratory, light manufacturing, distillery. Manufacturing, processing, assembling, packaging, shipping, storing, servicing activities not elsewhere listed for other than retail purposes which do not emit dust, odor, smoke, gas or fumes beyond the bounding property lines of the tract upon which the use is located and which do not generate noise or vibration at the boundary of the property, which is generally perceptible in frequency or pressure above the ambient level of noise or vibration in the adjacent areas, except as provided by any noise ordinance.

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Landscape nursery. An establishment for the growth, display and/or sale of plants, shrubs, trees and other materials used in indoor or outdoor planting.

Landscape nursery, wholesale. Land, buildings, structures or a combination thereof for the storage, cultivation, transplanting of live trees, shrubs or plants offered on the premises and including products used for gardening or landscaping.

Laundromat. A facility for self-service laundering of garments, bundle service and similar items not on a bulk basis.

Laundry or cleaners, pick up/drop off only. A facility used for picking up or dropping off individual consumer's laundry not on a bulk basis. Dry cleaning equipment shall not be located on the premises.

Laundry or cleaners, on-site processing. A facility for laundering or dry cleaning garments or similar items on a bulk basis and received from businesses or laundry and cleaners as well as individuals, which operates in a maximum allowed area of 4,000 square feet.

Lawn equipment sales and repair. An establishment primarily engaged in the sale and repair of new and used merchandise, including mowers, blowers, lawn tractors, edgers or other lawn equipment.

Library. An establishment for the loan or display of books, or objects of art.

Livestock auction. Barns, pens and sheds for the temporary holding and sale of livestock.

Deleted: Light industrial uses. Manufacturing, processing, assembling, packaging, shipping, storing, servicing activities not elsewhere listed for other than retail purposes which do not emit dust, odor, smoke, gas or fumes beyond the bounding property lines of the tract upon which the use is located and which do not generate noise or vibration at the boundary of the property, which is generally perceptible in frequency or pressure above the ambient level of noise or vibration in the adjacent areas, except as provided by any noise ordinance.¶

Loading space. An off-street space on the same lot or on a contiguous lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Lodge or club. See Civic Clubs/fraternal lodges.

Lot. See "lot of record."

Lot area. The net area of a lot exclusive of any portion of streets, alleys, or right-of-way.

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

Lot coverage. The percent of a lot or tract covered by the largest floor of a building or structure, including all covered porches, patios, garages, accessory buildings, etc. Unsupported roof overhangs and other allowed architectural projections shall be excluded from coverage computation.

Lot depth. The average horizontal distance between the front and rear lot lines.

Lot, double frontage. A residential lot other than a corner lot abutting more than one street and having access to more than one street.

Lot, interior. Any lot other than a corner lot.

Lot lines. The lines bounding a lot as defined herein.

A. Front lot line. That lot line adjacent to street right-of-way. In the case of a corner lot, only one lot line shall be designated as the front lot line.

- B. Rear lot line. That lot line opposite the front lot line of said lot not intersecting with the front lot line.
- C. Side lot line. Any lot line, which intersects a front lot line of said lot.

Lot of record. A parcel of land, the dimensions of which are shown on a recorded plat on file with the county clerk of the encompassing county.

Lot width. The straight-line distance between the side lot lines, measured at the two points where the front building line intersects the side lot lines.

Main building. A building or buildings in which the primary use of the lot upon which it is situated is conducted.

Marina. A facility for the docking, wet storage, refueling and servicing of boats and other uses as may be specified in the ordinance granting the planned development under which a marina is permitted.

Massage therapy. An establishment which provides massage or other physical therapy by licensed physical therapists.

Mausoleum or cemetery. See definition for Cemetery.

Medical building, clinic or lab. A facility operated for the purposes of examining, consulting, and limited treatment of people with physical or mental ailments, including necessary accessory facilities, but excluding patient stays for a period in excess of 24 hours. Includes facilities operated for medical, dental or optical research, testing and analytical work.

Microbrewery. An establishment where beer, ale, etc. is brewed and served.

Mining. The process by which metallic ores, coal, precious stones, salt or other minerals are extracted from the earth.

Mobile home. A structure designed or used for residential occupancy, built upon or having a frame or chassis to which wheels may be attached for movement upon a highway.

Model home. A dwelling unit built by a builder or developer to allow potential purchasers to see what the finished product will look like.

Motorcycle sales, leasing and repair including personal watercraft. An establishment primarily engaged in the sale, repair and service of new and used motorcycles, motorized bicycles, jet skis, or similar merchandise.

Mortuary/funeral home. A place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

Motor freight terminal. Any premises where cargo is stored and where trucks, including tractor and trailer units, load and unload cargo on a regular basis. This definition shall also include facilities for the temporary storage of loads and cargo prior to shipment.

Motor vehicle. Any vehicle which is propelled by mechanical power such as automobiles, trucks, motorcycles, or buses designed to carry one or more persons.

Motor vehicle race track. A facility for the racing of motorized vehicles of any size including close course, straightaway and acceleration runs.

Multi-family. A structure containing three or more dwelling units which are not located on individually platted lots.

Museum or art gallery. An institution for the collection, display and distribution of objects or art or science whose facilities are open to the general public.

Neighborhood assistance center. A group of offices designed to serve a neighborhood by offering facilities whereby residents can obtain information relating to various social and civic organizations which may provide services to them. Such services could include a referral service, transportation for the elderly, and coordination of other such services for low-income, handicapped, and elderly families.

Noxious matter. Material(s) capable of causing injury to living organisms by chemical reaction or capable of causing detrimental effects upon the physical or economic well-being or comfort of humans.

Nursing home/convalescent center. A facility that provides lodging and skilled nursing care for the elderly, disabled, chronically ill or convalescent patients.

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Occupancy. The purpose for which a building, or part thereof, is used or intended to be used.

Office, medical or professional. A room or group of rooms used for the provision of professional, executive, management or administrative services.

Open storage. The storage of any equipment, machinery, commodities, raw, semi-finished materials, and building materials, not accessory to a residential use, which is visible from any point on the building lot line when viewed from ground level.

Outdoor produce market/farmers market. A business which sells fresh fruit, vegetables, small plants, flowers, and related perishable products.

Outdoor display (sales). The outdoor display of goods, materials and (or) equipment sold on premises during normal business hours of a retail or wholesale business.

Parking garage or lot, commercial. An area or structure designed specifically for the temporary storage or parking of motor vehicles for a fee.

Parking space. An area of definite length and width as specified in the city's traffic management standards and engineering paving specifications; said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

Paved surface or pavement. Please see definition for improved surface.

Pawn shop. An establishment where money is loaned on the security of personal property and the sale of unclaimed items.

Personal or professional services. An establishment which provides services related to grooming, appearance, care, or repair of personal apparel; and which may sell products used or recommended for those same purposes incidental to the services provided.

Pest control. A facility for the storage of equipment and supplies necessary for an exterminating service and including the administrative offices for the operation of said business.

Petroleum products, wholesale. An establishment for the wholesale distribution of petroleum products.

Plat. A plan illustrating a subdivision of land creating building lots or tracts showing all dimensions and other information essential to comply with the subdivision standards of the City of Sachse, which has been filed in the plat records of the encompassing county and is therefore a plat of record.

Portable building sales or leasing. Structures which can be carried or transported to another location, not including mobile homes.

Premises. Land together with any buildings or structures occupying it.

Printer, large scale. An establishment which reproduces in printed form orders from a business, profession, service, industry or government organization and containing more than 2,500 square feet.

Printer, small scale. An establishment which reproduces in printed form individual orders from a business, profession, service industry or government organization and containing 2,500 square feet or less.

Private club. An establishment providing alcoholic beverage service to an association of persons and falling within the definition of that portion of the Alcoholic Beverage Code of the State of Texas as it pertains to the operation of private clubs.

Produce stand, outdoor/farmers market. An area designated for outdoor display and selling of agricultural products.

Property line. Same as "lot line."

Public building. A building owned, operated or occupied by the City of Sachse, which may include but not limited to libraries, fire stations, police buildings, public works facilities, city hall or museums.

Public park or playground. Definition to be added.

Public water reservoir or well. An area of impounded surface water or a facility for the drawing of subterranean water to the surface.

Railroad freight terminal. An establishment or facility which is designed for the storage and handling of

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Deleted: Office equipment sales, repair and maintenance. A facility for the sale, repair or maintenance of common office equipment such as personal computers, typewriters, calculators, etc.¶
Office, general. A room or group of rooms used for the provision of professional, executive, management or administrative services.¶
Office-showroom/warehouse. An establishment with a minimum of 75 percent of its total floor area devoted to storage and warehousing but not accessible to the general public. The remaining area may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.

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Deleted: Outdoor storage. The storage of any equipment, machinery, commodities, raw, semi-finished materials, and building materials, not accessory to a residential use, which is visible from any point on the building lot line when viewed from ground level.¶

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goods and cargo which are transported by railroad. The outside storage of railroad cars, engines, or other railroad equipment shall be prohibited.

Railroad yard. Any place or premises for the loading and unloading materials on trains, including freight terminals, freight docks, freight depots and railroad equipment storage yards.

Radio and T.V. recording studios. A facility for the production and transmission of commercial programming by radio or television within the commercial band of the electromagnetic spectrum or containing the facilities and equipment necessary for the production of records, audio tapes, video tapes or video cassette tapes.

Reception facility. An establishment that is open to the general public or made available for private use, primarily for the provision of facilities for parties, dances, receptions banquets, or similar social events. This use does not include restaurants, hotels, country clubs, theaters or commercial amusements that provide for such activities as a secondary use.

Recreational vehicle park. An area designed for the overnight or temporary parking of vehicular, portable structures built on a chassis designed to be used as a temporary dwelling for travel, recreational and vacation uses. Overnight stay shall not exceed 14 days and the recreational vehicles shall be operational at all times and shall have current inspection decals.

Recycling center. A facility that is not a salvage yard and in which recoverable resources such as newspapers, glassware and metal products are collected, stored, flattened, crushed or bundled.

Religious institution. An institution that people regularly attend to participate in or hold religious services.

Repair and service shop. An establishment, which provides the repair or service of household appliances or equipment.

Research and development, data center. An establishment engaged in research and new product development activities in the field of medicine or in high-technology intensive fields, including the on-site manufacture and assembly of high-technology prototypes, provided all activities and storage of equipment and materials take place within the principal building.

Residential districts. Includes the following districts: R-39, R-15, R-12, R-10, R-E, and portions of any PD, which permits residential occupancy.

Restaurant. An eating establishment where customers are primarily served at tables or self-served and food is consumed on the premises.

Restaurant with drive through. An eating establishment where customers are primarily served at tables or self served and food is consumed on the premises. The facility contains a drive-through window.

Retail CBD and hemp based products. A business establishment for which more than 50 percent (50%) of sales are based on the retail sale of products related to or derived from CBD oil (cannabidiol) or hemp. This includes, but is not limited to oils, vitamins, supplements, food, personal care and garments.

Retail electronic-cigarette/vaporizer store. A business establishment for which more than 50 percent of the gross floor area is dedicated to the storage, mixing, display and/or retail sale of electronic cigarette devices, nicotine-enriched solutions and/or liquid products that are manufactured for use with e-cigarettes.

Retail sales, general stores. An establishment engaged in the selling of merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods or these businesses which provide services customized for individuals such as a tailor, barber or beauty shop or photographic studio.

Retail tobacco store. A business establishment for which more than 50 percent of the gross floor area is dedicated to the display and retail sale of tobacco products such a cigars, pipe tobacco and cigarettes. This business may also sell tobacco accessories such as lighters, matches, cigarette holders and devices used to preserve tobacco, cigars or cigarettes, which are merely incidental to the sale of tobacco products.

Riding academy or stables, commercial. A facility for horses, which are let, hired, used or boarded on a commercial basis and for compensation.

Rodeo. A facility for public performances of rodeo events including but not limited to bronco riding, calf roping, steer wrestling, and bull riding.

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Deleted: **Retail sales with gas pumps.** An establishment engaged in both the retail sales of convenience food items and the retail sales of gasoline with either being the primary use of the property. No more than two diesel pumps shall be permitted.¶

Salvage yard. A yard or building where automobiles or parts of automobiles or machinery are stored, dismantled or offered for sale in the open as whole units, as salvaged parts or as processed metal.

Sanitary landfill. A facility for the collection, handling, storage and disposal of solid waste in accordance with Texas Department of Health regulations.

Schools, public and private. A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, middle schools and high schools.

Seasonal sales. Temporary sales of product normally sold in a period of the year devoted to or marked by certain activities, events, or climate conditions, such as special holidays, summer season, winter season.

Secondary use. A use subordinate to the main use on a lot, but not necessarily incidental or related to the main use.

Self-storage units. An enclosed structure divided into individual or spaces intended for storage of goods, products or equipment. Custodial quarters are permitted as a secondary use within a self-storage unit development.

Septic tank service. A facility for the storage of equipment and supplies necessary for a business providing for repair and cleaning of private septic tanks or portable facilities and the administrative offices for said business.

Servant quarter(s). Quarters used by bona fide farm workers, or other accessory buildings such as barns, sheds and other structures necessary for farming operations may be permitted, provided, however, that no such accessory building or quarters to be used by servants or farm workers shall be occupied as a place of abode or dwelling by anyone other than a bona fide servant or farm worker and actually and regularly employed by the land owner or occupant of the main building.

Setback. The required minimum distance between any structure and any property line of the lot on which it is located. Setbacks shall be measured perpendicular to lot lines. The terms “setback” and “required yard” shall mean the same and can be interchanged.

Sewage treatment plant. A facility for receiving and treating sewage from the public sanitary sewer system.

Sexually oriented business. An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult movie theater, escort agency, nude model studio, sexual encounter center, or other commercial enterprise that the primary business of which is the offering of a service or selling, renting or exhibiting of devices of other items intended to provide sexual stimulation or sexual gratification to the customer.

Shooting range, indoor. A building housing facilities for practicing the discharge of firearms.

Shooting range, outdoor. A facility for practicing the discharge of firearms including outdoor facilities.

Sexually oriented business. An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult movie theater, escort agency, nude model studio, sexual encounter center, or other commercial enterprise that the primary business of which is the offering of a service or selling, renting or exhibiting of devices of other items intended to provide sexual stimulation or sexual gratification to the customer.

Single-family residence, (detached). A structure containing one dwelling unit to be occupied by not more than one family.

Site. That area of land, upon which a structure is placed, utilized in meeting requirements of this ordinance. No portion of land, when once used as a site area for a structure, may be used as a site for another structure.

Slaughterhouse/feed yard. A facility for the storage and butchering of animals or poultry.

Smoking (tobacco, E-cig, vape, etc.). A retail store where more than 15 percent of the gross square footage of the establishment is dedicated to the sale, distribution, delivery, furnishing of smoking paraphernalia, from one person to another. Smoking paraphernalia shall mean paraphernalia, devices, or instruments that are designed or manufactured for the smoking, ingesting, inhaling or otherwise introducing into the body of tobacco, products prepared from tobacco, or controlled substances as defined in the Texas Health and Safety Code Chapter 481. Smoking paraphernalia includes, but is not

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limited to, pipes, bongs, and hookahs. Smoking paraphernalia does not include lighters, matches, cigarette holders and device used to store or preserve tobacco, tobacco cigarettes, cigarette papers or cigars. For purposes of this definition, smoking paraphernalia establishments may also be referred to as head shops.

Stadium, arena, athletic field-public. An athletic field or stadium owned and operated by a public agency for the general public.

Storage facility-conditioned space. Storage of items, which are completely enclosed in a building.

Storage facility, mini-warehousing. Storage of items, which are not completely enclosed in a building and not moved indoors on a daily basis.

Story. See City of Sachse current Building Code.

Street. A public or private thoroughfare right-of-way, which affords the principle means of access to abutting property. The term "street" shall include avenue, drive, circle, road, boulevard, highway, or any other similar term.

Street, private. A street, which has no publicly, dedicated right-of-way.

Structure. See "Building Code."

Studio (gymnastics, martial arts, etc.). [sic]

Substation, generating plant. A facility that generates electricity from mechanical power produced by gas, coal or steam. Includes facilities for transforming electricity for distribution to individual customers.

Taxidermist. A facility for preparing, stuffing, and mounting the skins of animals, birds and fish.

Telecommunications. The transmission of audio and/or visual information.

A. Alternative mounting structure. Water tower, man-made tree, clock tower, church steeple, bell tower, utility pole, flagpole, or similar structure, designed to support and camouflage or conceal the presence of telecommunication antennas.

B. Antenna, type 1. An antenna and associated mast or tower or a facility for transmission or reception of voice or data by radio or television of local business communications within a business.

C. Antenna, type 2. An antenna and associated mast or tower or a facility for transmission or reception of voice or data by radio or television for all communications other than those defined under antenna, type 1, or antenna, private.

D. Antenna, private. An antenna or facility for transmission or reception of voice or data of (a) noncommercial communications by radio or television within the noncommercial band of the electromagnetic spectrum or (b) private reception of commercial broadcasting.

E. Antenna tower/antenna support structure. A structure, other than an antenna mast placed, erected or constructed to support one antenna mast and/or one or more antennas for the purpose of transmitting and/or receiving any portion of the electromagnetic spectrum.

F. Co-location. A single telecommunications tower and/or site used by more than one telecommunications service provider.

G. Stealth. A telecommunications antenna that is effectively camouflaged or concealed from view.

H. Antenna height. The distance measured from grade to the highest point of any and all components of the structure, including antennas, hazard lighting, and other appurtenances.

I. Monopole. A self-supporting telecommunications tower, which consists of a single vertical pole, fixed into the ground and/or attached to a foundation.

Theater or cinema. A building or part of a building devoted to the showing of motion pictures or for dramatic, musical or live performance.

Tire dealer, no outside storage. A facility for the display and sale of automobile or truck tires including facilities for the mounting, balancing and repair of tires but with no outdoor storage of parts, equipment or inventory.

Tire dealer, outside storage. A facility for the display and sale of automobile or truck tires including facilities for the mounting, balancing and repair of tires and including outdoor storage.

Townhouse. A dwelling that is part of a structure containing three or more dwellings, each designed and constructed for occupancy by one family, with each dwelling attached by a common wall in which each dwelling is located on a separate platted lot.

Toxic and noxious matter. Any solid, liquid, or gaseous material which is capable of endangering the health, safety, comfort, or economic well-being of persons in the vicinity or which may cause injury or damage to property as defined by the Uniform Fire Code and/or the Environmental Protection Agency.

Transit station, terminal. Passenger terminal or loading facilities for a privately or publicly owned transit system.

Truck or bus storage, commercial. An area for the temporary parking of vehicles having a manufacturer's recommended gross vehicle weight of greater than 11,000 pounds.

Truck or bus washing. A facility for the washing of vehicles having a manufacturer's recommended gross vehicle weight of greater than 11,000 pounds.

Truck terminal. An establishment designed, equipped, intended, adapted or primarily for the parking, storage, fueling or repair of other than passenger motor vehicles. The use may include the retail sale of convenience food items, a fast food/take-out restaurant, truck weighing scales, truck washes, showers, laundry facilities and personal services such as barber shops.

Two-family. A structure containing two dwelling units.

Uniform supply service. An establishment which provides for the pick-up, delivery, sale or leasing of uniforms to individuals or businesses.

Use. The purpose for which land or a building is or may be occupied.

Used goods or products collection point (temporary). Temporary storage of used goods or products such as aluminum cans, newspapers, or a Goodwill or Salvation Army type collection box.

Variance. A modification of the literal provisions of the zoning ordinance granted by the board of adjustment when strict enforcement of the zoning ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

Vehicle pound. An area for the temporary storage and parking of wrecked or impounded vehicles.

Vehicle sales, leasing and repair. A facility for the display, service and retail sale or rental of new or used vehicles other than automobiles or motorcycles.

Vet or pet store (indoor). A facility operated by a veterinarian for the purpose of examining and treating household pets permitted by the Health Code to be kept within the city. The keeping of animals overnight is permitted when kept inside the clinic building. Also includes a retail establishment offering small animals for sale where all such creatures are housed within the building, including the grooming of small animals and the sale of associated supplies.

Water reservoir or well. A natural or artificial system, device or facility used for storing water for human consumption or agricultural uses.

Water treatment plant. A facility for storing, purifying, supplying and distributing city water, which may include a system of reservoirs, channels, mains, and purifying equipment.

Wholesaling, general. The sale of commodities for the purpose of resale, as to retailers rather than directly to consumers.

Wind energy system. A wind energy conversion system that converts wind energy into electricity through the use and consisting of a wind turbine, a tower, and associated control or conversion electronics, that has a rated capacity of not more than 20 kw for residential systems and not more than 100 kw for commercial systems and is intended for on-site production and consumption of electricity to serve the needs of the consumer.

Wrecker service (one). Operating one wrecker designed to transport automobiles and other vehicles only when said operation is secondary to main use of motor vehicle service, repair and/or sales.

Wrecker service. A primary use operating a wrecker or wreckers designed to transport all types of vehicles.

Wrecking, salvage yard. A yard or building where automobiles or parts of automobiles or machinery are stored, dismantled or offered for sale in the open as whole units, as salvaged parts or as processed

Deleted: Warehousing, general. The storage in an enclosed building of materials and goods including all office, distribution and sales space. This definition does not include motor freight terminals or railroad freight terminals.¶

metal.

Yard, required. See “setback.”

Yard, required front. An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the front building line.

Yard, required rear. An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the rear building.

Yard, required side. An open space extending from the required front yard to the required rear yard, the width of which is the minimum horizontal distance between the side lot line and the side building line.

Zoning district. A classification applied to any certain land area within the city stipulating the limitations and requirements of land usage and development.

Zoning map. The Official Zoning Map of the City of Sachse together with all amendments thereto.

Zoo. A facility consisting of a zoological garden or a collection of animals for display to the public.

(Ordinance 1624 adopted 11/2/98; Ordinance 1725 adopted 4/3/00; Ordinance 1778 adopted 10/2/00; Ordinance 2015, secs. 3–5, adopted 5/5/03; Ordinance 2074, sec. 2, adopted 4/19/04; Ordinance 2089, sec. 2, adopted 8/16/04; Ordinance 2247, sec. 1, adopted 10/16/06; Ordinance 3126, sec. 1, adopted 4/6/09; Ordinance 3147, sec. 1, adopted 7/6/09; Ordinance 3206, sec. 1, adopted 4/19/10; Ordinance 3209, sec. 1, adopted 5/3/10; Ordinance 3375, sec. 1, adopted 3/19/12; Ordinance 3560, sec. 1, adopted 1/20/14; Ordinance 3573, sec. 1, adopted 3/17/14; Ordinance 3622, sec. 1, adopted 10/20/14; Ordinance 3887, sec. 1, adopted 9/17/18; Ordinance 3906 adopted 1/22/19; Ordinance 3919 adopted 5/6/19; Ordinance 3947, sec. 2, adopted 10/7/19)

ARTICLE 3. DISTRICTS

Sec. 1. Number of districts.

1.1 For the purpose of this ordinance the following districts are hereby established for the city:

Residential districts.

R-39 single-family dwelling district.

R-15 single-family dwelling district.

R-12 single-family dwelling district.

R-10 single-family dwelling district.

R-E single-family estate dwelling district.

Commercial districts.

C-1 neighborhood shopping district.

C-2 general commercial district.

Industrial districts.

I-1 restricted manufacturing and warehousing district.

I-2 general industrial district.

Special districts.

AG agricultural.

PD planned development district.

(Ordinance 1624 adopted 11/2/98; Ordinance 2074, sec. 3, adopted 4/19/04)

Sec. 2. R single-family dwelling districts.

2.1 General description. The principal use of land is for single-family dwellings and related recreational, religious and educational facilities normally required to provide an orderly and attractive residential area. These residential areas are intended to be defined and protected from the encroachment of uses which are not appropriate to residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and

Deleted: OP office park district.¶
MX mixed-use district.¶

through consideration of the proper functional relationship of the different uses. The R, single-family dwelling districts are further categorized in this section.

2.2 Uses permitted. Property and buildings in R, single-family dwelling district, shall be used only for the following purposes:

- (a) Detached one-family dwelling.
- (b) Churches, but not including missions tents or revival tents.
- (c) Public school or school offering general educational courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping.
- (d) Public park and playground.
- (e) Library.
- (f) Growing of farm products.
- (g) Municipal use.
- (h) Telephone exchanges.
- (i) Home occupation.
- (j) Transportation and utility easements, alleys and rights-of-way.
- (k) Accessory buildings which are not a part of a main building, including one private garage, or accessory buildings which are a part of a main building, including one private garage.
- (l) A temporary bulletin board or sign, not exceeding 12 square feet in area appertaining to the lease, hire or sale of a single building or premises, which board or sign shall be removed as soon as the premise is leased, hired or sold.
- (m) A temporary bulletin board or sign, not exceeding 50 square feet in appertaining to the lease, hire or sale of multiple buildings or premises.
- (n) A church bulletin board or sign, not exceeding 50 square feet in area, located on the same lot with the church building.
- (o) Temporary construction facilities incidental to the development of property as permitted in this district and which shall be removed when construction work is completed.
- (p) Parking lot required to serve the uses permitted in this district. All single-family dwelling districts shall have concrete surface pavement required for all applications.
- (q) Servant's quarters and quarters used by bona fide farm workers, or other accessory buildings such as barns, sheds and other structures necessary for farming operations may be permitted, provided, however, that no such accessory building or quarters to be used by servants or farm workers shall be occupied as a place of abode or dwelling by anyone other than a bona fide servant or farm worker and actually and regularly employed by the land owner or occupant of the main building.
- (r) Accessory uses, which shall include the following, when the primary use is residential:
 - (1) Home occupations which are secondary to the primary residential use and which involve the manufacture, assembly, sale or service of goods, or which involve the providing of a service, subject to the following conditions:
 - a. The home occupation is conducted entirely within a dwelling unit which is the bona fide residence of the practitioner(s) or entirely within only one accessory building (not to include a driveway, yard or outside area).
 - b. No person ~~that is,~~ not a family member who resides in the dwelling unit, may participate in the home occupation on the premises.
 - c. The lot and the dwelling maintain their residential character. Neither the interior nor the exterior of the dwelling shall be structurally altered so as to require compliance with nonresidential construction codes to accommodate the home occupation No additional buildings shall be added on the property to accommodate the home occupation.
 - d. The home occupation does not generate customer related vehicular traffic in excess of two vehicles at any one time and a total of five vehicles per 24-hour date in the residential neighborhood.

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- e. No direct selling of merchandise occurs on the premises.
- f. No equipment or materials associated with the home occupation are displayed or stored where visible from anywhere off the premises.
- g. The occupation produces no external noise, vibrations, smoke, dust, odor, heat, glare, fumes, electrical interference or waste runoff outside the dwelling unit or on the property surrounding the dwelling unit.
- h. No vehicle used in connection with the home occupation which exceeds one ton capacity is parked on the premises or on any street adjacent to the residentially zoned property.
- i. The home occupation does not advertise by any signs on the premises, nor shall the street address of the home occupation be advertised through signs, billboards, television, radio, newspapers or telephone directories.

Provided, however, that nothing herein shall be construed to allow the following businesses or occupations in residential neighborhoods as home occupations: animal hospitals, animal breeding, clinics, hospitals, contractor’s yards, dancing schools, junkyards, restaurants, rental outlets, vehicle repair shops or massage parlors.

- (2) A detached private garage or an attached private garage, in a compartment as a part of the main building.
- (3) A fence, hedge or enclosure wall in accordance with [article 4, section 2](#).
- (4) A semi-public parking area.

2.3 Building regulations.

- (a) Minimum size. The minimum area of the main building shall be as specified in [Table 2.1](#) for each district, exclusive of garages, breezeways and servant quarters.
- (b) Height regulations. No building shall exceed the height specifications in [Table 2.1](#) for each district, except as provided in [article 4, section 3](#). Height regulations for unattached accessory buildings shall be in accordance with the provisions set forth in this Ordinance.
- (c) Exterior fire-resistant construction. The exterior walls of all main buildings and garages shall be masonry, in accordance with the building code of the City of Sachse.
- (d) Garage requirements.
 - (1) The entrances to all attached or detached garages shall not face any street, except for the entrances to attached or detached garages located on property platted after June 20, 2011.
 - (2) Front entry garage doors, where permitted, shall be even with, or recessed behind the front face of the primary structure.
 - (3) Enclosing a garage for the purpose of creating additional living space shall be permitted for single-family residences provided the following conditions are satisfied:
 - a. The property owner obtains the necessary building permit(s); and
 - b. Provided the property owner is enclosing a one-car garage, only one off-street parking space with a minimum width of nine feet and minimum depth of eighteen feet shall be provided. In cases, where a garage larger than a one-car garage is being enclosed, a maximum of two off-street parking spaces with a minimum width of nine feet and minimum depth of eighteen feet for each space shall be provided. Such space(s) shall be located on the property and on a paved or improved surface as required by the Code of Ordinances.

TABLE 2.1

Building Size				Lot Size		
District	Minimum Area (sq. ft.)	Maximum Height (stories)	(ft.)	Minimum Lot Area (sq. ft.)	Width at Building Line (ft.)	Width at Street Row (ft.)
R-39	2,000	2	30	39,000	130	100

R-15	2,000	2	30	15,000	100	50
R-12	2,000	2	30	12,000	80	50
R-10	2,000	2	30	10,000	70	40

2.4 Area regulations.

(a) Front yard.

- (1) The depth of the front yard shall be as specified in [Table 2.2](#) for each district.
- (2) If 25 percent or more of the lots on one side of the street between two intersecting streets are improved with buildings all of which have observed an average setback line of greater than that specified in [Table 2.2](#) and no building varies more than six feet from this average setback line, then no building shall be erected closer to the street line than the setback so established by the existing buildings; but this regulation shall not require a front yard of greater depth than the front yard setback limit specified in [Table 2.2](#).
- (3) When a yard has double frontage, the front yard requirements shall be complied with on both streets.

(b) Side yard.

- (1) There shall be a side yard on each side of the lot having a width of not less than ten percent of the width of the lot at the building line, except as hereinafter provided in [article 4, section 2](#).
- (2) For unattached buildings of accessory use, the regulations in [Article 4, Section 12](#) of the Zoning Ordinance shall apply.
- (3) For dwellings located on corner lots there shall be a side yard setback from the intersecting street of not less than 15 feet in case such lot is back to back with another corner lot, and shall conform to front yard requirements in every other case. The interior side yard of a corner lot shall be the same as for dwellings and accessory buildings on an interior lot.
- (4) Churches and main and accessory buildings, other than dwellings, and buildings accessory to dwellings, shall set back from all exterior and interior side lot lines a distance of not less than 25 feet.

(c) Rear yard.

- (1) There shall be a rear yard for a main building of not less than 25 feet or 20 percent of the depth of the lot, whichever amount is smaller. Unattached accessory buildings may be located in the rear yard of a main building.
- (d) Lot width. For dwellings there shall be a minimum lot width as specified in [Table 2.1](#) for each district at the front building line, and such lot shall abut on a street for a distance of not less than that specified in [Table 2.1](#) for each district.

(e) Intensity of use.

- (1) For each dwelling and building accessory thereto, there shall be a lot area of not less than that specified in [Table 2.1](#) for each district.
- (2) For churches and main and accessory buildings, other than dwellings and buildings accessory to dwelling, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking areas required in [article 4, section 5](#); provided, however, that the lot area for a church shall not be less than that specified in [Table 2.1](#) for each district, nor less than 21,000 square feet, whichever is greater.

- (f) Coverage of lot. Main and accessory buildings shall not cover a greater percentage of the lot area than that specified in [Table 2.2](#) for each district.

TABLE 2.2

District	Coverage Total	Front Minimum	Setback Maximum
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R-39	35%	90'	none
R-15	35%	40'	50'
R-12	35%	30'	40'
R-10	35%	25'	40'

(Ordinance 1624 adopted 11/2/98)

(g) Provisions for undersized lots.

(1) The provisions for this paragraph permit undersized lots within a subdivision as follows. It is the intent of this paragraph that the requirements of the applicable zoning district be met, yet permitting some deviation to accommodate reasonable platting of the subdivision.

(2) The provisions of this paragraph shall apply to each phase of a subdivision individually, and collectively, and the specific lot numbers of each undersized lot shall be noted on the final plat of each phase of a subdivision.

(3) The average size of all lots within each phase of a subdivision shall be equal to or greater than the requirement of the applicable zoning district.

(4) The number of undersized lots within a phase of a subdivision shall be less than ten percent maximum of the total number of residential lots contained within the phase.

(5) Such undersized lots shall contain at least the following minimum percentage of the land area required by the applicable zoning district:

R-39, R-15, R-12, R-10: 90%

R-8.4: 95%

(6) The lot width at front building line and at the front street line of any undersized lot shall be at least 90 percent of the requirement of the applicable zoning district.

(7) Any lot which is undersized in any dimension shall be counted as an undersized lot even if it meets all other dimensional and area requirements.

(h) Provisions for irregularly shaped lots.

(1) In any residential zoning district, the front building line and the street frontage requirements may be amended as follows.

(2) The provisions of this paragraph shall apply only to lots of irregular shape such as cul-de-sac lots or corner lots on irregular subdivision boundaries. It shall not be applied in general platting of subdivisions.

(3) Except for front building line and street line, all other provisions of building construction and rear yards shall be as required in the applicable zoning district, based on the full width requirement of the applicable zoning district.

(4) The width of the lot at the street right-of-way shall be 35 feet minimum.

(5) The width of the lot at the front building line shall be at least 75 percent of the width required in the applicable zoning district.

(6) An irregularly shaped lot must have the full area requirement of the applicable zoning district.

(7) If the width of the lot at the front building line is less than the width required in the applicable zoning district, it will count as an undersized lot as specified in (g) above.

2.5 Park dedication required. See [chapter 8, section 8-19](#) of the Code of Ordinances.

2.6 Outside storage.

(a) Prohibition. A person commits an offense if he or she keeps, maintains or stores, outside of a building, in an R single-family dwelling district, any personal property which is visible from a public street or alley, or is visible from private property which is under separate ownership, including but not limited to

household items, building materials, automotive parts, equipment, etc., without proper screening and located in allowed outside storage areas only. It shall not be a defense to prosecution that such items were covered with a tarp or similar covering.

(b) Exceptions. It is not an offense to keep, store or maintain personal property customarily found outside of a building on property zoned for single-family use such as lawn furniture, dog houses, landscape containers, etc.

(c) Parties responsible. The owner (or owners) and persons in control of such residentially zoned property are responsible for violations of this subsection.

(Ordinance 1856, sec. 1, adopted 5/21/01; Ordinance 3169, sec. 1, adopted 10/5/09; Ordinance 3296, sec. 1, adopted 6/20/11; Ordinance 3463, sec. 1, adopted 3/18/13; Ordinance 3552, sec. 2, adopted 12/2/13; Ordinance 3573, sec. 1, adopted 3/17/14; Ordinance 3622, sec. 1, adopted 10/20/14)

Sec. 3. R-E single-family dwelling district.

3.1 General description. R-E is a special residential zoning district in which remote lots may be served by private drives owned either individually or cooperatively. In all other respects, requirements of zoning district R-39 shall be required except the minimum main building size shall be 1,500 square feet. Furthermore, an R-E zoning district shall require approval of a site plan by the planning and zoning commission and the city council. The site plan shall specifically detail the number, size and shape of the lots; the location of the nearest public street(s) and the access of each lot to the street(s); and full-service city water including fire hydrants per City Code.

3.2 Area regulations. Each lot of an R-E zoning district shall contain five acres minimum including easements.

3.3 Accessibility requirements.

(a) An easement to the city shall be granted as required for developer/owner installation and city service of utility lines and fire hydrants.

(b) Driveway and parking facilities shall be provided according to the following requirements:

(1) Concrete entry apron is required with a turning radius to extend a minimum of 20 feet from the street.

(2) All parking aprons shall be concrete.

(3) Driveways shall be a minimum of ten feet in width with sealed surface pavement, asphalt type or two-inch minimum gravel, with four-inch minimum white rock base. This type surface is permitted only if driveway length, exclusive of entry apron or parking apron at the residence, exceeds 150 feet in length. White rock only entry or parking surfaces are prohibited.

(c) Designation as an R-E zoning district shall imply granting of permission for the city to use private drives for access of fire, police or other city services. On the other hand, the city shall not incur liability for failure to service individual lots, if in the judgment of the responsible city official, the private drive is impassable.

Sec. 4. C-1 neighborhood shopping district.

4.1 General description. This commercial district is for the conduct of retail trade and personal service enterprises to meet the regular needs and for the convenience of the people of adjacent residential areas. Because these shops and stores may be an integral part of the neighborhood closely associated with residential, religious, recreational and educational uses, more restrictive requirements for light, air, open space and off-street parking are made than are provided in the C-2 commercial district.

4.2 Uses permitted.

(a) Property and buildings in C-1 neighborhood shopping districts shall be used for retail stores and shops which do not exceed 14,000 square feet of gross floor area each and which supply the regular and customary needs of the residents of the neighborhood and which are primarily for their convenience. See [chapter 11, exhibit a, article 3, section 13](#);

~~(b)~~ Accessory buildings and uses customarily incidental to allowed uses;

~~(c)~~ A building used for any of the uses listed in this [section](#) may not have more than 40 percent of its floor area devoted to purposes incidental to the primary use. No materials or goods offered for sale in connection with the allowed uses shall be displayed or stored outside of a building. Service machines

Deleted: (b) Name plates and signs relating only to the use of the establishment and premises or to products sold on the premises;¶

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such as those for ice, soft drinks and newspapers may be permanently displayed behind the front building line;

(d) Sleeping facilities for caretakers and night watchmen employed on the premises are permitted. No other residential use is permitted; and

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(e) Temporary construction facilities incidental to the development of property as permitted in this district are allowed for so long as construction work is in progress.

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4.3 Area regulations. The following requirements shall apply to all uses permitted in this district:

(a) Front yard. All buildings shall set back from the street right-of-way line to provide a front yard having not less than 25 feet in depth.

(b) Side yard. On the side of a lot adjoining a dwelling district, there shall be a side yard of not less than 15 feet. There shall be a side yard setback from intersection street of not less than 25 feet.

(c) Rear yard. There shall be provided an alley, service court, rear yard, or combination thereof, of not less than ten feet with not less than 25 feet adjoining a dwelling district.

4.4 Building regulations.

(a) Height regulations. No building shall exceed three and one-half stories, or 40 feet in height, except as hereinafter provided in [article 4, section 3](#).

~~(b) Accessory buildings. Accessory buildings and structures are considered commercial buildings and shall obtain all necessary permits and inspections.~~ The color of accessory buildings shall be the same as the main building.

Deleted: (b) Exterior walls. All exterior walls shall be of masonry construction, and must meet the required construction standards for this zoning district. The regulation contained in the preceding sentence does not apply to glass, doors, or window walls.¶

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(Ordinance 2074, sec. 4, adopted 4/19/04; Ordinance 3169, sec. 1, adopted 10/5/09; Ordinance 3552, sec. 2, adopted 12/2/13; Ordinance 3573, sec. 1, adopted 3/17/14; Ordinance 3887, sec. 1, adopted 9/17/18; Ordinance 3947, sec. 2, adopted 10/7/19)

Sec. 5. C-2 general commercial district.

5.1 General description. This commercial district is intended for the conduct of personal and business services and the general retail business of the community. Persons living in the community and in the surrounding trade territory require direct and frequent access. Traffic generated by the uses will be primarily passenger vehicles and only those trucks and commercial vehicles required for stocking and delivery of retail goods.

5.2 Uses permitted.

(a) Property and buildings in C-2 general commercial districts shall be used for those uses provided for in [chapter 11, exhibit a, article 3, section 13](#);

(b) Buildings, structures and uses customarily incidental to allowed uses, provided that there shall be no manufacture, processing or compounding of products other than such as are customarily incidental and essential to retail establishments;

(c) Any other store or shop for retail trade or for rendering personal, professional or business service which does not produce more noise, odor, dust, vibration, blast or traffic than those enumerated in [chapter 11, exhibit a, article 3, section 13](#). Except for open display permitted in [chapter 11, exhibit a, article 3, section 13](#) and under subsection 5.3 of this section 5, no article or material stored or offered for sale in connection with permitted uses shall be stored or displayed outside of a building unless it is so screened by permanent ornamental walls, fences or planting (in accordance with [article 4, section 2](#)) that it cannot be seen from adjoining streets or lots when viewed by a person standing at ground level; provided, however that no screening in excess of eight feet is required;

(d) Temporary construction facilities incidental to the development of property as permitted in this district are allowed for so long as construction work is in progress;

5.3 Open display uses permitted. The uses indicated accordingly in [chapter 11, exhibit a, article 3, section 13](#), and reasonably similar uses are permitted open display in the C-2 general commercial district. Service machines, such as those for ice, soft drinks and newspapers may be permanently displayed behind the front building line.

Deleted: (e) Refuse storage screening: Materials and trash receptacles stored outside shall be screened from public view by a combination wood and masonry fence not to exceed eight feet in height.¶

5.4 Area regulations. The following requirements shall apply to all uses permitted in this district:

(a) Front yard. All buildings shall set back from the street right-of-way line to provide a front yard

having not less than 25 feet in depth.

- (b) Side yard. On the side of a lot adjoining a dwelling district, there shall be a side yard of not less than 15 feet. There shall be a side yard setback from intersecting street of not less than 25 feet.
- (c) Rear yard. There shall be provided a private alley, service court, rear yard, or combination thereof, of not less than ten feet with not less than 25 feet adjoining a dwelling district.
- (d) Area for off-street parking. Buildings shall be provided with a yard area adequate to meet the off-street parking requirements set forth in [article 4, section 5](#).

5.5 Building regulations.

- (a) Height regulations. No building shall exceed 90 feet in height, except as hereinafter provided in [article 4, section 3](#).
- (b) Exterior fire-resistant construction. All exterior walls of buildings shall be masonry in accordance with the Building Code of the City of Sachse.
- (c) Electrical equipment. Building and pad mounted electrical equipment shall be screened by fencing of wood and masonry or landscaped with shrubs and trees. All screening shall be approved on the site plan.
- (d) Exterior lighting. All exterior lighting shall be directed toward the property where located, and in a downward direction. Lenses shall be of the nonglare type. Light poles for parking lots shall include a decorative fixture and pole according to the city building standard guide.
- (e) Accessory buildings. Accessory buildings and structures are considered commercial buildings and shall obtain all necessary permits and inspections. The color of accessory buildings shall be the same as the main building.
- (f) Overhead doors. No overhead doors shall face the front of the property.

(Ordinance 1435 adopted 1/20/97; Ordinance 2074, secs. 5–7, adopted 4/19/04; Ordinance 3169, sec. 1, adopted 10/5/09; Ordinance 3552, sec. 2, adopted 12/2/13; Ordinance 3573, sec. 1, adopted 3/17/14; Ordinance 3887, sec. 1, adopted 9/17/18; Ordinance 3947, sec. 2, adopted 10/7/19)

Sec. 6. I-1 restricted manufacturing and warehousing district.

6.1 General description. This industrial district is intended primarily for manufacturing and assembly plants and warehousing that are conducted so the noise, odor, dust and glare of each operation is completely confined within an enclosed building. These industries may require direct access to rail, air or street transportation facilities; however, the size and volume of the raw materials and finished products involved should not produce the volume of freight generated by the uses of I-2 industrial district. Buildings in this district should be architecturally attractive and surrounded by landscaped yards.

6.2 Uses permitted.

- (a) Any use permitted by [chapter 11, exhibit a, article 3, section 13](#). No dwelling uses, except sleeping facilities for caretakers and night watchmen employed on the premises, is permitted.
- (b) Reserved.
- (c) Any of the uses permitted under this section shall have their primary operations conducted entirely within enclosed buildings, and shall not emit any dust or smoke, or noxious odor or fumes outside of the building operation, or produce a noise level at the property line that is greater than the average noise level occurring on the adjacent street. These requirements do not waive or modification (modify) the requirements contained in the Sachse City Code concerning environmental emissions. Any article or material stored temporarily outside of an enclosed building as an incidental part of the primary operation shall be so screened by ornamental walls and fences or evergreen planting that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person standing at ground level.
- (d) Temporary construction facilities incidental to the development of property as permitted in this district and which shall be removed when construction work is completed.

6.3 Area regulations. All buildings shall be set back from the street right-of-way lines and lot lines to comply with the following yard requirements:

- (a) Front yard. All buildings shall set back from the street right-of-way line to provide a front yard having not less than 25 feet in depth.

(b) Side yard. A side yard of 25 feet shall be provided on one side of a lot and no side yard is required on the opposite side of the lot. There shall be a side yard setback from intersecting street of not less than 25 feet.

(c) Rear yard. No rear yards are required except 25 feet adjoining a dwelling district.

6.5 [6.4] Building regulations.

(a) Height regulations. No building or structure shall exceed 90 feet in height, except as hereinafter provided in [article 4, section 3](#) of this Ordinance.

(Ordinance 2074, sec. 8, adopted 4/19/04; Ordinance 3169, sec. 1, adopted 10/5/09; Ordinance 3552, sec. 2, adopted 12/2/13; Ordinance 3887, sec. 1, adopted 9/17/18; Ordinance 3947, sec. 2, adopted 10/7/19)

Sec. 7. I-2 general industrial district.

7.1 General description.

(a) This industrial district is intended primarily for the conduct of manufacturing, assembling and fabrication. These uses do not depend primarily on frequent personal visits of customers or clients, but usually require good accessibility to major rail, air or street transportation facilities.

(b) No I-2 zoning district may be established adjacent to a single family dwelling district.

7.2 Uses permitted. Property and buildings in an I-2 general industrial district shall be used for the following or reasonably similar purposes:

(a) Any use permitted by [chapter 11, exhibit a, article 3, section 13](#). No residential dwelling use, except sleeping facilities for caretakers and night watchmen employed on the premises, is permitted.

(b) Reserved.

(c) The following uses, when conducted within a completely enclosed building: the manufacturing, compounding, processing, packaging or treatment of products.

(d) Buildings, structures and uses accessory and customarily incidental to any of the above uses.

(e) Temporary construction facilities incidental to the development of property as permitted in this district and which shall be removed when construction work is completed.

(f) The uses permitted under this section shall be conducted in such a manner that no noxious odor, fumes or dust will be emitted beyond the property line of the lot on which the use is located. These requirements do not waive or modify the requirements set out in the Sachse City Code concerning environmental emissions or discharge of industrial waste into public sewers.

7.3 Area regulations.

(a) Front yard and side yard. There shall be a side yard setback from intersecting streets of not less than 25 feet. Other than the requirement contained in the preceding sentence, there are no specific front or side yard requirements for uses in this district.

(b) Rear yard. Where a building is to be serviced from the rear there shall be provided an alley, service court, rear yard or combination thereof of not less than 30 feet in width or of adequate area and width to provide for maneuver of service vehicles, whichever is greater. In all other cases no rear yard is required, provided however, that a building shall setback a distance of not less than 25 feet that adjoins a dwelling district.

(c) Yard area. Buildings shall be provided with a yard area adequate to meet the off-street parking requirements set forth in [article 4, section 5](#).

7.4 Building regulations.

(a) Height regulations. No building shall exceed 90 feet in height, except as hereinafter provided in [article 4, section 3](#).

(Ordinance 2074, sec. 9, adopted 4/19/04; Ordinance 3169, sec. 1, adopted 10/5/09; Ordinance 3552, sec. 2, adopted 12/2/13; Ordinance 3887, sec. 1, adopted 9/17/18; Ordinance 3947, sec. 2, adopted 10/7/19)

Sec. 8. AG-agricultural district.

8.1 General description. The AG-agricultural district is intended to be used primarily in areas where agricultural uses of at least five acres should be retained, where scattered nonfarm growth should be prevented, and as a temporary classification for newly annexed lands.

Deleted: (b) Exterior fire-resistant construction. All main buildings shall be masonry or pre-engineered metal building systems in accordance with the Building Code of the City of Sachse.¶

Deleted: (b) Exterior fire-resistant construction. All main buildings shall be masonry construction or pre-engineered metal building systems in accordance with the Building Code of the City of Sachse.¶

8.2 Principal permitted uses. No building, structure or land shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended or designed for other than one of the following uses:

- (a) Agriculture. Any customary agricultural use, building or structure, including nurseries, greenhouses, orchards, truck farms and animal farms.
- (b) Residential. Single-family detached dwellings of a minimum size of 2,000 square feet.
- (c) Other uses as shown in [chapter 11, exhibit a, article 3, section 13.](#)
- (d) Accessory uses. Buildings, structures and uses customarily incidental to any listed permitted use, including but not limited to the following:
 - i. Temporary (in season) fruit and vegetable stands;
 - ii. Accessory buildings such as barns, sheds and other structures necessary for farm operations;
 - iii. Servant's quarters and quarters used by bona fide farm workers, provided that no such accessory building or quarters may be occupied as a dwelling by anyone other than a bona fide servant or farm worker who is actually and regularly employed by the land owner or occupant of the main building.

(None of these enumerated herein shall be construed to authorize the creation or maintenance of a nuisance in fact.)

8.3 Building regulations.

- (a) Height regulations. No structure shall exceed 35 feet in height, except as provided in [article 4, section 3.](#)
- (b) Lot area. Width and yard requirements: The following minimum requirements shall apply:

Use	Area	Width	Front	Side yard	Rear
Single-family dwellings	5 acres	150 ft.	50 ft.	15 ft.	50 ft.

- (c) The exterior design of single family homes shall be governed by the architectural design standards ([chapter 11, exhibit a, article 4, section 7](#)), and agriculture related structures and accessory structures shall abide by the accessory structure standards ([chapter 11, exhibit a, \[article 4,\] section 12.1](#)).

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8.4 Accessibility requirements.

- (a) An easement to the city shall be granted as required for developer/owner installation and city service of utility lines and fire hydrants.
 - (d)[b] Driveway and parking facilities shall be provided according to the following requirements:
 - (1) Concrete entry apron is required with a turning radius to extend a minimum of 20 feet from the street.
 - (2) All parking aprons shall be concrete.
 - (3) Driveways shall be a minimum of ten feet in width with sealed surface pavement, asphalt type or two inch minimum gravel, with four-inch minimum white rock base. This type surface is permitted only if the driveway length, exclusive of entry apron or parking apron at the residence, exceeds 150 feet in length. White rock only entry or parking surfaces are prohibited.
- (Ordinance 2074, sec. 10, adopted 4/19/04; Ordinance 3876, sec. 1, adopted 7/16/18; Ordinance 3887, sec. 1, adopted 9/17/18; Ordinance 3947, sec. 2, adopted 10/7/19)

Sec. 9. **Reserved.**

Editor's note – Ordinance No. 2074, sec. 11, adopted April 19, 2004, repealed section 9 in its entirety. Formerly, such section pertained to F-floodplain district.

Sec. 10. **Planned development district.**

10.1 General description. The planned development district is a district which accommodates planned associations of uses developed as integral land use units such as industrial districts, offices, commercial

or service centers, shopping centers and single/multifamily developments or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by single owner or a combination of owners.

▲ The purpose of the Planned Development district is to promote and encourage innovative development that is sensitive to surrounding land uses and to the natural environment. If this necessitates varying from certain standards, the proposed development should demonstrate community benefits.

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▲ The PD is appropriate in areas where the land use plan reflects the specific commercial, residential, or mix of uses proposed in the PD. A PD may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts. While greater flexibility is given to allow special conditions or restrictions that would not otherwise allow the development to occur, procedures are established to insure against misuse of increased flexibility.

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10.2 Creation. The city council, after public hearing and proper notice to all affected property owners and after recommendation by the planning and zoning commission, may authorize the creation of a planned development district on sites of five acres or more to accommodate various types of development and conditions of development for any use or combination of uses permitted by this ordinance. The uses to be permitted in any specific planned development district shall be enumerated in the ordinance establishing such district and shown on the approved plan for development which becomes part of said ordinance. The city council may amend the minimum acreage requirement through the planned development district ordinance, or an associated development agreement, or in advancement of a comprehensive plan initiative.

10.3 Design standards. In approving the development plan and the ordinance establishing the planned development district, the city council shall, after recommendation of the planning and zoning commission, specify such maximum height, floor-area ratio, park dedication required, density and minimum off-street parking and loading standards within the limits of those specified in the districts listed for the specific uses involved as is appropriate for the development. The city council shall, after receiving the recommendation of the planning and zoning commission, establish the standards for yards, signs, building spacing, site coverage, access, screening or landscaping, building area, open space, pedestrian ways, public or private streets and alleys to be observed in a planned development district and such standards shall be specified in the ordinance establishing the district.

10.4 Development plan required. An application for a planned development district shall include and be accompanied by a development plan, unless it is deemed to be unnecessary by the director of development services, which shall become a part of the amendatory ordinance and shall be referenced on the zoning district map. Changed in the development plan shall be considered the same as changed in the zoning district map and shall be processed as required, except that changes of detail which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density, floor-area ratio, height or coverage of the site, or which do not decrease the off-street parking ration, or reduce the yards provided at the boundary of the site as indicated on the approved development plan may be authorized by the planning and zoning commission. Any applicant may appeal the decision of the planning and zoning commission to the city council for review and decision as to whether an amendment to the planned development district ordinance shall be required. All uses shown on the development plan shall be mutually exclusive.

10.5 The development plan shall include:

(a) A scale drawing showing any proposed public or private streets and alleys; building sites or building lots; any areas proposed for dedication of parks, parkways, playgrounds, utility and garbage easements, school sites, street widening, street changes; the points of ingress and egress from existing public streets on an accurate survey of the boundary of tract and topography with a contour interval of not less than five feet, or spot grades where the relief is limited; and site landscaping required for commercial uses.

(b) Where multiple types of land uses are proposed, a land use plan delineating the specific areas to be devoted to various uses shall be required.

(c) Where building complexes are proposed, a site plan showing the location of each building and the minimum distance between buildings, and between buildings and the property line, street line and/or alley line shall be submitted. For buildings more than one story in height, except single-family, elevations and/or perspective drawings may be required in order that the relationship of the buildings to

adjacent property, open spaces and to other features of the development plan may be determined. Such drawings need only indicate the height, number of floors and exposures for access, light and air.

(d) A plan indicating the arrangement and provision for off-street parking and off-street loading where required. Such a plan may be presented as ratio of off-street parking and off-street loading area to building area when accompanied by a typical example indicating the feasibility of the arrangement proposed and when the areas where the example would be applied are dimensioned on the drawing of the entire site. Any special traffic regulation facilities proposed or required to assume the safe function of the circulation plan shall also be shown.

(e) A designation of the maximum building coverage of the site shall be indicated upon the site plan.

(f) Screening and landscaping plan shall be required where such treatment is essential to the proper arrangement of the development in relation to the adjacent property. Such plan shall, when required, include screening walls, ornamental planting, playgrounds, wooded areas to be retained, lawns and gardens if such are determined to be necessary by the city council.

10.6 Development conditions. Every planned development district approved under the provisions of this ordinance shall be considered as an amendment to the zoning ordinance as applicable to the property involved. In carrying out the development of a planned development district, the development conditions and the development schedule, if required, shall be complied with and such conditions as are specified for the development of a planned development district shall not be construed as conditions precedent to the granting of a certificate of occupancy and compliance as required in this ordinance.

(Ordinance 3887, sec. 1, adopted 9/17/18; Ordinance 3947, sec. 2, adopted 10/7/19)

Sec. 11. SP-special use permits.

11.1 General description. The city council may authorize the location of a special use permit after public hearings and proper notice to all parties affected, and after recommendation from the planning and zoning commission as outlined in [article 12, section 3.1](#).

▲ The planning and zoning commission in considering and determining its recommendations to the city council on any request for a special use permit may require from the applicant plans, information, operating data, and expert evaluation concerning the location and function and characteristics of any building or use proposed.

▲ The city council may, in the interest of the public welfare and to assure compliance with the ordinance, establish conditions of operation, location, duration, arrangement and construction of any use for which a permit is authorized. Said conditions shall be complied with by the grantee before a certificate of occupancy may be issued. In authorizing the location of any of the uses listed as special use permits, the city council may impose such development standards and safeguards as the conditions and locations indicate important to the welfare and protection of adjacent property from noise, vibration, dust, dirt, smoke, fumes, gas, odor, glare, explosion, offensive view or other undesirable or hazardous conditions.

Every special use permit granted under the provisions of this article shall be considered as an amendment to the zoning ordinance as applicable to such property.

11.2 Use regulations. Any use which is not contrary to city, county, state or federal laws which is not listed as an allowed use in the zoning ordinance is a special use permit use in any district and subject to the provisions of this article. The following uses are hereby authorized in the specified districts upon compliance with all of the requirements herein:

(a) Any public building to be erected by the city, county, state or federal government in any district;

(b) Other uses as shown in [chapter 11, exhibit a, article 3, section 13](#);

(c) Check cashing business, payday advance/loan business and car title loan business.

(1) Location. No check cashing business, payday advance/loan business or car title loan business may be located within 1,000 feet of another check cashing business, payday advance/loan business or car title loan business, within 500 feet of the right-of-way of President George Bush Tollway/State Highway 190 or within 500 feet of the Sachse city limit line.

(2) Measurement. For purposes of this section, measurement shall be made in a straight line, without regard to intervening structures or objects.

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- (i) From the nearest portion of the property line of the premises where the existing business is located to the nearest portion of the property line of the premises where the new business is proposed, if confirming separation between businesses;
- (ii) From the nearest portion of the right-of-way line of President George Bush Tollway/State Highway 190 to the property line of the premises where the new business is proposed if confirming buffering from these roadways; or
- (iii) From the nearest portion of the city limit line to the property line of the premises where the new business is proposed if confirming buffering from the city limit.

11.3 Uses in I-2 only. A special use permit may be granted for the following high risk uses in the I-2 Industrial Two District only:

Deleted: General

- (a) Cement, lime or gypsum manufacture;
- (b) Natural gas production and distribution;
- (c) Petroleum production and refining;
- (d) Wholesale or bulk storage of gasoline, propane or butane, or other petroleum products;
- (e) Disposal plants of all types including trash and garbage, sewage treatment including lagoons and compost plants and recycling centers.

11.4 Temporary special use permits. A temporary special use permit may be granted by the city manager or designated representative for uses below or for a reasonably similar use. Hearings and approval by the planning and zoning commission is not required.

(a) Use regulations. Persons intended to operate a temporary use are required to apply for a temporary use permit. Temporary uses include, but are not limited to:

- (1) Produce stands.
- (2) Christmas tree lots.
- (3) Asphalt batching plant.
- (4) Cement batching plant.
- (5) Construction office.
- (6) Real estate office.

(7) Portable buildings. A maximum of four portable buildings may be temporarily installed, up to a maximum of five years, on sites owned and used by public schools and assembly uses, per the following conditions:

- a. The portable building shall obtain a building permit, complete all necessary inspections, and abide by all applicable codes and regulations.
- b. A primary structure with a current certificate of occupancy and no code violations must be in existence prior to applying for a portable building permit.
- c. The location of the portable building shall be selected to minimize visibility from the public right-of-way and be generally situated in the rear or least conspicuous location on the subject property that is practical.
- d. Skirting for the building is required.
- e. All associated service and utility lines shall be buried.
- f. Concrete pedestrian access shall be provided, in addition to any required ramps.
- g. A stabilizing foundation in compliance with the building code must be provided.
- h. All portable buildings shall be perpetually maintained and repaired in a safe, reasonably good, and attractive manner by the property owner in a manner that protects against the elements, is structurally safe, and corrects any visual ills or other problems.

(b) Definitions-Temporary uses.

(1) Produce stands, temporary. An open or covered areas used for sale of fruits, vegetables and/or dairy products for a specified period of time in a designated area.

- (2) Christmas tree lot. An open or covered area used for the sale of Christmas trees for a specific period of time in a designated area.
- (3) Asphalt batching, temporary. A designated area, allowable after application, for the temporary manufacturing of asphalt for installation within subdivisions in the city.
- (4) Cement batching, temporary. A designated area, allowable after application, for the temporary manufacturing of cement for the installation within subdivisions in the city.
- (5) Construction office. The use of a portable trailer for supervision of a construction site allowable for a specific period of time in a designated area.
- (6) Real estate sales office. The use of a portable or permanent building or structure for the sale of real estate within a new subdivision allowable for a specific time.
- (c) Application information required. Each application for a temporary special use permit shall be submitted to the City of Sachse building inspector on forms furnished by the building inspector and shall set out the following:
- (1) Name of the applicant;
 - (2) Applicant's permanent address;
 - (3) Name and address of the firm applicant represents;
 - (4) Narrative statement of specific temporary special use permit applied for;
 - (5) Specific site plan drawn to scale showing the specific dimensions and arrangement of proposed temporary special use;
 - (6) Specific time period for which applicant is requesting temporary special use.
- (d) Fees required. The fees for administering temporary uses within the City of Sachse shall be established in [section 11-2](#), zoning fees.
- (e) General requirements.
- (1) If temporary power is required, it must be supplied overhead or underground directly to the specific special use. No open wiring laying directly on the ground will be allowed.
 - (2) All building or structure setbacks shall conform to the current zoning district for principal uses on the land in which the temporary special use is occurring.
 - (3) The maximum time period for a temporary-use permit for real estate sales office and construction office is 12 months. The time period for all other temporary requirements will be determined by the city manager.
 - (4) A new permit is required for each new location, whether or not the temporary use is located on the same property or on a new site.
 - (5) A minimum of four parking spaces shall be designated on the general site plan for construction offices and real estate sales offices.
 - (6) The building inspector may revoke a temporary special use permit for noncompliance with the above requirements.
- (f) City manager review.
- (1) The city manager, or his designated representative, shall approve, conditionally approve or disapprove all temporary use requests presented, except as approved by the building inspector regarding construction offices and real estate offices.
 - (2) The city manager shall designate a specific time limit on all temporary uses approved.
 - (3) No appeal on the same request shall be filed within a period of one year from the date of denial.
- 11.5 Conformance regulations. Unless the city council specifies otherwise, all special permit uses shall comply with the building, area and height regulations of the zoning district for which the use is approved. All special permit uses shall also be required to conform to:
- (a) The land subdivision ordinance and regulations.
 - (b) Site plan approval by the planning and zoning commission as follows:

- (1) Prior to the issuance of any building permit, there shall be submitted to the planning and zoning commission for its approval a site plan drawn to an acceptable scale and with copies. The scale and number of copies shall be that deemed necessary by the city secretary or other designated city official.
- (2) The site plan shall show but not be limited to, the arrangement of the proposed improvements in detail, together with the essential requirements, such as parking facilities, location of buildings and other structures, means of ingress and egress, areas to be landscaped, together with any other requirements provided by the comprehensive zoning ordinance, or other valid ordinance of the City of Sachse.
- (3) A landscape plan must be submitted as part of the required site plan and approved by the building inspector before a building permit shall be issued. The plan must be totally implemented, inspected and approved before a certificate of occupancy shall be issued, the landscape plan will be reviewed by the planning and zoning commission for recommendation to and approval by the city council as part of the required site plan.
- (4) The planning and zoning commission consideration shall include: paving and layout of streets, alleys and sidewalks; means of ingress and egress, and provisions for drainage; parking space, protective screening and open spaces; areas designated for landscaping; internal and perimeter lighting which shall be designated so a[as] to reflect light away from surrounding areas and any other aspect deemed by the planning and zoning commission necessary to consider in the interest of promoting the public health, safety, order, convenience, prosperity and general welfare.
- (5) In the approval or disapproval of the site plan, the planning and zoning commission shall not be authorized to waive or vary conditions and requirements contained in the zoning ordinance, or amendments thereto, or other valid ordinances of the City of Sachse.
- (6) It shall be unlawful to issue a building permit prior to the approval of the site plan by the planning and zoning commission. No building permit shall be issued except in conformity with the approved site plan, including all conditions of approval applied by the planning and zoning commission.
- (7) For the purpose of assisting in-process planning, a preliminary site plan may be submitted for planning and zoning commission consideration. Such preliminary site plan may contain any or all of the site plan requirements and must be drawn to scale, submitted in adequate quantity and titled "preliminary site plan." The approval of a preliminary site plan will not imply approval of all elements of site plan. It shall be unlawful to issue a building permit on a "preliminary site plan".
- (c) Special requirements as may be required by the city council, as well as any special requirements in the zoning district for which the use is approved, including but not limited to:
 - (1) The outside storage and display of goods, wares and merchandise is prohibited, except as may be specifically authorized by the city council or by the zoning district for which the special use permit is granted.
 - (2) Refuse and waste storage areas shall conform to standards as may be required by the city.
 - (3) Security bond.
- (d) Site landscaping.
 - (1) Landscaped area is defined as the improving of land and placing thereon live flowers, shrubs, trees or grasses, decorative fixtures such as fountains, water treatments, sculptures, retaining walls, berms, fences and specially treated walkways. These features shall be treated as and go toward the calculation of total landscaped area. Required sidewalks and access sidewalks may not be included in the calculated landscaped area.
 - (2) All required landscaped open space shall be provided with adequate and inconspicuous irrigation systems and shall be properly maintained.
 - (3) Five percent of the lot area shall be maintained in landscaped open area in front of the building line. Also, if the parking and maneuvering space exceeds 20,000 square feet, at least five percent of such space shall be maintained as landscaped area, in addition to the five percent of the lot area requirement specified in the preceding sentence. It is the intent of this paragraph to require design and construction of parking areas in a manner to insure areas unusable for parking or maneuvering space be landscaped.
 - (4) If all of the city right-of-way is landscaped and maintained, such landscaped portion will reduce the amount of required landscaped area of the lot by that amount (square foot for square foot).

(5) The City of Sachse shall have the power to plant, preserve, spray, trim or remove any tree, shrub or plant on any parkway, alley or public ground belonging to the city.

11.6 Amendment to the zoning ordinance. Every special use permit granted under the provisions of this article shall be considered as an amendment to the zoning ordinance as applicable to such property. In granting such permit the city council may impose conditions which shall be complied with by the grantee before a certificate of occupancy may be issued by the building inspector for the use of the building on such property pursuant to said special use permit; and such conditions shall not be construed as conditions precedent to the granting of the certificate of occupancy.

11.7 Restrictions and conditions for private clubs.

(a) Private clubs operation as a secondary use. A private club may operate only as a secondary use pursuant to a special use permit only in a:

- (1) General restaurant;
- (2) Restaurant in an office or retail complex;
- (3) Hotel or motel; or
- (4) Country club.

Furthermore, private clubs shall be limited to property in a C-2 zoning district which is located adjacent to Highway 78 and is not further than 1,500 feet from the right-of-way of Highway 78. This provisions [provision] does not apply to country clubs.

(b) Regulations applicable to establishment and operation of registered private clubs. The operation of registered private clubs, holding state permits under the Texas Alcoholic Beverage Code, shall be subject to compliance with the terms and conditions set forth herein below, to wit:

- (1) A site plan of any proposed establishment shall be submitted and approved by the city council prior to the issuance of a building permit or certificate of occupancy.
- (2) Reserved.
- (3) No registered private club shall be established or permitted to operate within 200 feet of any residential dwelling unit including single family, two-family and multiple-family dwellings.

Said distances shall be determined by measurement to be made in a straight line from the nearest point of the structure of the premises to be permitted to the nearest boundary line of the closest residential dwelling unit.

- (4) A private club shall be prohibited within 1,000 feet to the property line of any church, public or parochial school, hospital, day care or child care facility, or city park.

Said distances shall be determined by measurement to be made in a straight line from the nearest point of the structure of the premises to be permitted to the nearest boundary line of said church, public or parochial school, hospital, day care or child care facility, or City Park.

- (5) Paved parking must be provided on the premises with a ratio of one parking space for every three seats under the maximum seating arrangement (per fire and building code) with a minimum of 33 automobile parking spaces.

- (6) No private registered club shall be permitted in drive-in, fast food or take-out restaurants, snack shops or confectionery shops.

- (7) Screening in conformance with city zoning ordinance shall be constructed and maintained for the entire distance between the site of a registered private club and abutting residential property or residential zoning district.

- (8) The registered private club shall contain a minimum seating capacity of 100 persons.

- (9) Reserved.

- (10) Reserved.

- (11) Reserved.

- (12) Reserved.

- (13) Reserved.

- (14) Reserved.
- (15) The applicant shall comply with the provisions of the Alcoholic Beverage Code and receive private club permit from the State of Texas within six months from the date of issuance of the special use permit by the city council, each such limitation in time being subject to review and possible extension by the city council.
- (c) Reserved.
- (d) Cancellation. The city council may revoke a special use permit granted hereunder if it finds that any of the conditions imposed at the time of granting the permit are not met, or thereafter cease to exist. The city council may deny a special use permit for the operation of a private club if it should affirmatively determine that issuance of the same would be contrary to the health, safety and general welfare of the city and its inhabitants.
- (e) Cessation. All special use permits approved in accordance with the provisions of this section shall only be issued to the applicant whose name appears on the application and shall be valid only as long as said applicant owns the private club. Upon notification that an existing private club has ceased or will cease operations, a public hearing may be initiated by the city council to consider rescinding the special use permit which had been approved for that private club. Any cessation of the use granted by the special use permit for a period longer than 180 days shall require the owner to reapply for said permit.
- (Ordinance 2031, sec. 1, adopted 9/2/03; Ordinance 2074, secs. 12, 13, adopted 4/19/04; Ordinance 3147, sec. 1, adopted 7/6/09; Ordinance 3876, sec. 1, adopted 7/16/18; Ordinance 3887, sec. 1, adopted 9/17/18; Ordinance 3947, sec. 2, adopted 10/7/19)

Sec. 12. Reserved.

Editor's note – Ordinance 3841, sec. 1, adopted Dec. 4, 2017, repealed sec. 12, which pertained to MX-mixed use regulations and derived from Ordinance 2074, sec. 14, adopted 4/19/04; Ordinance 3074, sec. 1, 8-18-08.

Sec. 13. Use designations.

13.1 Land uses. The use of land and/or buildings shall be in accordance with those listed in the following use charts. No land or building or structure shall hereafter be erected, altered, or converted other than for those uses specified in zoning district in which it is located. The legend for interpreting the permitted uses in the use charts is as follows:

- [P] Designates use is permitted in the district indicated.
- [] Designates use is prohibited in district indicated.
- [S] Designates use is permitted in the district indicated upon approval by special use permit (SUP).
- [C] Designates use is permitted in the district indicated upon compliance with conditions outlined in this chapter.

13.2 Use chart organization.

- (a) Primary residential uses (table 13.2.1);
- (b) Accessory and incidental uses (table 13.2.2);
- (c) Institutional and special uses (table 13.2.3);
- (d) Commercial uses (table 13.2.4.);
- (e) Transportation uses (table 13.2.5); and
- (f) Industrial and utility uses (table 13.2.6).

Use Chart 13.2.1 Primary Residential Uses

SF-RE	SF-39	SF-15	SF-12	SF-10	Section	AG	C1	C2	I-1	I-2
Single Family Estate	Single Family 39	Single Family 15	Single Family 12	Single Family 10	Primary Residential Uses	Agricultural	Commercial One	Commercial Two	Industrial One	Industrial Two
					Assisted living facility/nursing home				S	S

					Boarding house/rooming house					
					Duplex					
S	S	S	S	S	Group home	S	S	S	S	S
					Hotel, motel		S	S		
					HUD code manufactured home					
					Independent senior living		S	S	S	S
P	P	P	P	P	Model home					
					Multi-family					
P	P	P	P	P	Single family residence (detached)	P				
					Townhouse					

Use Chart 13.2.2 Accessory and Incidental Uses

SF-RE	SF-39	SF-15	SF-12	SF-10	Section	AG	C1	C2	I-1	I-2
Single Family Estate	Single Family 39	Single Family 15	Single Family 12	Single Family 10	Accessory and Incidental Uses	Agricultural	Commercial One	Commercial Two	Industrial One	Industrial Two
C	C	C	C	C	Accessory structure	C	C	C	C	C
P	P	P	P	P	Amenity center					
C	C	C	C	C	Antennas	C	C	C	C	C
S	S	S	S	S	Communication tower	S	S	S	S	S
C	C	C	C	C	Construction office	C	C	C	C	C
					Contractor's yard				P	P
					Farms, ranches, orchards	P				
C	C	C	C	C	Home occupation	C				
C	C	C	C	C	Incidental and secondary uses	C	C	C	C	C
					Open storage	C	C	C	C	C

C	C	C	C	C	Portable buildings	C	C	C	C	C
					Private club			S		
					Seasonal sales	C	C	C	C	C
C	C	C	C	C	Temporary batch plant	C	C	C	C	C

Use Chart 13.2.3 Institutional and Special Uses

SF-RE	SF-39	SF-15	SF-12	SF-10	Section	AG	C1	C2	I-1	I-2
Single Family Estate	Single Family 39	Single Family 15	Single Family 12	Single Family 10	Institutional and Special Uses	Agricultural	Commercial One	Commercial Two	Industrial One	Industrial Two
					Alternative financial services				S	S
					Arcade or bingo hall		S	S	S	S
S	S	S	S	S	Child care center (day care)	S	S	S	S	S
					Commercial amusement		S	S	P	P
					Hospital			S	P	P
					Library or museum		P	P	P	P
					Lodge or club (social or civic)		P	P	P	P
					Mausoleum or cemetery	S				S
					Mortuary, funeral home		S	S	S	S
P	P	P	P	P	Municipal facilities and uses	P	P	P	P	P
					Pawn shop				S	S
P	P	P	P	P	Religious institutions	P	P	P	P	P
					Schools, private		S	S	S	S
P	P	P	P	P	Schools, public (all facilities)	P	P	P	P	P

Use Chart 13.2.4 Commercial Uses

SF-RE	SF-39	SF-15	SF-12	SF-10	Section	AG	C1	C2	I-1	I-2
Single Family Estate	Single Family 39	Single Family 15	Single Family 12	Single Family 10	Commercial Uses	Agricultural	Commercial One	Commercial Two	Industrial One	Industrial Two
					Body art studio (tattoo, piercing, etc.)				S	S
					Indoor display (showroom, nursery)		P	P	P	P
					Kennel (indoor and conditioned)	S	S	S	S	S
					Medical building, clinic or lab		P	P	P	P
					Microbrewery		P	P	P	P
					Office, medical or professional		P	P	P	P
					Outdoor display (sales)				S	S
					Personal or professional services		P	P	P	P
					Restaurant		P	P	P	P
					Retail CBD oil or hemp based products				P	P
					Retail sales, general stores		P	P	P	P
					Sexually oriented business					S
					Smoking (tobacco, E-cig, vape, etc.)				S	S
					Studio (gymnastics, martial arts, etc.)		P	P	P	P
					Theater or cinema		S	S		

					Vet or pet store (indoor)		P	P	P	P
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Use Chart 13.2.5 Transportation Uses

SF-RE	SF-39	SF-15	SF-12	SF-10	Section	AG	C1	C2	I-1	I-2
Single Family Estate	Single Family 39	Single Family 15	Single Family 12	Single Family 10	Transportation Uses	Agricultural	Commercial One	Commercial Two	Industrial One	Industrial Two
					Auto (motorized) sales or storage				S	S
					Auto (motorized) leasing		S	S	S	S
					Auto repair, major		S	S	P	P
					Auto repair, minor		S	P	P	P
					Car wash		S	S	S	S
					Gas pumps, fuel sales		S	S	S	S
					Helipad	S			S	S
					Drive-through establishment		S	S	P	P
					Transit station, terminal				S	S
					Wrecking, salvage yard					S

Deleted: P

Use Chart 13.2.6 Industrial and Utility Uses

SF-RE	SF-39	SF-15	SF-12	SF-10	Section	AG	C1	C2	I-1	I-2
Single Family Estate	Single Family 39	Single Family 15	Single Family 12	Single Family 10	Industrial and Utility Uses	Agricultural	Commercial One	Commercial Two	Industrial One	Industrial Two
					Agricultural (commercial uses or facilities)				S	P
					Agricultural (private, family)	P				
					Distribution center, general warehousing				P	P

					Equipment storage, leasing				S	P
					Heavy industrial, plant operations					S
					High risk					S
					Laboratory, light manufacturing, distillery		S	S	P	P
					Mining	S				S
					Landfill	S				S
					Research and development, data center		S	S	P	P
					Storage facility-Conditioned space		S	S	S	S
					Storage facility-Mini warehousing				S	S
S	S	S	S	S	Substation, generating plant	S	S	S	S	S
C	C	C	C	C	Wind energy system	C	C	C	C	C

13.3 Classification of new/unlisted uses. It is recognized that new types of land use will develop and forms of land use not presently anticipated may seek to locate in the city. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made by the zoning administrator, who shall make an interpretation as to the zoning classification into which such use should be placed. The zoning administrator shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district within which use should be permitted. Appeals can be made to the planning and zoning commission. The commission shall approve the zoning administrator's recommendation or may make its own determination concerning the classification of such use as is determined appropriate based upon its findings or shall request an initiation of a zoning text amendment pursuant to procedures set forth in this ordinance.

13.4 Special zoning districts. It is recognized that allowed uses may be governed by special zoning districts, approved special use permits or planned development districts. Old town and PGBT are classified as special zoning districts.

(Ordinance 3887, sec. 1, adopted 9/17/18; Ordinance 3906 adopted 1/22/19; Ordinance 3919 adopted 5/6/19)

Editor's note – Ordinance 3887, sec. 1, adopted September 17, 2018, repealed the former sec. 13, and enacted a new sec. 13 as set out herein. The former sec. 13 pertained to the OP office park district and derived from Ordinance 1862, adopted July 2, 2001; and Ordinance 3552, adopted December 2, 2013

Sec. 14. PGBT zoning district.

14.1 Purpose and intent.

A. The purpose of the PGBT area zoning district, hereafter known as the PGBT district, is to facilitate

the development of the PGBT area into a walkable, mixed-use environment with shopping, employment, housing and regional retail services. Development within this district shall implement the vision adopted in the comprehensive plan, adopted March 2017. The prescribed character areas within the district facilitate a variety of development types to meet the preferences of the market and to be responsive to development innovations. The purpose of the district is to advance development; promote sustainable land use patterns; protect Sachse's long-range tax base; encourage pedestrian activity; and support an attractive community.

B. Establish specific development standards. The PGBT district regulating plan (Appendix 1), hereafter known as the regulating plan, establishes the character areas. The respective character areas determine which specific development standards apply. Creation of different character areas within the PGBT area enables specific site and locational standards to be applied. Graphic standards are provided for location, height and building elements.

14.2 Components of the Code.

A. Applicability of other city ordinances. This section governs the PGBT area zoning district except where others are referenced or where other ordinances of the Code apply and are not in conflict with the PGBT district.

B. PGBT area regulating plan. The PGBT district regulating plan identifies applicable character areas within the PGBT area including:

1. Character areas. The PGBT area is divided into three character areas. A character area creates a distinct urban form, which is different from urban forms in other character areas. Each character area establishes use and development standards including height, bulk, building and parking location, and functional design. The regulating plan classifies all lots within the PGBT area into one of the character areas.

2. Street designations by street type. The street designations illustrate the design, configurations and development context for streets within the PGBT area. The street designation addresses vehicular lane widths, number of lanes, pedestrian accommodation, street tree requirements, on-street parking, and parkway and median standards (streetscape standards). In addition, streets are distinguished by the appropriate development context by denoting them on the regulating plan as type A or type B streets.

3. Street network. The street network consistent of mandatory streets and local streets for the future streets needed to implement the regulating plan. The mandatory and illustrative streets shall generally meet the locational and connectivity goals of the PGBT district. Street design shall be guided by the street type specifications.

C. Development standards. The Code (the text portion of this Code) enumerates the development standards with text and graphics for character areas, building form, civic open space, landscape, building design, signage, lighting and all related standards for streets, public and private development.

14.3 Administration. This section sets forth the provisions for reviewing and approving development applications within the PGBT area. The intent is to ensure that all development is consistent with the provisions of this Code. All sections of this Code shall be applied during the review process.

A. Using this Code. The following steps should be followed to determine the uses and the development standards applicable on the property within the PGBT area:

1. Locate the subject property on the PGBT area regulating plan.
2. Identify (1) the character area in which the property is located; (2) the network of mandatory and local streets; and (3) the street type designations for those streets along all the property's street frontages.
3. Review the schedule of uses by character area as listed in [Table 14.5.1](#).
4. Examine the corresponding zone standards in the development standards in [section 14.6](#) to determine applicable development standards.
5. Refer to [section 14.7](#) for architectural standards and design guidelines.
6. Refer to [section 14.8](#) for streetscape and street design standards.

B. Development process. Development within the PGBT area that complies with the provisions of this Code shall follow the city's development process as outlined in the Code and shall be approved by the

city manager or designee. In addition to complying with applicable city regulations that are not in conflict with this Code, the applicant shall provide the information required to adequately show compliance with this Code.

C. Development plan approval standards. If a development plan conforms to the standards set forth in this Code, regulating plan and other applicable city regulations not in conflict with this Code, the development plan shall be approved. Upon request by the applicant, the authority charged with approving the development plan shall certify the reason(s) for an action taken.

D. City manager or designee. The city manager or designee shall be responsible for the following:

1. Reviewing development plan applications for compliance and giving approval for applications within the PGBT area.
2. Making determinations on the applications and interpretations of standards in this Code.
3. Approving revisions to previously approved development plans that comply with this Code and all applicable city ordinances.
4. Reconciling any potential ambiguities or conflicts between other city codes and this Code.
5. Approving any minor modifications to the approved regulating plan per [section 14.3\(E\)](#).
6. Recommendations on special development plan (SDP) applications to planning commission and city council.
7. Determining if a proposed use is within the intent of permitted uses in the Code so that it may also be deemed permitted.

E. Minor modifications. The city manager or designee shall have the authority to approve a request for minor modifications to the Code that:

1. Does not materially change the circulation on the site;
2. Does not materially change the walkable relationship between the buildings and the street;
3. Does not allow a use otherwise authorized in this Code, unless substantially similar to a use already permitted; or
4. Does not allow greater height of any building except for non-habitable architectural features.

The city manager or designee shall have the authority to approve minor modifications per [Table 14.3.1](#). Any appeals to the decisions of the city manager on minor modifications shall follow the process below:

- a. Initiation of an appeal. The applicant may appeal a decision of the city manager or designee. The written request to appeal shall be submitted to the city manager or designee within 14 calendar days following the denial decision.
- b. Appeal to planning and zoning commission. The commission shall consider the appeal at an open meeting no later than 30 calendar days after the date on which the notice of appeal is submitted to the director of development services. At this meeting, new information may be presented and considered, if available, that might alter the previous decision to deny the minor modification. The commission may affirm, modify or reverse the previous decision by simple majority vote.
- c. Appeal to city council. The applicant or the city manager may appeal the commission's decision by submitting a written notice of appeal to the city manager or designee within 14 calendar days following the commission's decision. The city council shall consider the appeal at an open meeting no later than 30 calendar days after the date on which the notice of appeal is submitted to the director of development services. The city council may affirm, modify or reverse the commission's decision by simple majority vote. The decision of the city council is final.

Any city council denials of minor modifications or any changes beyond those that meet the criteria in this section and the thresholds established in [Table 14.3.1](#), shall be processed as an amendment to this Code.

TABLE 14.3.1 MINOR MODIFICATIONS ALLOWED

Standard	Minor Modification Allowed	Comments
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Any dimensional standard/numerical requirement (not specified below)		• Shall be no more than a 10% (increase or decrease) modification.
Area/Boundary of Character Area	No more than a 15% change (increase or decrease) in any character area (aggregate or per block)	• Shall not eliminate any character area. • 15% measurement shall be based on the total area of that character area within the entire PGBT area. • The turnpike transition area shall remain contiguous along Hudson and Merritt Road as depicted in the originally adopted regulating plan.
Setback Range	No more than 30% change in the maximum or minimum setback	• Changes to the street setback lines may only be due to any changes to the street cross-sections or change in the width of the sidewalk. • In no case shall a sidewalk be less than six feet in length.
Building Frontage	No more than a 30% reduction in the required building frontage along each block of a type A street	• Any reduction in the required building frontage shall be to accommodate porte-cocheres for drop-off and pick-up. • Should also allow for conditions such as utility easements; large, existing trees; or other physical/topographical constraints.
Street Screen	Waiver of street screen requirement along a type B street	• Requirement for a street screen may only be waived along a type B street along the frontage of any interim surface parking lot (off-street) that is intended to be filled with a parking structure or future building. • In no case shall any portion of the surface parking have frontage along a type A street without a required street screen.
Street Location and Cross Sections	Street location within the connected network and implementing cross sections of new streets may be adjusted with respect to number of lanes, lane widths, on-street parking configuration, pedestrian accommodation and street tree planting	• Any changes to the street locations within the network and implementing street cross section design shall be based on specific development context such as opportunities to increase connectivity within the multimodal network, advance complete street functionality, preserve natural features, advance low impact drainage to improve fire access, and to advance similar outcomes. • Can amend right-of-way (ROW) width and/or components up to 15%.
Landscaping	Alternative landscaping in terms of quantity, species type, and/or location may be submitted for consideration by the city manager or designee	• A detailed landscape concept plan shall be submitted for review in order to be accepted as an alternative.

Street Type Classification	A type B street may be designated as a type A street with review and approval of design details by the city manager or designee	• Detailed plan and cross section required for approval of street type change.
Architecture	Alternative architectural concepts that meet the spirit and intent of the Code may be considered by the city manager or designee	• A detailed architectural plan and/or elevations shall be submitted for review in order to be accepted as an alternative.

F. **Major modifications.** A request for a modification of any of the standards of this Code other than minor modifications permitted under [section 14.3\(E\)](#), such as a change in use or major spatial modification, shall be reviewed and processed as a major modification.

1. Major modifications are intended to allow applicants development flexibility to address specific market opportunities. An application for a major modification shall be in the same manner as a minor modification and shall be considered by the city council after the planning commission has made a recommendation. The city manager or designee reviews, makes recommendations on any major modifications and shall forward all applications to the planning commission for recommendations to city council. In evaluating a major modification, city council shall consider the extent to which the application meets any of the following:

- Provides an alternative master plan approach by consolidating multiple properties to create a predictable, market responsive development for the area;
- Fits the adjoining context by providing appropriate transitions; or
- Maintains the overall intent of the comprehensive plan and the PGBT zoning district.

G. **Parking.** All off-street parking requirements may be modified through alternative parking plans, shared parking agreements or other similar mechanisms to advance the goals of walkability and connectivity if approved by the city manager or his or her designee. Parking lot locations and site design standards can be modified to facilitate creative site plans and mixed-use contexts by the approval of the city manager or designee, as long as they encourage walkability and are consistent with the overall intent of the respective character area.

H. **Non-conforming uses and buildings.** Regardless of transfer of ownership, non-conforming buildings that are utilized for single family residential or houses of worship may continue in that use in perpetuity if utilized solely for that purpose even if destroyed by act of God and reconstructed. All other non-conforming uses and buildings shall be governed by the Code and applicable state law.

14.4 The regulating plan.

A. The regulating plan is hereby adopted as the official zoning map for the PGBT zoning district.

B. **Character areas established.** The following character areas are established. The boundaries of specific character areas shall be established in the regulating plan.

1. **Turnpike commercial (TC).** Turnpike commercial creates an area where uses contribute to a concentration of regionally-scaled, commercial that provide employment opportunities in a more dense, walkable and urban context.

2. **Turnpike mixed-use (TMU).** Turnpike mixed-use creates an area that transitions the activity of the commercial and residential mixed-use to the neighborhoods in a walkable, urban fabric.

3. **Turnpike transition (TT).** Turnpike transition creates an area that transitions development to the adjacent residential context in a walkable, neighborhood fabric.

C. **Street designations by street type established.** The regulating plan shall establish the following street designations.

1. **Type A streets established.** Type A streets are intended to be the primary pedestrian streets and provide walkable relationships to the buildings and public spaces along type A streets with a pedestrian-oriented design.

Figure 1: Type A Street Examples



2. Type B streets established. Type B streets are intended to balance pedestrian orientation with automobile orientation. Buildings along type B streets may be permitted to accommodate service and auto-related functions.

Figure 2: Type B Street Example



14.5 Schedule of uses.

A. Due to the emphasis on urban form over land uses, general use categories have been identified by character area. Uses not listed on the following schedule, but are substantially similar, may be permitted upon approval by the city manager or designee.

TABLE 14.5.1 SCHEDULE OF USES

	Turnpike Commercial (TC)	Turnpike Mixed-Use (TMU)	Turnpike Transition (TT)
Land Use			
Commercial Uses (Office, Retail, Sales and Service Uses)			
Retail sales or service	P	P	NP
Professional office	P	P	NP
Light industrial, including manufacturing, data centers, research laboratory headquarters, laboratories and associated facilities	P	P	NP
Heavy industrial	NP	NP	NP
Food service uses (full-service restaurants, cafeterias, bakeries, snack bars, QSRs, cafe seating within a public or private sidewalk area with no obstruction of the pedestrian realm)	P	P	NP
Brewery	P	P	NP
Any use with a drive through	P/C	P/C	NP
Auto-related uses	NP	S (P/C)	NP
Storage facilities	NP	S (P/C)	NP
Arts, Entertainment and Recreation Uses			
Art galleries, antique, furniture or electronics studio (retail, repair or fabrication; excludes auto electronics sales or service)	P	P	NP
Theater, cinema, dance, music or other entertainment establishment	P	P	NP

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Museums and other special purpose recreational institutions	P	P	NP
Fitness, recreational sports, gym or athletic club	P	P	NP
Outdoor entertainment venue	P	P	NP
Parks, greens, plazas, squares and playgrounds	P	P	P
Educational, Public Administration, Health Care and Other Institutional Uses			
Child daycare and preschools	P	P	NP
Schools, libraries, and community halls	P	P	NP
Universities and colleges	P/C	P/C	NP
Hospital/medical office buildings	P	P	NP
Civil uses	P	P	NP
Residential Uses			
Single family detached-low density	NP	NP	NP
Single family detached-medium density	NP	P/C	P
Garden style multifamily residential	NP	NP	NP
Urban living residential	P/C	P/C	NP
Single family residential attached dwelling unit (townhome)	NP	P/C	P/C
Live/work unit	P	P	P
Multi-unit (up to 12 units per structure)	NP	P	NP
Assisted living facilities	NP	NP	NP
Other Uses			
Municipal facilities	P	P	P
Hotels	P	P	NP
Parking, surface (primary use of property)	P/C	P/C	NP
Parking, surface (accessory use of property)	P	P	NP
Parking, structured	P	P	NP

Private attached garage	NP	P	P
Private detached garage	NP	NP	P
Sales from kiosks	P	P	NP
Veterinary clinic	P	P	NP

P = Permitted by right

NP = Not permitted

P/C = Permitted with design criteria per [Table 14.5.1\(B\)](#)

S = Special Use Permit Required

B. Use criteria. All uses listed as P/C in [Table 14.5.1](#) shall also meet the following standards.

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Use	Zone	Location and Design Criteria
Any Permitted Use with a Drive Through Facility	Turnpike Mixed-Use	• All drive through access (driveways) shall be from type B streets unless screened from any type A street. • Drive through lanes and/or canopies shall not have frontage along or be located along any type A streets. • Alcohol sales expressly excluded. • Drive through areas shall be screened by a four foot high street screen.
Storage Facilities	Turnpike Mixed-Use	• Storage uses shall be a minimum of three stories. Shall be 100% indoor access and climate controlled. • Shall be located behind another building(s) and/or shall not have any frontage along a type A or B street. • <u>Must incorporate above criteria with SUP request.</u>
Auto-Related Uses	Turnpike Mixed-Use	• Gas pumps and canopies shall not be located at the corners of the facility's lot. • Car lots are not permitted. • Any buildings associated with the use shall also have a pedestrian entrance at a type A street. • Must be setback at least 50 feet with a landscape buffer. • Auto sales, repairs and storage uses shall be fully contained inside of a building. • <u>Must incorporate above criteria with SUP request.</u>
Universities and Colleges	Turnpike Commercial Turnpike Mixed-Use	Shall be required to provide structured parking as part of the build-out for the university/college campus.
Urban Living Residential (Upper and Lower Floors)	Turnpike Commercial Turnpike Mixed-Use	• Urban living residential shall be either 100% studio/convertible, one and two bedroom units, residential lofts or flats, or condos. • Two bedroom units shall have similar sized bedrooms, bathrooms and closets. • Site development permits for the urban living residential shall be preceded by or issued at the same time as the issuance of a site development permit for at least the following: • 1 to 300 Units = 15,000 SF commercial • 301 to 600 Units = 15,000 SF additional commercial

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		• No more than 600 units allowed per urban living residential project. • Any unit not fronting a street shall be accessed from a climate-controlled hallway. • Any shared wall, floor or ceiling shall be insulated. • Ground floor units may be retail. • Surface parking shall be designed to facilitate a pedestrian-oriented site. • Urban living residential and the required commercial component shall have one type A street component with both urban living residential and commercial uses constructed as horizontal or vertical mixed-use with pedestrian public spaces totaling at least one-half acre. For horizontal mixed-use, the public spaces shall connect the two uses in a pedestrian-oriented, walkable context. • Urban living residential shall be at least four stories.
	Turnpike Commercial	Each urban living residential project shall be 70% structured parking.
	Turnpike Mixed-Use	Interior surface parking allowed with substantially four story products or higher. Otherwise structured is required.
Single Family Detached-Medium Density	Turnpike Mixed-Use	• More than 10 and up to 100 contiguous units shall not be built without the initiation of construction of a commercial component of at least 2,500 square feet, or alternatively at least three pocket parks, greens and/or plazas designed and dispersed within the residential neighborhood totaling no less than one acre. If the pocket space requirement is utilized, the five percent civic/open space requirement in section 14.10 shall apply. Every additional 100 units of development shall have an additional 2,500 square feet of retail or integrated public green or open space. • Lots shall be a minimum of 30 feet wide and alley-loaded if 50 feet wide or less.
Single Family Residential Attached Dwelling Unit	Turnpike Mixed-Use Turnpike Transition	• More than 10 and up to 100 contiguous units shall not be built without the initiation of construction of a commercial component of at least 2,500 square feet, or alternatively at least three pocket parks, greens and/or plazas designed and dispersed within the residential neighborhood totaling no less than 1.5 acres. If the pocket space requirement is utilized, the five percent civic/open space requirement in section 14.10 shall apply. Every additional 100 units of development shall have an additional 2,500 square feet of retail or integrated public green or open space. • Units shall be at least 12 units an acre. • Lots shall be a minimum of 22 feet wide and alley-loaded.
Parking, Surface (Primary Use of Property)	Turnpike Commercial Turnpike Mixed-Use	• Required to be temporary use of property as part of a phasing strategy or appropriately screened and landscaped by incorporating one tree per every 12 spaces planted within parking islands. • To be reviewed by city manager or designee.

14.6 Development standards. The following section establishes the development standards for all character areas within the PGBT zoning district. Diagrams and reference letters are used for illustrative purposes only. Reference letters may not be in continuous sequence.

A. Turnpike Commercial (TC).



1. Building orientation.



Setback range.	
Front (type A street and civic space)	5-20 feet
Front (type B street)	20-250 feet
Side (from property line)	0 feet
Rear (from property line)	5 feet

Building frontage.	
Building frontage required along:	
Type A street (civic space)	70% (minimum)
Type B street	0% (minimum)

2. Block standards.

Block face dimensions	400 feet maximum
Block perimeter	1,600 feet maximum

3. Building height.



Principal building standards	
First floor-to-floor height	12 feet (minimum)
Ground floor finish level 1	2 inches maximum above sidewalk
Upper floor(s) height (floor to ceiling)	10 feet minimum
Height	No maximum; stepback required after five stories; maximum five stories within 100 feet of another character area or the perimeter of the district
Stepback distance	10 feet minimum

4. Commercial frontage requirements.

Ground floors of all buildings fronting type A streets shall be built to retail-ready standards, including first floor-to-floor height, ingress and egress, handicap access, and first floor elevation flush with the sidewalk.

5. Parking and service access.

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Parking location	
Surface/at grade parking	Shall be located behind principal building; or on the side if no more than one double-loaded bay and screened at the street with masonry or fence no taller than four feet
Type A street and civic setback	
Type B setback	N/A
Side setback (distance from property line)	0 feet minimum
Above grade parking	
Type A street, type B street and civic space setback	0 feet minimum
Side and rear setbacks (distance from the property line)	0 feet minimum
Upper floors	May be built up to the building line
Required off-street parking spaces	
Non-residential	1 space/300 square feet (gross)
Residential	1.5 spaces/unit
Driveways and service access.	20 feet maximum (except when drives need to be wider to address service access or fire lane standards)
Parking driveway width	20 feet (minimum)

Driveways and off-street loading/unloading shall not be located on type A streets. Port-cocheres may be permitted on type A streets to provide drop-off and valet service. Shared driveways and cross-access easements are encouraged between lots to minimize curb cuts. If driveway and/or off-street service loading/unloading access is provided from a type A street, access shall be temporary and cross-access along the rear of the property shall be required when adjoining properties are undeveloped.

6. Encroachments. Canopies, signs, awnings and balconies may encroach over the sidewalk as long as the vertical clearance is a minimum of eight feet. In no case shall an encroachment be located over an on-street parking or travel lane.
7. Development standards in this section shall apply to all development within the character area.
8. Notes.
 - a. On type A streets, the area between the building and the edge of the street at the public sidewalk shall be paved flush with the sidewalk unless a contained private forecourt.
 - b. Side and rear setbacks shall be based on minimum fire separation required between buildings, if applicable.
 - c. Corner building street façades shall be built to the setback for a minimum of 15 feet from the corner along both streets or the width of the corner lot, whichever is less. Recessed entrances are permitted as long as the upper floors meet the setback range standards.
 - d. Blocks exceeding the maximum block face and perimeter dimensions may be permitted as follows:

- * Combined blocks shall be adjacent to one another based on the regulating plan and provide pedestrian paseos.
- * An increase in block dimension shall not eliminate or significantly move a required street or required civic/open space. Required streets and required civic/open spaces may move a minimum of 100 feet to accommodate a larger block.
- e. First floor heights shall not apply to parking structures.
- f. All buildings in the turnpike commercial area shall meet the architectural and design standards in [section 14.7](#).
- g. Any frontage along all streets (except alleys) not defined by a building within the setback range shall be defined by a four foot high street screen, furthermore service areas shall be defined by a street screen that is at least as high as the equipment being screened. The street screen shall be of either the same building material as the principal structure on the lot or masonry, or a living screen composed of shrubs planted to be opaque at maturity. The required street screen shall be located within the setback range along the corresponding frontage.
- h. Corner buildings may exceed the maximum height by 25 percent for 20 percent of the building's frontage along each corresponding street façade.



- i. Ground and roof mounted mechanical equipment shall be screened from direct ground level view from adjoining public right-of-way. In addition to a parapet wall no lower than three feet, the perimeter of any visible roof mounted mechanical equipment shall be circumscribed by a wall or permanent screen that is at least as tall as the equipment itself.
 - j. Setback ranges on recessed entries and arcade buildings shall be measured from the building façade line.
 - k. Required parking may be provided anywhere within the PGBT area.
- B. [Turnpike mixed-use \(TMU\)](#).



1. [Building orientation](#).



Setback range	
Front (type A street and civic space)	5-15 feet
Front (type B street)	0-75 feet
Side (from property line)	0 feet
Rear (from property line)	5 feet

Building frontage	
Building frontage required along:	
Type A street/civic space	50% (minimum)
Type B street	0% (minimum)

2. Block standards.

Block face dimensions	400 feet (maximum)
Block perimeter	1,200 feet (maximum)

3. Building height.



Principal building standards	
First floor-to-floor height	12 feet (minimum)
Ground floor finish level 1	2 inches maximum above sidewalk
Upper floor(s) height (floor to ceiling)	10 feet (minimum)
Height	Maximum five stories; maximum three stories within 50 feet of the turnpike transition area or district perimeter or in area identified as turnpike mixed-use transition on the regulating plan and shall be screened from adjacent single family residential

4. Commercial frontage requirements. Ground floors of all buildings fronting type A streets shall be built to retail ready standards, including first floor-to-floor height, ingress/egress, handicap access, and first floor elevation flush with the sidewalk.

5. Parking and service access.

Parking location	
Surface/at grade parking.	
Type A street and civic space setback	Shall be located behind the principal building; or on the side if no more than one double-loaded bay and screened at the street with masonry or fence no taller than four feet
Type B setback	N/A
Side setback (from property line)	0 feet (minimum)
Rear setback (from property line)	0 feet (minimum)
Above and below grade parking	
Setback along type A street, type B	0 feet (minimum)
Side and rear setbacks	0 feet (minimum)

Upper floors	May be built up to the building line
<u>Driveways and service access.</u>	24 feet maximum (except when drives need to be wider to address service access or fire lane standards)
Required off-street parking spaces	
Non-residential	1 space/300 square feet (gross)
Residential	1.5 spaces/unit
Parking drive aisles	20 feet (minimum)

Driveways and off-street loading/unloading shall not be located on type A streets. Port-cocheres may be permitted on type A streets to provide drop-off and valet service. Shared driveways and cross-access easements are encouraged between lots to minimize curb cuts. If driveway and/or off-street service loading/unloading access is provided from a type A street, access shall be deemed temporary and cross-access along the rear of the property shall be required when adjoining properties are undeveloped.

6. Encroachments. Canopies, signs, awnings, and balconies may encroach over the sidewalk as long as the vertical clearance is a minimum of eight feet. In no case shall an encroachment be located over an on-street parking or travel lane.

7. Applicability. Development standards in this section shall apply to all development standards in this character area.

8. Notes.

a. On type A streets, the area between the building and the edge of the property line at the public sidewalk shall be paved flush with the sidewalk unless it contains a private forecourt.

b. Side and rear setbacks shall be based on the minimum fire separation required between buildings, if applicable.

c. On type A streets, corner building street façades shall be built to the setback range for a minimum of 15 feet from the corner along both streets or the width of the corner lot, whichever is less. Recessed entrances are permitted as long as the upper floors meet the development standards.

d. Blocks exceeding the maximum block face and perimeter dimensions may be permitted as follows:

* Combined blocks shall be adjacent to one another based on the regulating plan.

* An increase in block dimensions shall not eliminate or significantly move a required street or required civic/open space. Required streets and required civic/open spaces may move a maximum of 100 feet.

* The block shall maintain a continuous type A street frontage with adjoining blocks.

Ground floor internal pedestrian connectivity shall be provided through the block. Connectivity may be provided inside the building, through a parking garage, or outside by way of pedestrian passage.

e. First floor heights shall not apply to parking structures.

f. All buildings in the turnpike mixed-use area shall meet the architectural and design standards in [section 14.7](#).

g. Any frontage along all streets (except alleys) not defined by a building shall be defined by a four foot high street screen, furthermore, service areas shall be defined by a street screen that is at least as high as the service equipment being screened. The street screen shall be either masonry or a living screen composed of shrubs to be opaque at maturity. The required street screen shall be located within the setback range along the corresponding frontage.

h. Corner buildings may exceed the maximum building height by 25 percent for 20 percent of the

building's frontage along each corresponding street façade.



- i. Ground and roof mounted mechanical equipment shall be screened from direct ground level view from adjoining public rights-of-way. In addition to a parapet wall no lower than three feet, the perimeter of any visible roof mounted mechanical equipment shall be circumscribed by a wall or permanent screen that is at least as tall as the equipment itself.
- j. Setback ranges on recessed entries and arcade buildings shall be measured from the building façade line.
- k. Required parking may be provided anywhere within the PGBT area or through shared parking agreements.

C. Turnpike transition (TT).



1. Applicability.



Setback range.	
Front (type A street and civic space)	5-15 feet
Front (type B street)	0-50 feet
Side (from property line)	5 feet
Rear (from property line)	0 feet

Building frontage.	
Building frontage required along:	
Type A street/civic space	50% (minimum)
Type B street	0% (minimum)

2. Block standards.

Block face dimensions	400 feet
Block perimeter	1,200 feet

3. Building height.



Principal standards.	
Building maximum	40 feet except non-habitable architectural features

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First floor-to-floor height	12 feet (minimum)
Ground floor finish level	12 inches above the sidewalk
Upper floor(s) height wall-to-ceiling	10 feet (minimum)

4. Parking and service access.

Parking location.	
<u>Surface/at grade parking.</u>	
Type A street and civic space setback	Shall be located behind the principal building; or on the side if no more than one double-loaded bay and screened at the street with masonry or fence no taller than four feet.
Type B setback	Minimum of 3 feet behind the setback
Side setback (from property line)	0 feet (minimum)
Rear setback (from property line)	0 feet (minimum)
Above and below grade parking	
Setback along type A street, type B street and civic space	0 feet (minimum)
Side and rear setbacks	0 feet (minimum)
Upper floors	May be built up to the building line
Required off-street parking space	
Non-residential uses	1 space/300 SF (gross)
Residential uses	1.5 space/unit
<u>Driveways and service access.</u>	24 feet maximum (except when drives need to be wider to address service access or fire lane standards)
Parking driveway aisles	20 feet (minimum)

Driveways and off-street loading/unloading shall not be located on type A streets. Port-cocheres may be permitted on type A streets to provide drop-off and valet service. Shared driveways and cross-access easements are encouraged between lots to minimize curb cuts. If driveway and/or off-street service loading/unloading access is provided from a type A street, access shall be deemed temporary and cross-access along the rear of the property shall be required when adjoining properties are undeveloped.

5. Encroachments. Canopies, signs, awnings, and balconies may encroach over the sidewalk as long as the vertical clearance is a minimum of eight feet. In no case shall an encroachment be located over

an on-street parking or travel lane.

6. Applicability. Development standards in this section shall apply to all development standards in this character area.

7. Notes.

a. On type A streets, the area between the building and the edge of the property line at the public sidewalk shall be paved flush with the sidewalk unless it contains a private forecourt.

b. Side and rear setbacks shall be based on the minimum fire separation required between buildings, if applicable.

c. On type A streets, corner building street façades shall be built to the setback range for a minimum of 15 feet from the corner along both streets or the width of the corner lot, whichever is less. Recessed entrances are permitted as long as the upper floors meet the development standards.

d. Blocks exceeding the maximum block face and perimeter dimensions may be permitted as follows:

* Combined blocks shall be adjacent to one another based on the regulating plan.

* An increase in block dimensions shall not eliminate or significantly move a required street or required civic/open space. Required streets and required civic/open spaces may move a maximum of 100 feet.

* The block shall maintain a continuous type A street frontage with adjoining blocks.

Ground floor internal pedestrian connectivity shall be provided through the block. Connectivity may be provided inside the building, through a parking garage, or outside by way of pedestrian passage.

e. First floor heights shall not apply to parking structures.

f. All buildings in the turnpike transition area shall meet the architectural and design standards in [section 14.7](#).

g. Any frontage along all streets (except alleys) not defined by a building shall be defined by a four foot high street screen, furthermore service areas shall be defined by a street screen that is at least as high as the service equipment being screened. The street screen shall be either masonry or a living screen composed of shrubs to be opaque at maturity. The required street screen shall be located within the setback range along the corresponding frontage.

h. Corner buildings may exceed the maximum building height by 25 percent for 20 percent of the building's frontage along each corresponding street façade.



i. Ground and roof mounted mechanical equipment shall be screened from direct ground level view from adjoining public rights-of-way. In addition to a parapet wall no lower than three feet, the perimeter of any visible roof mounted mechanical equipment shall be circumscribed by a wall or permanent screen that is at least as tall as the equipment itself.

j. Setback ranges on recessed entries and arcade buildings shall be measured from the building façade line.

k. Required parking may be provided anywhere within the PGBT area or through shared parking agreements.

l. Minimum floor-to-ceiling height (to the first obstruction at the ceiling level) for upper floors shall apply only to a majority of upper floors (over 50 percent).

14.7 Architectural standards and design guidelines.

A. The architectural standards and design guidelines for the PGBT area shall establish a coherent urban character and encourage enduring, attractive and sustainable development. Development plans shall be reviewed by the city manager or designee for compliance with the standards below.

B. The key design principles establish essential goals for development in the PGBT area to ensure the preservation, sustainability and visual quality of this unique environment. Buildings shall be located and designed so that they provide visual interest and create enjoyable, human-scaled spaces. The key design principles are:

1. New buildings shall utilize building elements and details to achieve a pedestrian-oriented public realm with transitions into human-scale private places, with connectivity to adjacent neighborhoods;
2. Compatibility is not meant to be achieved through uniformity, but through the use of variations in building elements to achieve individual building identity;
3. Building façades shall include appropriate architectural details and ornament to create variety and interest; and
4. Open space(s) shall be incorporated to provide public areas integral to the urban environment.

C. General to all character areas.

1. Building orientation.

- a. Buildings shall be oriented towards type A streets where the lot has frontage along type A streets. When no other type A street frontage is available, all other buildings shall be oriented towards type B streets or civic/open spaces.
- b. The primary entrance to buildings shall be located on the street along which the building is oriented. At intersections, corner buildings may have their primary entrances oriented at an angle to the intersection.
- c. All primary entrances shall be oriented to the public sidewalk or within a forecourt adjacent to a public sidewalk for ease of pedestrian access. Secondary and service entrances may be located from internal parking areas or alleys.

Figure 14.7.1: Building Orientation and Primary Entrance Example



D. Design of parking structures.

1. All frontages of parking structures located on type A streets shall not have parking uses on the ground floor to a minimum depth of 30 feet along the type A street unless screened with a similar architectural façade that matches the primary façade design and materials of the building.
2. The amount of type A street frontage devoted to a parking structure shall be minimized by placing the shortest dimension(s) along the type A street edge(s) if feasible.
3. Parking structure façades on all type A streets shall be designed with both vertical and horizontal articulation.
4. Where above ground structured parking is located at the perimeter of a building with frontage along a type A street, it shall be screened in such a way that cars on all parking levels are screened from view of the type A streets. Architectural screens shall be used to articulate the façade, hide vehicles and shield lighting.
5. Parking structures and adjacent sidewalks shall be designed so pedestrians are clearly visible to entering and exiting automobiles.

Figure 14.7.2 Parking Garage Design Examples



E. Driveways, alleys and service access.

1. Unless otherwise specified in the character area standards, driveways and off-street loading and unloading may be located with access along type A streets only if the property has no access to either an alley, type B street or joint use easement to an adjoining property with direct driveway access to any other street; except porte-cocheres entrances shall be allowed for hospitality and entertainment uses with design along the frontage to ensure pedestrian safety and walkability.
2. Along type A streets, driveway spacing shall be limited to two driveways per each block face or per 200 feet of block face for blocks greater than 400 feet in length, unless approved by the city manager or his or her designee when pedestrian design is used to mitigate the additional driveway crossings.
3. Shared driveways, joint use easements or joint access easements shall be required for adjoining properties when driveway and service access is off a type A street.

- 4. Service and loading/unloading areas shall be screened per standards in [article 4, section 11.6](#).
 - 5. Unless required to meet minimum fire access or service access standards all commercial and mixed-use driveways/alleys shall be a minimum of 20 feet in width. Service driveways/alleys shall be a maximum of 32 feet in width garage to garage. Driveways wider than 24 feet in width shall only be located off type B streets, unless required to meet minimum fire access or service standards. Driveways/alleys along TxDOT roadways shall meet state standards or the city's adopted ordinances.
- F. Design of automobile related building site elements.
- 1. Drive-through lanes for commercial uses shall not be located on any type A street. Drive-through lanes shall be hidden behind a street screen along any type B street frontage.
 - 2. All off-street loading, unloading and trash pick-up areas shall be located along alleys or type B streets only unless permitted in the specific building form and development standards in [section 14.6](#). Any off-street loading, unloading or trash pick-up areas shall be screened using a street screen that is at least as tall as the trash containers and/or service equipment it is screening. The street screen shall be made up of (i) masonry or (ii) a living screen or (iii) a combination of the two.
- G. Mechanical and service screening.
- 1. All buildings shall be designed such that no mechanical equipment (HVAC, etc.) except vents or stacks is visible from the public right-of-way or open space, whether the equipment is located on the ground, exterior walls or roof.
 - 2. The screening material used shall be the same as the primary exterior building material used and raised at least one foot above the top of the mechanical equipment per city standards.

Figure 14.7.3: Mechanical Equipment Screening



- H. Façade composition.
- 1. Buildings shall maintain a façade rhythm of 20 feet to 30 feet along all type A streets.
 - 2. This rhythm may be expressed by changing materials, or color, or by using design elements such as fenestration, columns and pilasters, integrated colors, or by varying the setback of portions of the façade.
 - 3. Storefronts on façades that span multiple tenants shall use architecturally compatible colors, details, awnings, signage and lighting fixtures.
 - 4. Building entrances may be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticos, overhangs, railings, balustrades and others, as appropriate. All building elements shall be compatible with the architectural style, colors and details of the building as a whole. Entrances to upper level uses may be defined and integrated into the design.
 - 5. Corner emphasizing architectural features, pigmented gabled parapets, cornices, awnings, blade signs, arcades, colonnades and balconies may be used along commercial storefronts to add pedestrian interest.
- I. Windows and doors.
- 1. Windows and doors on street (except alleys) fronting façades shall be designed to be proportional and appropriate to the specific architectural style of the building.

Figure 14.7.4: Storefront Window Transparency



- J. Building orientation. Buildings located along Merritt Road and Hudson Road must face the street edge; a transition between the residential in the southeast quadrant and the uses in the turnpike commercial and turnpike mixed-use.
- 14.8 Street and streetscape design standards.
- A. Generally. Streets in the PGBT area shall support the overall goal of a mixed-use, compact, pedestrian-oriented district. Streets should balance all forms of mobility while maximizing convenience for residents and visitors.

The regulating plan designates mandatory streets and the street network to be made up of additional local streets to be proposed by the applicant(s) within the PGBT area. This section specifies the typical configuration of streets. The specifications address vehicular lane width, ROW widths, number of travel lanes, on-street parking and pedestrian accommodation. The character of streets within the PGBT area will vary based on the location.

B. New streets. New streets shall be based on the type A or type B street type designation on the regulating plan. Development plans shall propose a complete street network to achieve connectivity as envisioned in the comprehensive plan.

- 1. New streets must terminate at other streets or pedestrian-ways/trails; and connectivity of type A streets shall extend for at least two blocks down a street or turning a corner.
- 2. Each phase of development of at least 20 acres or more shall have at least two blocks of type A frontage. Type A frontages shall be connected to other type A frontages where feasible.
- 3. Cul-de-sacs shall be utilized only for unique environmental conditions.
- 4. The street network shall complement the trail network and vice versa.
- 5. Street types shall be utilized to create a hierarchy of multimodal travel patterns within the PGBT area.

C. Street classification established. Table 14.8.1 and associated cross sections shall establish the cross sections for each street type. The cross sections may be adjusted to fit existing contexts with the approval of the city manager or designee. In addition, the proposed cross sections may be adjusted to meet the needs of the uniform fire code as adopted by the city.

D. Street cross sections.

TABLE 14.8.1 STREET CLASSIFICATIONS

Street Type	ROW (Recommended Min.)		Number of Lanes	Number of Bike Lanes	Vehicle Lane Widths	Bike Lane Width	On-Street Parking	Parkway/T ree Well
	Paved Area	Ped. Realm						
A	72 FT (Angled or Parallel)	12 FT	4	2	11 FT	5 FT	Yes	5 x 5 FT (Min.)
B	42 FT	12 FT	2	N/A	12 FT	N/A	Yes, Parallel	5 x 5 FT (Min.)
General	40 FT	12 FT	2	N/A	11 FT	N/A	Yes, Parallel	5 x 5 FT (Min.)
Alley	32 FT (Garage to Garage)	None	N/A	None	N/A	N/A	None	None

TYPE A STREET - PARALLEL PARKING



TYPE A STREET - ANGLED PARKING



TYPE B STREET



GENERAL STREET



COMMERCIAL ALLEY



RESIDENTIAL ALLEY



E. Streetscape and landscape standards. Streetscape standards shall apply to all streets within the PGBT area. Streetscape standards shall address all elements between the building face and the edge of the curb. Typical streetscape elements addressed are street trees, lighting, street furniture and pedestrian amenities and materials. All dedicated public ROW and landscaping within the ROW shall be maintained by the city.

1. All streetscape elements and site amenities, such as bike racks, trash receptacles, lamp posts, benches, bollards, patio furniture, and tree grates, shall be decorative metal, rust and flake/chip resistant, and generally be black ("storm cloud") in color. Bollards can be concrete or cast metal and shall be decorative design with no bold colors or sleeves.

F. Street trees and landscaping (within the pedestrian easement).

1. Street trees shall be required on all PGBT area streets (except on alleys and the PGBT access/frontage road).

2. Street trees shall be planted per best practices and based on urban tree species (see [Table 14.8.2](#)), and consistent with a pedestrian zone along the street.

3. Spacing shall be an average of 30 feet on center (measured per block face) along all streets except alleys.

4. The minimum caliper size for each tree shall be three inches and shall be a minimum of 12 feet in height at planting. Each tree shall be planted in a planting area no less than 36 square feet. However, the tree well area may be no smaller than 25 feet.

5. All living landscape shall be maintained in a healthy and growing manner, replaced when diseased or dead, and receive irrigation.

TABLE 14.8.2 URBAN TREE SPECIES LIST



G. Street furniture, lighting and materials.

1. Pedestrian-scale lighting shall be required along all PGBT area streets (except on alleys and PGBT/SH 190 access roads. They shall be no taller than 20 feet.

2. Street lights shall be placed on average 40 feet on center, approximately three feet behind the curb line unless another placement facilitates a pedestrian zone along the street.

3. The light standard selected shall be compatible with the design of the street and the design of the buildings.

4. Trash receptacles and bike racks shall be required along all type A streets. A minimum of one per each block face shall be required.

5. Street furniture and pedestrian amenities such as benches are recommended along all type A streets.

6. All street furniture shall be located in such a manner as to allow a clear sidewalk passageway of a minimum of six feet.

7. Materials selected for paving and street furniture shall be of durable quality and require minimal maintenance; pavers are discouraged in neighborhood retail/entertainment centers as a primary surface in order to facilitate walkability.

H. Commercial frontages.

1. Where a commercial frontage is at the ground floor level adjacent to a street, paved hardscape

within the setback range shall be flush with the sidewalk up to the front door at a minimum and match the material of the sidewalk adjacent.

2. Where there is residential frontage, landscaping is permitted within the setback.

Figure 14.8.1: Streetscape Zone



14.9 Signage. Except as specifically listed below, all other signage and sign standards must comply with the Code.

A. Signage in the PGBT area shall generally be limited to monument signs, multi-tenant monument signs, wall signs, and other incidental signage.

B. One monument sign per lot may be installed with a maximum area of 60 square feet, a maximum height of eight feet, with a one foot masonry (brick/stone) border around all sides of the sign that matches the primary building, and shall also provide the street address with a minimum six inches in height that is decorative metal and of contrasting color with the monument. Corner lots with double frontage may install a second monument sign along the additional ROW.

C. A multi-tenant monument sign per street frontage may be located within a unified development consisting of multiple businesses on the same lot. Signs shall incorporate a one foot masonry (brick/stone) border that matches the primary building, provide business identification signs on panels, and shall have a maximum area based upon the size of the development (80 square feet for buildings with three or fewer tenant lease spaces; 100 square feet for projects with more than three businesses and on less than five acres; and ten additional square feet for every acre over five acres with a maximum allowed area of 200 square feet; and a height that does not exceed ten percent of the sign's maximum allowed area).

D. Pylon signs, pole signs, billboards, off-site signage, bandit stake signs, and other signs are prohibited in the PGBT area.

14.10 Civic/open space requirement and palette.

A. Generally. The design of civic/open space shall be regulated by the civic/open space palette herein, which shall create a network of open spaces that recognizes the natural qualities of the area while providing a range of both passive and active recreational opportunities. These opportunities may be accommodated in a variety of spaces ranging from large regional parks to neighborhood-scaled greens to urban squares and plazas. The open space network will be serviced by an interconnected network of trails and paths for pedestrians and bicyclists alike.

B. Required open spaces.

1. Non-residential uses. All developments of non-residential uses shall include at least five percent of civic/open space as defined in this section of the net site area (excluding floodplain and public right-of-way). This requirement shall not apply when the civic/open space requirement is applied in conjunction with urban living residential development.

2. Urban living residential uses. See [section 14.5](#) for use criteria.

3. Single family detached-medium density and single family residential attached-dwelling units. If the commercial requirement is utilized the five percent civic/open space requirement shall apply.

C. Detention pond standards.

1. Stormwater detention for the PGBT district shall be designed and constructed in order to accomplish the following:

- a. Stormwater facilities shall be designed and constructed to function as an amenity for the district.
- b. Individual small dry detention ponds for each phase of development are discouraged.
- c. When possible, it is encouraged for adjacent properties to work together to create community stormwater improvements.

2. The city engineer may modify this requirement in part, or in whole, as necessary to facilitate quality development within the district.

3. Detention areas should emphasize their aesthetic and amenity value by incorporating a variety of

plant materials intended to soften their visual impact, and improve their stormwater management functions.

4. Park standards.



The park will create an important public space that connects the community within the PGBT area and allows for passive recreation. Parks shall primarily be naturally landscaped with many places to sit on benches or low walls. Passive recreation activities in parks may include grassy lawns for unstructured and informal active recreational activities. Appropriate civic elements, fountains or open shelters may be included.

Typical Characteristics

General Character

- * Large, open space
- * Spatially defined by landscaping and building frontages
- * Paths, trails, open shelters, lawns, trees, and shrubs
- * May be lineal, following the trajectories of natural corridors

Typical Uses

- * Unstructured and passive
- * Recreation casual seating
- * Picnicking

5. Green standards.



The green will serve as an important public space for the PGBT area. The green will be available for civic purposes, commercial activity, unstructured recreation and other passive uses. Greens shall primarily be naturally landscaped with many shaded places to sit. Appropriate paths, civic elements, fountains, or open shelters may be included and shall be formally placed within the green.

Typical Characteristics

General Character

- * Open space
- * Spatially defined by landscaping and building frontages
- * Lawns, trees and shrubs naturally disposed, open shelters and paths formally disposed

Size

- * Shall have a range of sizes

Typical Uses

- * Unstructured and passive recreation
- * Casual seating
- * Commercial and civic uses
- * Residential address

6. Plaza standards.



Plazas add to the vibrancy of streets within the more urban areas and create formal open spaces available for civic purposes and commercial activity. Building frontages shall define these spaces. The landscape should consist of primarily hardscape. If trees are included, they should be formally arranged and of appropriate scale. Casual seating, along with tables and chairs, should be provided. Plazas

typically should be located at the intersection of important streets.

Typical Characteristics

General Character

- * Formal open space
- * Primary hardscape surfaces
- * Trees and shrubs optional
- * Spatiality defined by building frontages

Location and Size

- * Range of sizes
- * Shall front at least one street

Typical Uses

- * Commercial and civic uses
- * Casual seating
- * Tables and chairs for outdoor dining
- * Retail and food kiosks

7. Pedestrian passage standards.



Pedestrian passages create intimate passageways through buildings at designated locations. These paths provide direct pedestrian access to residential addresses and create unique spaces for frontages to engage and enter off of. Pedestrian passages allow for social and commercial activity to spill into the public realm. Pedestrian passages should consist of a hardscape pathway activated by frequent entries and exterior stairways. The edges may simply be landscaped with minimal plantings and potted plants.

Typical Characteristics

General Character

- * Hardscape pathway
- * Frequent entries and frontages
- * Exterior stairways
- * Defined by building frontages
- * Minimal planting and potted plants
- * Maintain character of surrounding buildings

Location and Size

- * Min. width: 12 feet

Typical Uses

- * Pedestrian connection and access
- * Casual seating

8. Multi-use trail.



The multi-use trail provides an important place for active recreation and creates a connection to regional paths and biking trails. The multi-use trail will help activate connections between the open spaces and the uses throughout the PGBT area. The multi-use trail may have a different character as it passes through the park. Within the required park, the trail shall be naturally disposed with low impact paving materials so there is minimal impact to the existing flood plain and landscape.

Typical Characteristics

General Character

- * Park multi-use trail
- * Naturally disposed landscape
- * Low impact parking
- * Trees lining trail
- * Appropriately lit for safety

Location and Size

- * Min. width: 12 feet

Typical Uses

- * Active and passive recreation
- * Casual seating

APPENDIX 1: REGULATING PLAN



APPENDIX 2: DEFINITIONS

In addition to definitions in [chapter 11, exhibit a, article 3, section 14](#) of the Code, the following terms shall have the corresponding interpretations:

Arcade means a portion of the main façade of a building that is at or near the setback range and a colonnade supports the upper floors of the building. Arcades are intended for buildings with ground floor commercial or retail uses and the arcade may be one or two stories.

Auto-related uses means establishments that provide retail sales and services related to automobiles, including, but not limited to tires, batteries, gasoline, etc. Includes car wash, auto repair, gas stations and passenger vehicle leasing, but excludes vehicle sales unless located within the interior of a building, truck and trailer leasing.

Block means the aggregate of lots, pedestrian passages and rear alleys, circumscribed on all sides by streets.

Block face means the linear dimension of a block along one of its street frontages.

Block face dimensions means the linear dimension of a block along one of its street frontages.

Block perimeter means the aggregate dimension of a block along all of its street frontages.

Building façade line means the vertical plane along a lot where the building's front façade is actually located.

Building frontage means the percentage of a building's front façade that is required to be located at the front setback range as a proportion of that lot's frontage along the public street. Parks, plazas, squares and pedestrian passages shall be considered as buildings for the calculation of building frontage.

Figure 8: Building Frontage Diagram



Character area means an area within the PGBT area that creates a distinct urban form different from other areas within the PGBT area. Character areas are identified in the regulating plan.

Civic/open space means the publicly accessible open space in the form of parks, courtyards, forecourts, plazas, greens, pocket parks, playgrounds, etc. They may be privately or publicly owned. For all residential uses, privately accessible open spaces, such as courtyards, porches and balconies may also be considered as civic/open space for the purposes of this Code. Building façades facing a civic/open space shall be treated as a type A street frontage.

Complete street means a street that not only accommodates various modes of transportation such as automobiles, transit, bikes and pedestrians, but also establishes a design context that is conducive for redevelopment along the street.

Encroachment means any structural or non-structural element such as a sign, awning, canopy, terrace, or balcony that breaks the plane of a vertical or horizontal regulatory limit, extending into a setback or public ROW, or above a height limit.

Garden style multifamily residential means multifamily structures that have fewer units in two or more stories. Often called suburban-style apartments or residential units.

Heavy industrial means uses and buildings that are intended to provide for the development and operation of

distribution and manufacturing uses.

Home occupation means a non-residential use conducted within a residential dwelling or permitted accessory building by a permanent resident of the building.

Kiosk means a small, temporary or permanent structure often open on one or more sides used for sales in civic/open spaces.

Light industrial means uses that conduct manufacturing, assembling and fabrication and do not depend primarily on frequent visits of customers or clients, but usually require accessibility to major rail or street transportation facilities. Also referred to as flex industrial.

Live/work unit means a dwelling unit that is also used for work purposes, provided that the work component is restricted to the uses of professional office, artist's workshop, studio or other similar uses and is located on the street level and constructed as separate units under a condominium regime or as a single unit. The "live" component may be located on the street level (behind the work component) or any other level of the building. Live/work unit is distinguished from a home occupation otherwise defined by this Code in that the work use is not required to be incidental to the dwelling unit, non-resident employees may be present on the premises and customers may be served on site.

Living screen means a street screen composed of landscaping in the form of vegetation.

Figure 9: Living Street Screen Examples



Minor modification means any changes to the PG&T area code that meet the threshold criteria established in [section 14.3](#) and [Table 14.3.1](#).

Multi-unit residential means a residential building that has 12 residential units or less, including duplexes, triplexes, quadplexes, etc. Multi-unit residential buildings can appear as a large home from the exterior, but function as a multi-unit building on the interior. Buildings typically have one main front door, but may also have side and rear entries. Parking is accessed from an alley or a driveway to the rear of the lot. Parking does not face a public right-of-way.

Duplex is a small- to medium-sized structure that consists of two side-by-side or stacked dwelling units, both facing the street, and within a single building massing. This type has the appearance of a medium to large single family home and is appropriately scaled to fit within primarily single family neighborhoods or medium-density neighborhoods. It enables appropriately-scaled, well-designed residential infill and is important for providing a broad choice of housing types and promoting walkability.

Figure 10: Multi-Unit Residential Homes



Regulating plan means the zoning map attached herein that shows the character areas, civic/open spaces, streets and other requirements applicable to the PG&T area subject to the standards in this Code.

Residential loft means a residential unit that is built to retail ready standards and adapted for residential uses.

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

Setback range means the distance in which a building must be constructed from the street or property line along a type A or type B street. Publicly accessible and activated people spaces, such as outdoor cafes, patios and plazas differentiated from the sidewalk shall be allowed to be included in the building façade delineation for purposes of meeting a build-to or setback range requirement.

Figure 11: Activated People Spaces Serving as Building Frontages



Single family detached-medium density means single family homes located on smaller lots in traditional or mixed-use neighborhoods. Types can include patio homes, cottage courts, etc.

Patio homes means single family detached homes located on a small lot that has at least some private yard space, generally in the back and/or side yards, but also possibly a small front yard. These types of homes may also be called "villa" or "zero lot line" homes if the homes are located on one of the side property lines.

Figure 12: Single Family Detached Medium Density Homes



Street screen means a freestanding wall or living screen built along the BTZ or in line with the building façade line along the street. It may mask a parking lot or a loading/service area from view or provide privacy to a side yard and/or strengthen the spatial definition of the public realm.

Street type means a specific designation for streets in the PGBT area that establishes certain character and cross sections to improve walkability within the PGBT area.

Townhouse means a small- to medium-sized attached structure that consists of three to twelve houses placed side-by-side. This type of residential building is typically located in a location that transitions from a primarily single family neighborhood into a commercial corridor. This building type enables appropriately-scaled, well-designed residential infill and is important for providing a broad choice of housing types and walkability.

Figure 13: Townhouses or Townhomes



Transition zones mean the areas with specific adjacencies within which certain limitations on building heights apply as established for each character area.

Tree well means an unpaved area around the trunk of a tree within the sidewalk area that is either landscaped with ground cover or covered with a tree grate.

Type A street means the streets identified as such on the regulating plan. Type A streets are the primary pedestrian streets and buildings along type A streets shall be held to the highest standard of pedestrian-oriented design.

Type B street means the streets identified as such on the regulating plan. Type B streets are intended to primarily accommodate access to parking, service and other auto-related functions.

Urban living residential means multiple separate housing units for residential inhabitants that are contained within one building or several buildings within one complex. Can include studio, one and two bedroom units, residential lofts and condos.

Figure 14: Multifamily Residential Units in Mixed-Use Environments



Urban tree means a tree specifically selected for its ability to withstand harsh urban conditions, its upright branching habit and its non-invasive root system.

(Ordinance 3178, sec. 1(Exh. A), adopted 11/16/09; Ordinance 3312, sec. 1, adopted 9/6/11; Ordinance 3837, sec. 1, adopted 11/6/17; Ordinance 3887, sec. 1, adopted 9/17/18; Ordinance 3891 adopted 10/15/18; Ordinance 3947, sec. 2, adopted 10/7/19)

Sec. 15. Old Town Zoning district.

15.1 Purpose and intent.

A. Generally. The purpose of the Old Town zoning district, hereafter known as the OT district, is to facilitate the redevelopment and preservation of the Old Town area into a walkable, mixed-use and infill environment with restaurants, neighborhood amenities, employment, infill housing and open spaces. Development within this district shall implement the vision adopted in the comprehensive plan, adopted March 2017.

B. Establish specific development standards. The Old Town zoning district regulating plan (Appendix 1), hereafter known as the regulating plan, establishes the character areas. The respective character areas determine which specific development standards apply. Creation of different character areas within the Old Town district enables specific site and locational standards to be applied. Graphic standards are provided for location, height and building elements.

15.2 Components of the Code.

A. Applicability of other city ordinances. This section governs the Old Town zoning district except where others are referenced or where other ordinances of Sachse's Code apply and are not in conflict with the Old Town district.

B. Old Town district regulating plan. The Old Town district regulating plan (Appendix 1) establishes the

character areas, recommended civic/open spaces, and setback ranges for the district.

1. Character areas established. The Old Town district regulating plan establishes four character areas:
 - a. Downtown south (DTS). The center of cultural entertainment and family life in Sachse taking advantage of trail connectivity throughout the city and the region. The character of DTS shall be garden-esque, walkable and eclectic.
 - b. Downtown north (DTN). A mixed-use destination of small scale commercial and urban residential. Its character should embrace its historic context, focusing on transitions to the surrounding neighborhood.
 - c. Neighborhood (NBR). A mixed residential transition from downtown north and downtown south respectively adjacent to the existing neighborhoods.
 - d. SH 78 commercial (SHC). Takes advantage of the regional commuter traffic while complementing the adjacent character of downtown north and downtown south respectively.
2. Setback ranges established. Building setback ranges are established on the regulating plan (Appendix 1) for street frontages where denoted.
- C. Development standards. The Code enumerates the development and design standards for the character areas.

15.3 Administration. This section sets forth the provisions for reviewing and approving development applications within the Old Town district. The intent is to ensure that all development is consistent with the provisions of this Code. All sections of this Code shall be applied during the review process.

A. Using this Code. The following steps should be followed to determine the uses and the development standards applicable on the property within the Old Town district:

1. Locate the subject property on the Old Town district regulating plan.
2. Identify (1) the character area in which the property is located and (2) the setback range required for the property.
3. Review the schedule of uses by character area as listed in [Table 15.4.1](#).
4. Refer to [section 15.5](#) for development standards.
5. Refer to section 15.6 for parking standards.
6. Refer to [section 15.7](#) for street and streetscape design standards.
7. Refer to section 15.8 for signage.
8. Refer to [section 15.9](#) for architectural standards and design guidelines.

B. Development process. If a site plan or site development permit is submitted that is in conformance with this Code and the regulating plan, the city manager or designee may approve the site plan or site development permit application administratively. If the site plan or site development permit application is denied, then the applicant shall have the right to appeal the city manager or designee's decision to the planning commission and then the city council.

C. Development plan approval standards. If a development plan conforms to the standards set forth in this Code, regulating plan and other applicable city regulations not in conflict with this Code, the development plan shall be approved. Upon request by the applicant, the authority charged with approving the development plan shall certify the reason(s) for an action taken.

D. City manager or designee. The city manager or designee shall be responsible for the following:

1. Reviewing development plan applications for compliance and giving approval for applications within the Old Town district.
2. Making determinations on the applications and interpretations of standards in this Code.
3. Approving revisions to previously approved development plans that comply with this Code and all applicable city ordinances.
4. Reconciling any potential ambiguities or conflicts between other city codes and this Code.
5. Approving any minor modifications to the approved regulating plan per [section 15.3\(E\)](#).
6. Determining if a proposed use is within the intent of permitted uses in the Code so that it may also be deemed permitted.

E. Minor modifications. The city manager or designee shall have the authority to approve a request for minor modifications to the Code that:

- 1. Does not materially change the circulation on the site;
- 2. Does not materially change the walkable relationship between the buildings and the street;
- 3. Does not allow a use otherwise authorized in this Code, unless substantially similar to a use already permitted; or
- 4. Does not allow greater height of any building except for non-habitable architectural features.
- 5. Alternative building placements and/or parking locations may be considered for administrative approval if the alternative proposal contextually is consistent with the intent of walkability and urbanity of the Code and the character area within which the development is proposed. If the administrative approval request is not granted, the applicant may seek a major modification.

The city manager or designee shall have the authority to approve minor modifications per [Table 15.3.1](#). Any appeals to the decisions of the city manager on minor modifications shall follow the process below:

- a. Initiation of an appeal. The applicant may appeal a decision of the city manager or designee. The written request to appeal shall be submitted to the city manager or designee within 14 calendar days following the denial decision.
- b. Appeal to planning and zoning commission. The commission shall consider the appeal at an open meeting no later than 30 calendar days after the date on which the notice of appeal is submitted to the director of development services. At this meeting, new information may be presented and considered, if available, that might alter the previous decision to deny the minor modification. The commission may affirm, modify or reverse the previous decision by simple majority vote.
- c. Appeal to city council. The applicant or the city manager may appeal the commission's decision by submitting a written notice of appeal to the city manager or designee within 14 calendar days following the commission's decision. The city council shall consider the appeal at an open meeting no later than 30 calendar days after the date on which the notice of appeal is submitted to the director of development services. The city council may affirm, modify or reverse the commission's decision by simple majority vote. The decision of the city council is final.

Any city council denials of minor modifications or any changes beyond those that meet the criteria in [section 15.3](#) and the thresholds established in [Table 15.3.1](#), shall be processed as an amendment to this Code.

TABLE 15.3.1 MINOR MODIFICATIONS ALLOWED

Standard	Minor Modification Allowed	Comments
Any Numerical Modification		• Shall be no more than a 10% (increase or decrease) modification.
Area/Boundary of Character Areas	No more than a 15% change (increase or decrease) in any character area (aggregate or per block)	• Shall not eliminate any character area. • 15% measurement shall be based on the total area of that character area within the entire Old Town district.
Building Frontage	No more than a 30% reduction in the required building frontage along each block	• Should also allow for conditions such as utility easements; large, existing trees; or other physical/topographical constraints.
Street Screen	Waiver of street screen	• In no case shall any portion of the surface parking have

	requirement	frontage along a street without a required street screen.
Landscaping	Alternative landscaping in terms of quantity, species type, and/or location may be submitted for consideration	• Detailed landscape concept plan shall be submitted for review in order to be accepted as an alternative.
Architecture	Alternative architectural concepts that meet the spirit and intent of the Code may be considered, such as modified storefronts or uniquely themed users	• Detailed architectural plan and/or elevations shall be submitted for review in order to be accepted as an alternative.
Infrastructure and ROW	Alternate design standards	• Shall be based on principles of context sensitive design and further the overall spirit and intent of Old Town district.

F. Major modifications. A request for a modification of any of the standards of this Code other than minor modifications permitted under [section 15.3\(E\)](#), such as a change in use or major spatial modification, shall be reviewed and processed as a major modification.

1. Major modifications are intended to allow applicants development flexibility to address specific market opportunities. An application for a major modification shall be in the same manner as a minor modification and shall be considered by the city council after the planning commission has made a recommendation. The city manager or designee reviews, makes recommendations on any major modifications and shall forward all applications to the planning commission for recommendations to city council. In evaluating a major modification, city council shall consider the extent to which the application meets any of the following:

- Provides an alternative master plan approach by consolidating multiple properties to create a predictable, market responsive development;
- Fits the adjoining context by providing appropriate transitions; or
- Maintains the overall intent of the comprehensive plan and the Old Town zoning district.

G. Parking. All off-street parking requirements may be modified through alternative parking plans, shared parking agreements or other similar mechanisms to advance the goals of walkability and connectivity if approved by the city manager or designee.

H. Non-conforming uses. All non-conforming uses shall be governed by the Code and applicable state law.

I. Non-complying structures and sites. A non-complying structure or site may be altered or enlarged, provided that such alteration or enlargement shall neither create any new non-conformity, nor shall increase the degree of the existing non-conformity of all or any part of such structure or site, with the exception of single family structures, which may be modified creating new non-compliance as long as the original structure of the building is maintained and the new non-compliance is associated only with a single family use.

Regardless of transfer of ownership, non-complying structures that are utilized for single family residential or houses of worship may continue in that use in perpetuity if utilized solely for that purpose even if destroyed by act of God and reconstructed.

15.4 Schedule of uses. All uses listed as P/C in [Table 15.4.2](#) shall also meet the following standards.

A. Due to the emphasis on urban form over land uses, general use categories have been identified by character area. Uses not listed on the following schedule, but are substantially similar, may be permitted upon approval by the city manager or designee.

TABLE 15.4.1 SCHEDULE OF USES

Character Area	Downtown South (DTS)	Downtown North (DTN)	SH 78 Commercial (SHC)	Neighborhood (NBR)
Land Use				
Commercial Uses (Office, Retail, Sales and Service Uses)				
Retail sales or service	P	P	P	NP
Professional office	P	P	P	P/C
Light industrial, including manufacturing, data centers, research laboratory headquarters, laboratories and associated facilities	NP	NP	P	NP
Heavy industrial	NP	NP	NP	NP
Food service uses (full-service restaurants, cafeterias, bakeries, snack bars, QSRs, café seating within a public or private sidewalk area with no obstruction of the pedestrian realm)	P	P	P	NP
Brewery	P	P	P	NP
Any use with a drive through	NP	NP	P/C	NP
Auto-related uses	NP	NP	P/C	NP
Storage facilities	NP	NP	P/C	NP
Arts, Entertainment and Recreation Uses				
Art galleries, antique, furniture or electronics studio (retail, repair or fabrication; excludes auto electronics sales or service)	P	P	P	NP
Theater, cinema, dance, music or other entertainment establishment	P	P	P	NP
Museums and other special purpose recreational institutions	P	P	P	NP
Fitness, recreational sports, gym or athletic club	P	P	P	NP
Outdoor entertainment venue	P	P	NP	NP
Parks, greens, plazas, squares and playgrounds	P	P	NP	P
Educational, Public Administration, Health Care and Other Institutional Uses				

Child daycare and preschools	P	P	P	NP
Schools, libraries and community halls	P	P	P	NP
Hospital/medical office buildings	P	P	P	NP
Civic uses	P	P	P	NP
Residential Uses				
Single family detached-low density	NP	NP	NP	P
Single family detached-medium density	NP	NP	NP	P
Garden style multifamily residential	NP	NP	NP	NP
Urban living residential	P/C	P/C	P/C	NP
Townhome	P/C	P/C	NP	P/C
Home occupations	P	P	NP	P
Live/work unit	P	P	NP	P
Multi-unit (up to 8 units per structure)	P/C	P/C	NP	P/C
Accessory dwelling unit	P	P	NP	P
Assisted living facilities	NP	NP	NP	NP
Other Uses				
Municipal facilities	P	P	P	P
Hotels	P	P	P	NP
Parking, surface (primary use of property)	P/C	P/C	P/C	NP
Parking, surface (accessory use of property)	P	P	P	NP
Parking, structured	P	P	P	NP
Private attached garage	P	P	NP	P
Private detached garage	P	P	NP	P
Sales from kiosks	P	P	NP	NP
Veterinary clinic	P	P	P	NP

P = Permitted

NP = Not permitted

P/C = Permitted with design criteria per [Table 15.4.2](#)

B. Use criteria. All uses listed as P/C in [Table 15.4.1](#) shall also meet the following standards.

TABLE 15.4.2 USE CRITERIA

Use	Zone	Location + Design Criteria
Professional Office	Neighborhood	• Existing homes shall be permitted to be converted to professional office. • Shall follow signage requirements as established in section 15.8. • Parking: • Shall be accommodated as on-street parking and shall be angled or parallel to the curb, or • Shall be accommodated to the side or rear of the structure, accessible through a driveway. • Ground-oriented signage that is decorative and ornamental, no more than four feet high and non-electronic is permitted.
Any Permitted with a Drive Through	SH 78 Commercial	• Drive through areas shall be screened by a four foot high street screen.
Auto-Related Uses	SH 78 Commercial	• Gas pumps and canopies shall not be located at the corners of the facility's lot.
Storage Facilities	SH 78 Commercial	• Storage uses shall be a maximum of three stories. • Shall be 100% indoor access and climate controlled. • Shall be located behind another building(s) and/or shall not have building frontage along SH 78.
Urban Living Residential	Downtown South Downtown North SH 78 Commercial	• Ground floor retail, commercial or other non-residential required for each urban living residential project. • Urban living residential shall be either 100% studio/convertible, one and two bedroom units, residential lofts or flats, or condos. • Two bedroom units shall have similar sized bedrooms, bathrooms and closets. • Any shared wall, floor or ceiling shall be insulated. • Surface parking shall be designed to facilitate a pedestrian-oriented site. • Shall be no more than two stories within 50 feet of the property line adjacent to existing single family residential.
Townhome	Downtown South Downtown North Neighborhood	• Units shall be at least 12 units an acre. • Lots shall be a minimum of 22 feet wide and alley-loaded. • The following additional conditions shall apply to townhomes within properties either owned or formerly owned by the Sachse EDC. The townhome use shall be consistent with, but not limited to: • Overall positive tax base • Reinforcing neighborhood commercial uses • Creating live-work-play context • Limited infill context that is not the predominant use of a block

Multi-Unit	Downtown South Downtown North	• Shall have ground floor retail or commercial for each project. • Shall be no more than two stories within 50 feet of the property line adjacent to existing single family residential.
Parking, Surface (Primary Use of Property)	Downtown South Downtown North SH 78 Commercial	• Required to be temporary use of property as part of phasing strategy or appropriately screened and landscaped by incorporating one tree per every 15 spaces planted within parking islands. • To be reviewed by city manager or designee.

15.5 Development standards. The following table shall establish the development standards for the four different zones in the Old Town zoning district.

TABLE 15.5.1 DEVELOPMENT STANDARDS

Standard	Downtown South (DTS)	Downtown North (DTN)	SH 78 Commercial (SHC)	Neighborhood (NBR)
Setback Range	Setback ranges shall be established in the Old Town district regulating plan			
	Corner lots shall be built to the setback range for a minimum of 15 feet from the corner along both streets or the width of the corner lot, whichever is less	Corner lots shall be built to the setback range for a minimum of 15 feet from the corner along both streets or the width of the corner lot, whichever is less	N/A	N/A
Heights				
Building Height	Shall be no more than three stories for the entire Old Town zoning district			
First Floor	12 feet (min.)	12 feet (min.)	12 feet (min.)	12 feet (min.)
Buildable Area	A maximum of 90% of the lot area may be covered by any building footprint	A maximum of 90% of the lot area may be covered by any building footprint	A maximum of 80% of the lot area may be covered by any building footprint	A maximum of 75% of the lot area may be covered by any building footprint
Building Frontage	Min. of 70% of the building façade along 5th Street and Sachse Road shall be built within the setback range	Min. of 70% of the building façade along 3rd Street shall be built within the setback range	N/A	Min. of 50% of the building façade shall be built within the setback range
	Min. of 50% of the building façades along all other streets shall be built to the setback range	Min. of 50% of the building façades along all other streets shall be built to the setback range		
Encroachments	Canopies, signs, awnings and balconies may encroach over the sidewalk as			

	long as the vertical clearance is a minimum of eight feet. In no case shall an encroachment be located over an on-street parking or travel lane.			
Streetscape Standards				
Sidewalks	6 feet (min.)	6 feet (min.)	6 feet (min.) Not required along SH 78	6 feet (min.)
Street Trees	30 feet on center along all public street frontages (except alleys)	30 feet on center along all public street frontages (except alleys)	30 feet on center along all public street frontages (except alleys)	30 feet on center along all public street frontages (except alleys)
	Minimum caliper three inches and 12 feet high (min.) at planting	Minimum caliper three inches and 12 feet high (min.) at planting	Minimum caliper three inches and 12 feet high (min.) at planting	Minimum caliper three inches and 12 feet high (min.) at planting
Lot and Block Standards				
Lot Width	N/A	N/A	N/A	N/A
Lot Coverage	90%	90%	80%	75%

15.6 Parking.

A. Applicable to all character areas. Off-street parking requirements for any and all uses permitted in the district may be waived or altered subject to a shared parking agreement or a coordinated parking plan approved by the city manager and his/her designee, subject to appeal to the city council.

1. Parking location. Parking shall only be located behind the principal building; or on the side if no more than one double-loaded bay and screened at the street with masonry or fence no taller than four feet.
2. Off-street parking. For any parking lot permitted along the side of buildings on lots adjacent to 5th Street or Sachse Road, it shall be no wider than 65 feet and a street screen shall be provided such that the side of the parking bays closest to the street shall be screened by a wall or landscape three feet in height.
3. Entertainment, retail and restaurant. The number of off-street spaces required for retail services, retail goods sales; pharmacies; dry cleaners; art, antique, furniture or electronics studios (retail, repair or fabrication); restaurants, cafes, delis or coffee shops; and retail bakeries shall be waived for the first 1,500 square feet of retail floor space (excluding kitchen, administrative and storage space) for a particular use.
4. Residential. A minimum of one off-street parking space shall be required for each residential unit, unless a waiver is approved by the city manager or designee pursuant to a mixed-use shared parking plan, subject to appeal to the city council. For lots 50 feet wide or less, parking shall be rear entry, side or pull through.
5. Non-residential uses. A minimum of one off-street parking space per 300 square feet of gross space shall be required for each non-residential unit.

15.7 Street and streetscape design standards.

- A. Generally. Streets in the Old Town district shall support the overall goal of a mixed-use, compact, pedestrian-oriented neighborhood. Streets should balance all forms of mobility while maximizing convenience for residents and visitors.
- B. Streetscape and landscape standards. Streetscape standards shall apply to all streets within the Old Town district. Streetscape standards shall address all elements between the building face and the edge of the curb. Typical streetscape elements addressed are street trees, lighting, street furniture and

pedestrian amenities and materials. All dedicated public ROW and landscaping within the ROW shall be maintained by the city.

C. Street trees and landscaping (within the pedestrian easement).

- 1. Street trees shall be required on all Old Town district streets (except alleys).
- 2. Street trees shall be planted per best practices and based on urban tree species and consistent with a pedestrian zone along the street.
- 3. Spacing shall be an average of 30 feet on center (measured per block face) along all streets except alleys.
- 4. The minimum caliper size for each tree shall be three inches and shall be a minimum of 12 feet in height at planting. Each tree shall be planted in a planting area no less than 36 square feet. However, the tree well area may be no smaller than 25 feet.
- 5. All living landscape shall be maintained in a healthy and growing manner, replaced when diseased or dead, and receive irrigation.

D. Streetscape amenities within commercial areas.

- 1. Pedestrian-scale lighting shall be required along all Old Town district streets (except on alleys). They shall be no taller than 20 feet.
- 2. Street lights shall be placed on average 40 feet on center, approximately three feet behind the curb lines unless another placement facilitates a pedestrian zone along the street.
- 3. The light standard selected shall be compatible with the design of the street and the design of the buildings.
- 4. Trash receptacles and bike racks shall be required along all streets, except SH 78. A minimum of one per each block face shall be required.
- 5. All street furniture shall be located in such a manner as to allow a clear sidewalk passageway and a minimum of six feet.
- 6. Materials selected for paving and street furniture shall be of durable quality and require minimal maintenance; pavers are discouraged in neighborhood retail/entertainment centers as a primary surface in order to facilitate walkability.

E. Commercial frontages.

- 1. Where a commercial frontage is at the ground level to a street, paved hardscape within the setback range shall be flush with the sidewalk up to the front door at a minimum and match the material of the sidewalk adjacent.
- 2. Where there is residential frontage, landscaping is permitted within the setback.

F. Existing infrastructure.

- 1. New development shall install new infrastructure subject to city regulations. However, single lot infill residential uses, including allowed home conversions and excluding urban living residential and other non-residential uses, may utilize existing infrastructure or alternative design standards, subject to minor modifications approval, for sidewalks, drainage, paving, access and utilities.

G. Rights-of-way (ROW).

- 1. Any newly dedicated ROW shall be sufficient to accommodate a street cross section approved by minor modification that generally provides 24 feet wide concrete paving, allows for on-street parking and other needed infrastructure, such as drainage, utilities, and sidewalks. Existing ROW may be reduced via the platting or construction permit process, subject to minor modification approval.

15.8 Signage. The following table shall establish the development standards for the four different zones in the Old Town zoning district.

TABLE 15.8.1 SIGN STANDARDS

Sign Type	DTS/DTN	NBR	SHC	Standard
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Building Signs	P	NP	P	• For all commercial uses fronting on SH 78: One sign per tenant space; area not to exceed 50 SF on the façade with the highway frontage. • For all commercial uses (retail, office, and restaurant): One sign per tenant space; area not to exceed 24 SF along each public frontage. • Second-floor commercial uses may be permitted one second-floor wall sign per tenant space per public street frontage; area not to exceed 24 SF on the second-floor façade along that public street.
Monument Signs	NP	NP	P	• One monument sign per street frontage (no more than two per lot separated by at least 300 feet) limited to a maximum of 50 SF per sign face and shall not exceed six feet in height above grade.
Window Signs	P	NP	P	• Limited to 10% of window area. • The following shall be exempt: • Addresses, closed/open signs, hours of operation, credit card logos, real estate signs, and now hiring signs. • Mannequins and storefront displays of merchandise sold. • Interior directory signage identifying shopping aisles and merchandise display areas.
Blade Signs	P	NP	P	• Shall be permitted for all non-residential uses. • Six SF maximum per sign face. • May encroach a maximum of two feet onto a sidewalk. • Blade signs shall be attached to the building or hung under the soffit of an arcade or under a canopy/awning while maintaining a vertical clearance of eight feet from the sidewalk. • SH 78: Permitted if building is built up to the minimum setback range.
Fold-Up Signs	P	P	NP	• Permitted only for retail, service or restaurant uses. • Limited to eight square feet per storefront. • Sign may not exceed two feet in width or four feet in height. • A minimum of four feet of sidewalk shall remain clear. • Chalkboards may be used for daily changing of messages. Reader boards (electronic and non-electronic) shall be prohibited. • Signs shall be removed every day after the business is closed.

Directory Signs	P	NP	P	• Shall be allowed for all multi-tenant buildings only. • One directory sign shall be integral to the façade on which the sign is affixed.
Neon Signs	P	NP	P	• Shall be limited to no more than 50% of the permitted window or building sign area. • Shall be permitted for restaurants, entertainment uses, and retail shopfronts. • Artistic neon signs shall be permitted.
LED Cabinets	NP	NP	NP	• Not permitted within the Old Town zoning district.

P = Permitted

NP = Not permitted

15.9 Architectural standards and guidelines. The architectural standards and design guidelines for the Old Town district shall establish a coherent urban character and encourage enduring, attractive and sustainable development. New and infill construction in the district shall reflect the character of the district.

The key design principles establish essential goals for development in the Old Town district to ensure the preservation, sustainability and visual quality of this unique environment. Buildings shall be located and designed so that they provide visual interest and create enjoyable, human-scaled spaces in a garden-esque environment. The key design principles are:

- * New buildings shall utilize building elements and details to achieve a pedestrian-oriented public realm with transitions into human-scaled private places, with connectivity to adjacent neighborhoods and trail systems;
- * Compatibility is not meant to be achieved through uniformity, but through the use of variations in building elements to achieve individual building identity;
- * Building façades shall include appropriate architectural details and ornaments to create variety and interest; and
- * Open space(s) shall be incorporated to provide public areas integral to the urban environment.

A. General to all character areas.

1. Building orientation.

- a. Buildings shall be oriented toward the major street front with the primary entrance located on that street. All primary entrances shall be oriented to the public sidewalk for ease of pedestrian access.



- b. At intersections, buildings located on corner lots shall utilize variations in building massing to emphasize street intersections as points of interest in the district. Maximum building heights shall be permitted to exceed by 25 percent for approximately 25 percent of the building frontage along each street façade.

- c. Residential uses shall address the primary street unless configured as a courtyard building.

- d. Garages shall be located on alleys; pull-through garages are allowed if the garage door is set back behind the rear façade of the main structure. If front-loaded garages are utilized on single-family residential lots, the garages shall be no greater than 12 feet wide and set back at least 10 feet from the face of the main structure closest to the garage or rotated 90 degrees with windows on the wall facing the street. Front-loaded garages on residential lots less than 50 feet shall not be allowed. Townhomes and courtyard units shall utilize rear-loaded garages.

2. Pedestrian-friendly building massing and scale.

- a. A building's massing shall serve to define entry points and help orient pedestrians.

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- b. Buildings and/or façades shall emphasize and frame or terminate important vistas.
 - c. Non-residential and mixed-use buildings in the Old Town district, to the extent practicable, shall maintain a 25-foot to 35-foot building façade width or multiples thereof.
 - d. Variations in the rhythms within individual building façades shall be achieved within any block of building façades with architectural elements such as bays, columns, doors, windows, etc.
 - e. Breaks in the predominant rhythm may also be used to reinforce changes in massing and important elements such as building entrances, terminated vistas, or corner sites.
 - f. Porches, stoops, eaves, awnings, blade signs, arcades, colonnades and balconies should be used along commercial storefronts and they may protrude beyond the setback range provided that they do not inhibit pedestrian movement within the public right-of-way. Balconies shall have external bottom supports.
3. Architectural elements and storefronts.
- a. Architectural elements shall be designed to the appropriate scale and proportions of the selected architectural style.
 - b. An expression line or equivalent architectural element shall delineate divisions between floors of all buildings.
 - c. Building entrances shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticos, porches, overhangs, railings, balustrades, and/or others as appropriate. All building elements shall be compatible with the architectural style, materials, colors and details of the building as a whole.
 - d. Ground floor building heights shall be at least 12 feet in height.
4. Building materials.
- a. Building products or materials are limited to those approved for use by a national model code (International Building and Fire Codes) published within the last three code cycles.
5. Driveways, alleys and service areas.
- a. Unless otherwise specified, driveways and off-street loading and unloading may be located with access along a primary street frontage if the property has no access to either an alley or joint use easement to an adjoining property.
 - b. Driveway spacing shall be limited to two driveways per each block face or per 200 feet of block face, unless approved by the city manager or designee when pedestrian design is used to mitigate the additional driveway crossings.
 - c. Service and loading/unloading shall be screened per standards in section 15.9.6.
 - d. Unless required to meet minimum fire access or service access standards all commercial and mixed-use driveways/alleys shall be a minimum of 20 feet in width. Service driveways/alleys shall be a maximum of 32 feet in width garage to garage.
6. Mechanical and service screening.
- a. All buildings shall be designed such that no mechanical equipment (HVAC, etc.) except vents or stacks is visible from the public right-of-way or open space, whether the equipment is located on the ground, exterior walls or roof.
 - b. The screening material used shall be the same as the primary exterior building material used and raised at least one foot above the top of the mechanical equipment per city standards.



Appendix 1: Regulating Plan



Appendix 2: Definitions

In addition to the definitions in [chapter 11, exhibit a, article 3, section 14](#) of the Code, the following terms shall have the corresponding interpretations:

Alley means the right-of-way for vehicles and pedestrians within a block that provides access to the rear of buildings, vehicle parking, utility meters, and service areas. An easement for public access is required if the alley is a private right-of-way.

Auto-related uses means establishments that provide retail sales and services related to automobiles, including but not limited to tires, batteries, gasoline, etc. Includes car wash, auto repair, gas stations and passenger vehicle leasing, but excludes vehicle sales unless located within the interior of a building, truck and trailer leasing.

Block face dimensions means the linear dimension of a block along one of its street frontages.

Building frontage means the percentage of a building's front façade that is required to be located at the front setback range as a proportion of that lot's frontage along the public street. Parks, plazas, squares, and pedestrian passages shall be considered as buildings for the calculation of a building's frontage.

Character area means an area within the Old Town district that creates a distinct urban form different from other areas within the Old Town district. Character areas are identified in the regulating plan.

Civic/open space means the publicly accessible open space in the form of parks, courtyards, forecourts, plazas, greens, pocket parks, playgrounds, etc. They may be privately or publicly owned. For all residential uses, privately accessible open spaces such as courtyards, porches and balconies may also be considered as civic/open space for the purposes of this Code. Building façades facing a civic/open space shall be treated as a primary frontage.

Encroachment means any structural or non-structural element such as a sign, awning, canopy, terrace or balcony that breaks the plane of a vertical or horizontal regulatory limit, extending into a setback or public ROW, or above a height limit.

Garden style multifamily residential means multifamily structures that have fewer units in two or more stories. Often called suburban-style apartments or residential units.

Home occupation means a non-residential use conducted within a residential dwelling or permitted accessory building by a permanent resident of the building.

Live/work unit means a dwelling unit that is also used for work purposes, provided that the work component is restricted to the uses of professional office, artist's workshop, studio or other similar uses and is located on the street level and constructed as separate units under a condominium regime or as a single unit. The "live" component may be located on the street level (behind the work component) or any other level of the building. Live/work unit is distinguished from a home occupation otherwise defined by this Code in that the work use is not required to be incidental to the dwelling unit, non-resident employees may be present on the premises and customers may be served on site.

Living screen means a street screen composed of landscaping in the form of vegetation.

Minor modification means any changes to the Old Town district code that meet the threshold criteria established in [section 15.3](#) and [Table 15.3.1](#).

Multi-unit residential means a residential building that has eight residential units or less, including duplexes, triplexes, quadplexes, etc. Multi-unit residential buildings can appear as a large home from the exterior, but function as a multi-unit building on the interior. Buildings typically have one main front door, but may also have side and rear entries. Parking is accessed from an alley or a driveway to the rear of the lot. Parking does not face a public right-of-way.

Duplex is a small- to medium-sized structure that consists of two side-by-side or stacked dwelling units, both facing the street, and within a single building massing. This type has the appearance of a medium to large single family home and is appropriately scaled to fit within primarily single family neighborhoods or medium-density neighborhoods. It enables appropriately-scaled, well-designed residential infill and is important for providing a broad choice of housing types and promoting walkability.

Plaza means a formal space created within more urban areas for civic purposes and commercial activity. Building frontages typically define these spaces and landscaping is primarily hardscape. Casual seating, along with tables and chairs, is typically provided.



Professional office means a home that has been converted into a commercial use or office. An individual may also live within the home as well. Similar to a live/work unit.

Regulating plan means the zoning map attached herein that shows the character areas, civic/open spaces, streets and other requirements applicable to the Old Town district subject to the standards in this Code.

Residential loft means a residential unit that is built to retail ready standards and adapted for residential uses.

Retail ready means space constructed at a minimum ground floor height as established in each character area, which may be used for noncommercial uses and can be converted into retail/commercial use. Prior to the issuance

of a certificate of occupancy for a retail/commercial use in a retail ready space, the space must comply with all building and construction codes for that use. The intent of the retail ready space is to provide the flexibility of occupying a space in accordance with market demand and allowing the use in such space to change to retail/commercial uses accordingly.

Setback range means the distance in which a building must be constructed from property line. Publicly accessible and activated people spaces, such as outdoor cafes, patios and plazas differentiated from the sidewalk shall be allowed to be included in the building façade delineation for purposes of meeting a build-to or setback range requirement.



Sign, blade means an attached sign oriented perpendicular to the face of the building which projects (vertically or horizontally) more than 12 inches beyond the surface of the building to which it is affixed or supported.



Sign, directory means a permanent on-site attached wall sign providing direction to or identifying the buildings/suites in the development.

Signs, fold-up means a portable sign consisting of two panels of equal size, which are hinged at the top and/or a single panel placed on the ground or pavement so as to be self-supporting.

Single family detached-medium density means single family homes located on smaller lots in traditional or mixed-use neighborhoods. Types can include patio homes, cottage courts, etc.

Patio homes means single family detached homes located on a small lot that has at least some private yard space, generally in the back and/or side yards, but also possibly a small front yard. These types of homes may also be called “villa” or “zero lot line” homes if the homes are located on one of the side property lines.



Street screen means a freestanding wall or living screen built along the setback range or in line with the building façade line along the street. It may mask a parking lot or a loading/service area from view or provide privacy to a side yard and/or strengthen the spatial definition of the public realm.



Townhouse means a small- to medium-sized attached structure that consists of three to twelve houses placed side-by-side. This type of residential building is typically located in a location that transitions from a primarily single family neighborhood into a commercial corridor. This building type enables appropriately-scaled, well-designed residential infill and is important for providing a broad choice of housing types and walkability.



Tree well means an unpaved area around the trunk of a tree within the sidewalk area that is either landscaped with ground cover or covered with a tree grate.

Urban living residential means multiple separate housing units for residential inhabitants that are contained within one building or several buildings within one complex. Can include studio, one and two bedroom units, residential lofts or flats, and condos.

Urban tree means a tree specifically selected for its ability to withstand harsh urban conditions, its upright branching habit and its non-invasive root system.

(Ordinance 3841, sec. 1, adopted 12/4/17; Ordinance 3887, sec. 1, adopted 9/17/18; Ordinance 3947, sec. 2, adopted 10/7/19)

ARTICLE 4. GENERAL PROVISIONS APPLYING TO ALL OR SEVERAL DISTRICTS

Sec. 1. Application of regulations to the uses of a more restrictive district.

1.1 Whenever the specific district regulations pertaining to one district permit the uses of a more restrictive district, such uses shall be subject to the conditions as set forth in the regulations of the more restricted district, unless otherwise specified.

1.2 It is intended that these regulations be interpreted as not permitting a dwelling unit to be located on the same lot with or within a structure used or intended to be used primarily for nonresidential

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purposes.

Sec. 2. Open space.

2.1 The following requirements are intended to provide exceptions or qualify and supplement, as the case may be, the specific district regulations set forth in [article 3](#) herein.

- (a) An open space or lot are required for an existing building or structure shall not be counted as open space for any other building or structure.
- (b) Open eaves, cornices, window sills, and belt courses may project into any required yard a distance not to exceed two feet. Open uncovered porches or open fire escapes may project into a front or rear yard a distance not to exceed five feet. Fences, walls, and hedges in residential districts may be erected in any required yard, or along the edge of any yard, provided that no fence, wall or hedge located in front of the front building line shall exceed three feet in height, and no other wall or fence shall exceed eight feet in height.
- (c) Where the dedicated street right-of-way is less than 50 feet, the front yard depth shall be determined by measuring 50 feet back from the centerline of the street easement.
- (d) Except as allowed under [article 3, section 3](#), no dwelling shall be erected on a lot which does not abut on at least one street, at least 50 feet in width, for at least 35 feet. A street shall form the direct and primary means of ingress and egress for all dwelling units. Alleys, where they exist, shall form only a secondary means of ingress and egress. Accessory buildings which are not a part of the main building may be built in the rear yard.
- (e) No minimum lot sizes are prescribed for commercial and industrial uses. It is the intent of this ordinance that lots of sufficient size be used by any business or industry to provide adequate parking, unloading and loading space required for operation of the enterprise.
- (f) On any corner lot on which a front and side yard is required, no wall, fence, sign, structure or any plant growth which obstructs sight lines at elevations between two feet six inches and six feet above any portion of the crown of the adjacent roadway shall be maintained in a triangle formed by measuring from the point of intersection of the front and exterior side lot lines a distance of 30 feet along the front and side lot lines and connecting the points so established to form a right triangle on the area of the lot adjacent to the front intersection.
- (g) Reserved.
- (h) Whenever one or more residential, institutional, commercial or industrial buildings are proposed to be located in a cluster or grouping which has different arrangement, orientation or other site planning variation from that of other building, structures or uses in the area or on adjacent properties, the architectural design, location, orientation, service and parking areas of such buildings shall be planned so as not to adversely affect the use of adjacent or other properties in the area, as determined by the planning and zoning commission.
- (i) An ornamental fence exceeding six feet in height shall have a ratio of solid portion to open portion not in excess of one to four.

(Ordinance 3573, sec. 1, adopted 3/17/14)

Sec. 3. Height.

3.1 The following requirements are intended to provide exceptions or qualify and supplement, as the case may be, the specific district regulations set forth in [article 3](#) herein.

- (a) In measuring heights, a habitable basement or attic shall be counted as a story.
- (b) Chimneys, elevators, poles, spires, tanks, towers, and other projections not used for human occupancy may extend above the height limit.
- (c) Churches, schools, hospitals and other public and semipublic buildings may exceed the height limitation of the district if the minimum depth of rear yards and the minimum width of the side yards required in the district are increased one foot for each two feet by which the height of such public or semi-public structure exceeds the prescribed height limit.

Sec. 4. Storage and parking of trailers and commercial vehicles.

4.1 Commercial vehicles and trailers of all types, including travel, camping, hauling, motor homes, and mobile homes shall not be parked or stored on any lot occupied by a dwelling or on any lot in any

residential district except in accordance with the following provisions:

- (a) Not more than one commercial vehicle, which does not exceed one and one-half tons rated capacity, shall be permitted; and in no case shall a commercial vehicle used for hauling explosives, gasoline or other liquefied petroleum products be permitted.
- (b) Not more than three camping or travel trailers, hauling trailers or motor homes shall be permitted and said trailers shall not exceed 32 feet in length, or eight feet in width; and further provided that said trailer shall not be parked or stores [stored] for more than 48 hours unless it is located behind the front building line. A camping or travel trailer or motor home shall not be occupied either temporarily or permanently while it is parked or store in any area within the incorporated limits except in a trailer court authorized under the ordinances of the city.
- (c) A mobile home shall be parked or stored only in a trailer court which is in conformity with the ordinances of the city.

Sec. 5. Off-street automobile and vehicle parking and loading.

5.1 Purpose.

- (a) Manage parking so that it is convenient, efficient, and supports an active and vibrant retail environment.
- (b) Decrease the expansive “seas” of parking that are too common in modern suburbs, noting that most new development is typically over-parked, resulting in wasted space, unnecessary impervious surface, higher construction costs, and loss of retail square footage.
- (c) Support the creation of shared parking in order to enable visitors to park once at a convenient location and access a variety of commercial enterprises in a pedestrian and bicycle-friendly environment.
- (d) Provide flexibility for changes in land uses which have different parking requirements.
- (e) Ensure ease of access to parking.
- (f) Provide flexibility for the redevelopment of small sites.
- (g) Avoid diffused, inefficient single-purpose reserved parking.
- (h) Avoid adverse parking impacts on residential neighborhoods.

5.2 General requirements.

- (a) Except for when on-street parking is allowed, all maneuvering of vehicles shall take place on site or within a mutual access easement or fire lane. No public right-of-way shall be used for backing or maneuvering into or from a parking space, or for circulation within the parking lot.
- (b) Parking spaces shall be clearly identified by stripes, buttons, tiles, curbs, barriers, or other approved methods. Non-permanent type marking, such as paint, shall be regularly maintained to ensure continuous clear identification of the space.
- (c) All vehicular use areas shall be well-maintained without large cracks or other failures, with back-filled curbs, and power-washed when appropriate.
- (d) No parking or loading area shall be used for storage of inventory, materials, display, sanitation containers, heavy load vehicles, supplies, or for any other use, except as approved through the site plan process, for temporary construction, or with a valid seasonal sales permit. Under no circumstances shall a required parking space be used for any purpose other than parking.
- (e) All off-street parking areas shall be kept free of litter, trash, debris, vehicle repair operations, display, and advertising uses.
- (f) The property owner shall be responsible for adequately maintaining all parking facilities, including paving, striping, elimination of debris, and correction of use violations.

5.3 Administration. In computing the number of parking spaces required for any building or development, the following rules shall govern:

- (a) The term “floor area” means the gross floor area of the specific use. Where fractional spaces result, the parking spaces required shall be constructed to be the next higher whole number.
- (b) The parking space requirement for a use not specifically mentioned herein shall be the same as

required for a use of similar nature or per regional standard if one can be determined.

(c) The provisions of this section shall be administered by the director who shall have the authority to approve any plan that is deemed to satisfy the minimum requirements of this section, alternate plans deemed to meet the intent of the section, including any minor deviations or waivers, and to make necessary interpretations regarding any subjectivity or frustration of purpose contained herein.

(d) The city council, in compliance with all applicable regulations, may issue a special use permit (SUP), establish a planned development (PD) district or other special zoning district, or enter into a development agreement or other economic incentive agreement, which may amend or revise the regulations herein for a certain project or area of the city.

(e) Due to the unique service nature of government owned and occupied facilities, in addition to the development costs being of public burden, such facilities may meet the spirit and intent of the regulations contained herein, to the extent possible, and are not expected to strictly comply.

(f) Shared parking may be considered during the site plan process for uses not normally open, used, or operated during the same hours as adjacent uses, or when other special circumstances exist. Owner authorization to use those spaces must accompany any such proposal.

(g) A blanket 15 percent parking reduction may be granted to multi-tenant developments that are 15,000 square feet or greater, provided there is a dedicated mutual access easement. Where parking exceeds the minimum number of required spaces by more than 10 percent, landscaping of parking areas shall be increased so that planting islands shall not be spaced greater than every 10 spaces.

(h) Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise, to create a need for an increase in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change, as determined by the director. Whenever any building is enlarged to the extent of 50 percent or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.

(i) A parking demand analysis study may be submitted for review for a proposed use.

5.4 Off-street parking. Developments shall provide parking, per the following table:

Assembly Uses (Non-Profit)	One space for each four seats in the main auditorium.
Assisted Living Facility, Nursing Home, or Rest Home	One space for every four beds
Athletic Stadium or Field	50 spaces per field for fields without fixed seating.
Auto Repair	Three parking spaces per bay, plus one space for each 500 square feet of retail/office floor area.
Bank or Similar Financial Establishment	One space for each 400 square feet of floor area.
Big Box (>50,000 sf)	One space for each 250 square feet of floor area.
Bowling Alley	Six spaces for each lane.
Car Wash (Self-Serve)	Two spaces; plus adequate stacking spaces for each bay.
Car Wash (Automated)	One space for each 200 square feet of office/retail floor area; plus adequate stacking spaces per bay; minimum of four spaces.
Child Care Center	One space for every ten students; plus adequate

	stacking spaces for drop-off lane.
Civic/Convention/Community Center	Ten spaces plus one additional space for each 300 square feet of floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of one space for each four seats that it contains.
Duplex	A concrete drive with a minimum one car garage and one space in driveway, per unit.
Golf Course	Minimum 30 spaces per nine holes, plus one space for each 200 square feet of floor area for country club, retail, office, etc.
Green House or Nursery	One space for each 5,000 square feet of outdoor storage area; plus one space for each 200 square feet of indoor floor area.
Health/Fitness Center	One space for each 200 square feet of gross floor area.
High School, College, or University	One space for each classroom, laboratory, or instruction area plus one space for each three students accommodated in the institution.
Hospitals	One space for every two beds and one space per employee on the largest shift.
Hotel or Motel	One space for each room unit, or guest accommodation plus one space for each 300 square feet of restaurant, office, or conference area.
Indoor Commercial Amusement	One space per 200 square feet of gross floor area.
Kennel or Stable	One space per every 500 square feet of floor area.
Library or Museum	Ten spaces plus one space for each 300 square feet of floor area.
Lodge, Club, or Fraternal Organization	One space for each 200 square feet of floor area.
Manufacturing, Processing, Warehousing, and Industrial Uses	One space for each employee on the maximum working shift plus one space for each 1,000 square feet of floor area.
Mini-Warehouse (Self-Storage)	One space for each 5,000 square feet of total floor area.
Mixed Use Building	See special zoning districts for parking regulations.
Mobile Home - Manufactured Home	A concrete drive with a minimum of two spaces.
Mortuary or Funeral Home	One space for each four seats in funeral service rooms.

Movie Theatre or Cinema	One space per four seats.
Multi-Family Residential	Two spaces for one and two bedroom units, plus one additional space for each additional bedroom.
Office, Business or Professional	One space for each 300 square feet of floor area.
Office, Medical, Dental, or Health	One space for each 200 square feet of floor area.
Outdoor Commercial Amusement	One space for every 1,000 square feet within the outer boundaries of the proposed use, including any buildings, exhibit booths and areas devoted to the use.
Recreational, Private or Commercial Area or Building (Other than Listed)	One space for every four persons to be normally accommodated in the establishment.
Restaurant or Cafeteria	One space for every 100 square feet of gross floor area. Outdoor seating areas (covered or not) under 500 square feet are exempt. When part of a multi-tenant development 15,000 square feet or greater, one space for every 200 square feet.
Retail CBD Oil or Hemp Based Products	One space for every 200 square feet of gross floor area
Retail or Personal Service	One space for each 200 square feet of floor area.
Retirement Housing	One space per five beds.
School, Elementary and Junior High	One space for each classroom plus one space for each four seats in any auditorium, gymnasium, or other place of assembly.
Single-Family Residential	A concrete drive with a minimum of a two car garage with parking for two cars in driveway is required.
Townhouse	Two spaces per unit, enclosed; plus two additional spaces in driveway.
Vet or Animal Hospital	One space for each 300 square feet of floor area.

5.5 Parking design.

(a) The minimum dimensions for off-street parking shall be as follows:

1. Standard space: 9 feet × 18 feet (minimum 9 feet × 20 feet if utilizing wheel stop)
2. Parallel space: 8 feet × 22 feet
3. Stacking space: 10 feet × 20 feet

(b) All vehicular use areas shall be concrete. Existing parking areas that are not concrete may maintain or rehabilitate with existing or upgraded material; however, any associated expansions must be concrete.

(c) Required parking must be located outside the floodplain, except when specially allowed by the city engineer.

(d) The typical drive aisle width shall be 24 feet.

- (e) Fire lanes shall be adequately reinforced to withstand heavy vehicle loading, as may be required by the adopted fire code of the city.
- (f) For safety, emergency response, and increased connectivity, cross access between parking areas of adjacent non-residential parcels shall be provided and is required.
- (g) Striping shall be white. Barrier free ramps shall be pavers, stained concrete in muted shades of adobe red or terra cotta (not blue or yellow), or other approved detectable warning material.
- (h) Head-in parking spaces adjacent to buildings shall have a minimum four foot wide clearance between the leading edge of the parking space and the building.
- (i) Dead-end parking is generally prohibited in new non-residential developments.
- (j) Continuous drive aisles, when exceeding 300 feet in length, may require off-sets, roundabouts, raised crosswalks, or other acceptable traffic-calming features.
- (k) Lots fronting onto rights-of-way 60 feet wide or greater shall not install a front yard drive cut if said lot is also accessed by an alley.
- (l) Concrete parking shall be a minimum six inches thick, with #3 rebar, 18 inches on center each way. Heavy use areas (fire lanes, dumpster loading, etc.) may require stricter standards in compliance with the city's adopted engineering design criteria.
- (m) Parking space(s) for persons with disabilities and other associated provisions shall be provided in accordance to building codes, state laws, and requirements of the Americans with Disabilities Act (ADA).
- (n) At no time after initial approval of the parking area layout, can changes be made to the location or number of provided spaces, unless approved by the director.

5.6 Supplementary design.

- (a) All retail, commercial, and industrial structures shall provide and maintain off-street areas for the loading and unloading of merchandise and goods that does not block the fire lane and is appropriately and conveniently located. All loading docks must be screened along their sides.
- (b) Schools, day care centers, and similar child training and care establishments shall provide a loading and unloading area on an off-street, internal drive that does not block the fire lane.
- (c) Sufficient queueing spaces shall be provided for uses which regularly require stacking, such as drive throughs and service bays.
- (d) In order to encourage the safe and convenient use of bicycles, each development shall provide at least one bike rack permanently mounted to the ground. Larger developments with buildings 50,000 square feet or more in area, such as big boxes or large corner-like developments, may require additional bike racks, not to exceed three bike racks. Required bicycle parking should be located within 50 feet of an entrance to the building, or a comparable convenient location. Site plans shall call-out the location of all proposed bike racks.
- (e) Decorative paving (integral color stained concrete with the option to be stamped/scored in patterns) shall be provided as follows:
 - 1. On-site pedestrian cross-walks.
 - 2. At the store front entrances of tenant suites.
 - 3. Drive throughs or drop-off areas.
 - 4. Trail crossings (anywhere).
- (f) Decorative paving (integral color stained concrete that is stamped/scored in patterns) shall be provided as follows:
 - 1. At the entrances of each commercial site when ingress/egress is from a ROW in order to provide a "welcome mat".
 - 2. At major intersections of on-site drive aisles.
 - 3. Major ROW intersections (intersections of collectors or bigger) and entrances for residential from collectors or bigger.

(Ordinance 2247, sec. 3, adopted 10/16/06; Ordinance 3238, sec. 1, adopted 9/7/10; Ordinance 3400, sec. 2, adopted 7/2/12; Ordinance 3622, sec. 1, adopted 10/20/14; Ordinance 3816, sec. 1, adopted 10/2/17; Ordinance 3919 adopted 5/6/19; Ordinance 3947, sec. 2, adopted 10/7/19)

Sec. 6. Lot area requirements for septic tanks.

Whenever connection with the sanitary sewer system will require unreasonable expenditure and septic tanks are to be installed for residential lots, the following requirements shall be met:

- 6.1 Residential lots shall have an area of at least 39,000 square feet.
- 6.2 Before a septic tank is installed, the residential lot's owner or the owner's contractor must contact the county's environmental health division to receive the proper authorization.
- 6.3 All septic tanks installed within the City of Sachse must meet city, county, state and federal health regulations.
- 6.4 Where, as a result of necessary percolation tests required by the city, the city engineer deems the minimum lot area insufficient, the city shall require additional lot area sufficient to accommodate the sanitary facilities deemed necessary by the city's engineer.

Sec. 7. Architectural design standards.

7.1 Purpose. The purpose of the architectural standards is to set minimum standards for the appearance and quality of buildings and corresponding site elements which are recognized as enhancing property values and are in the interest of the general welfare of the city. These standards are not intended to prohibit architectural innovation, nor are they intended to mandate specific architectural styles and concepts. Rather, they are intended to provide for developments of enduring quality that provide visual character and interest. The development community is encouraged to seek out new and innovative ways to implement the standards contained herein that will result in a significant contribution to the visual character of the area and the city as a whole.

7.2 Applicability and administration.

- (a) The regulations provided in this section shall apply to all new construction and all structures within all zoning districts, but shall only apply to single family residential uses when indicated. Where the regulations of this section conflict with other sections or provisions of this chapter, the regulations of this section shall apply.
- (b) When an existing building, constructed prior to the effective date of this section, is proposed for an addition/expansion that will increase the square footage of the existing building by less than 50 percent, either by a single expansion or by the cumulative effect of a series of expansions, similar or like exterior features that match the existing building and architectural theme to the extent possible. Any addition that is 50 percent or greater (of the originally approved floor area) shall be subject to and compliant with the regulations herein, potentially resulting in the reconstruction of the entire existing structure.
- (c) All repair and alterations of exterior façades, including paint and re-paint jobs, of non-residential buildings are required to obtain a permit from the city and comply with all applicable color regulations contained herein.
- (d) Certain structures, such as temporary construction buildings or portable classroom buildings situated on public school or non-profit property, may be exempt, in compliance with established or future policies adopted by the city council.
- (e) The provisions of this section shall be administered by the director who shall have the authority to approve any façade plan that is deemed to satisfy the minimum requirements of this section, alternate façade plans deemed to meet the intent of the section, including any minor deviations or waivers, and to make necessary interpretations regarding any subjectivity or frustration of purpose contained herein.
- (f) All exterior façades shall be perpetually maintained and repaired in a safe, reasonably good, and attractive manner by the owner in a manner that protects against the elements, is structurally safe, and corrects any visual ills or other problems.
- (g) The city council, in compliance with all applicable regulations, may issue a special use permit (SUP), establish a planned development (PD) district or other special zoning district, or enter into a development agreement or other economic incentive agreement, which may amend or revise the regulations herein for a certain project or area of the city.
- (h) Due to the unique service nature of government owned and occupied facilities, in addition to the

development costs being of public burden, such facilities may meet the spirit and intent of the regulations contained herein, to the extent possible, and are not expected to strictly comply.

(i) Single family tracts with existing PDs (or comparable special zoning) which also include architectural standards may continue to apply the standards as found in the governing PD, except as it relates to specific building material requirements and percentages. Non-residential tracts and uses with existing PDs (or comparable special zoning) shall be governed by the standards contained herein.

7.3 Façade plan approval.

(a) Prior to any construction permit being issued, a project's building elevations must be approved by the director.

(b) Sufficient information shall be submitted to evaluate the architectural standards criteria outlined herein as part of the site plan submittal for all newly proposed and existing structures seeking a permit.

(c) Color elevations shall include:

(1) All façades (whether four or more) of each building.

(2) Proposed exterior materials with a percentage breakdown of each material used, exclusive of windows and doors.

(3) A calculation chart or graphic demonstrating compliance with the articulation standards.

(4) A listing of the selected auxiliary design standards, described herein, to illustrate compliance. If a landmark feature is required of the building, please note the feature proposed for credit.

(5) A notation reading, "Roof mounted mechanical equipment shall be sufficiently screened from view by parapet walls, and ground mounted equipment shall be enclosed by masonry wing walls that match the material of the primary building."

(6) A notation reading, "All light sources, including wall packs, shall be full cut-offs (i.e. recessed/shielded)."

(7) For any proposed streetscape elements (such as bike racks, trash receptacles, lampposts, tree grates, bollards, outdoor seating, and/or other street furniture) or screening devices (masonry walls, dumpster screening enclosures, wing walls around mechanical equipment, etc.), graphics should also be submitted showing the material, color, height, and any other pertinent details necessary for review.

7.4 Definitions.

Architectural concrete masonry units includes highly textured finish, such as split faced, indented, hammered, fluted, ribbed, burnished, or similar decorative finish; coloration shall be integral to the masonry material and shall not be painted on; minimum thickness of one inch when applied as a veneer; shall include light weight and featherweight decorative masonry units.

Big box shall mean a building, usually with a single tenant, which comprises more than 50,000 square feet.

Brick includes severe weather rated kiln fired clay or slate material, can include concrete brick if it is to the same ASTM C216 or C652 standard and severe weather rated as typical fired clay brick; minimum thickness of one inch when applied as a veneer, and shall not include underfired clay, sand, or shale.

Director shall mean the director of development services, or his/her designee.

Masonry materials shall mean and include that form of construction defined below and composed of brick, stone, granite, marble, stucco (three-step hard coat), decorative concrete masonry unit, tilt wall concrete panels, sealed and painted concrete block, and exterior insulation finish systems (EIFS), and rock or other materials of equal characteristics laid up unit upon unit set and bonded to one another in mortar.

Non-residential building shall mean those buildings utilized for use other than single family, duplex, and townhome dwelling, to specifically include commercial, retail, medical, office, and multi-family structures and associated accessory structures.

Residential buildings shall mean those buildings utilized for a single family, duplex, and townhome dwelling.

Stone includes naturally occurring granite, marble, limestone, slate, river rock, and other similar hard and durable all weather stone that is customarily used in exterior building construction; may also include cast or manufactured stone product, provided that such product yields a highly textured stone-like appearance, its coloration is integral to the masonry material and shall not be painted on, and it is demonstrated to be highly durable and maintenance free; natural or manmade stone shall have a minimum thickness of one inch when applied as a veneer.

7.5 Exterior materials.

(a) Building products or materials are limited to those approved for use by a national model code (International Building and Fire Codes) published within the last three code cycles.

7.6 Non-residential and multifamily design elements. The following apply to nonresidential and multifamily development, including institutional buildings:

1. Goals and intent.

- (1) Buildings should be constructed in a manner that allows flexibility to accommodate a range of uses over time in order to avoid the need to demolish and rebuild for successive uses.
- (2) Buildings should directly contribute to the attractiveness, safety, and function of the street and public areas.
- (3) Buildings should be constructed in a manner that is highly durable and will continue to endure and be attractive over a long time, especially adjacent to public and pedestrian areas.
- (4) It is not the intent of this section to discourage innovation. The use of exceptional design features, such as tower elements, exposed beams, or other unique and outstanding architectural ornamentation worthy of merit that make a positive contribution to the surrounding visual environment is encouraged.

2. General design standards.

- (1) All buildings within a common development or shopping corner/corridor, as shown on a development plan, concept plan, or preliminary site plan, or viewed from an aerial map, should have similar architectural styles, colors, and detailing that compliment and talk to each other without necessarily being monotonous and precise reflections of one another.
- (2) All structures shall be architecturally finished on all four sides with similar styles, colors, and detailing.
- (3) Façades shall generally be built parallel to the street frontage, except at street intersections, where a façade containing a primary building entrance should be curved or angled toward an intersection.
- (4) All buildings shall be designed and constructed in tri-partite architecture so that they have a distinct base, middle, and top, separated by horizontal elements.
- (5) Roofs shall be peaked with either hip, gable, or mansard design with a minimum 1:4 pitch, or a parapet wall or false mansard design (minimum 1:2 pitch) is acceptable only if constructed around the entire perimeter of a building so that no flat roof shall be visible from a public street or along an active storefront. At all times roof-mounted mechanical equipment shall be screened from view.
- (6) All windows should be recessed a minimum four inches from exterior wall finish and have a maximum exterior visible reflectivity of ten percent.
- (7) Murals cannot display or connote a commercial message without abiding by the sign regulations, as found within the Code.
- (8) All streetscape elements and site amenities, such as bike racks, trash receptacles, lampposts, benches, bollards, patio furniture, and tree grates, shall be metal, rust and flake/chip resistant, and generally be black "storm cloud" in color. Minor deviations in color and design that maintain the spirit and intent of the section are allowed with staff approval. Bollards can be concrete or cast metal and shall be of decorative design with no bold colors or sleeves.

3. Primary façade design standards. The following shall apply to all exterior walls of buildings which are clearly visible from a public street or along an active storefront:

- (1) All exterior walls of buildings less than 15,000 square feet are considered primary façades, regardless of orientation.
- (2) Primary façades shall incorporate patterns that include changes in either color, pattern, module size, texture, articulation, ornamentation, or a combination thereof that repeat horizontally and vertically.

4. Secondary façade design standards. The following shall apply to all exterior walls of buildings 15,000 square feet or larger which are not clearly visible from a public street or along an active storefront, or are constructed on a property line as one of a series of in-line buildings where the wall will become part of a common wall:

- (1) Secondary façades which are adjacent to the primary façade should continue the primary façade

treatment by wrapping the corner. This may be achieved with elements such as cornices, bases, and vertical elements.

(2) Visual relief shall be provided, both horizontally and vertically, to break up monolithic expanses of secondary façades through the use of repeating patterns.

5. Building articulation design standards. Primary façades clearly visible from a public street or along an active storefront shall meet the following minimum standards for articulation:

(1) Horizontal articulation. No building wall shall extend for a distance equal to three times the wall's height without providing an offset equal to 15 percent of the wall's height, and that new plane shall extend for a distance equal to at least 25 percent of the maximum length of the first plane.

(2) Vertical articulation. No wall length shall extend for a distance greater than three times the height of the wall without changing height by a minimum of 15 percent of the wall's height, and that new plane shall extend for a distance equal to at least 25 percent of the maximum length of the first plane. Pitched roofs shall count toward achieving vertical articulation, provided they are 65 degrees or less from horizontal.

6. Landmark buildings.

(1) Buildings which are located on axis with a terminating street or major access lane or at the intersection of streets and/or major access lane shall be considered a landmark building.

(2) Such buildings shall be designed with landmark features which take advantage of that location, such as an accentuated 3D entry and a unique building articulation which is offset from the front wall planes and goes above the main building eave or parapet line.

(3) Landmark features shall be in proportion to the building and are subject to review and approval by the director.

7. Building color.

(1) The dominant color of all buildings, including residential and industrial buildings, shall be muted shades of color that are subtle, neutral, or earth tone. Black and stark white should not be used except as an accent color or as found within brick and stone. The color of the secondary façades shall match or compliment the primary façade.

(2) There are no restrictions on accent colors which comprise less than one percent of the building face, except that no high intensity colors, neon colors, or fluorescent colors shall be used on exterior surfaces of the building.

(3) Bright, reflective, pure tone primary or secondary colors are permissible only in limited application as accent colors on canopies and awnings, or other such features. Proportions should be consistent with trim or accentuation only. Such building trim and accent areas shall not exceed five percent of any single exterior wall area. Specifically excluded are door and window frames, moldings, cornices, and other such features. This provision shall not be construed as a license to employ corporate imaging on the primary building façade.

(4) The use of high intensity or fluorescent colors shall be prohibited. The use of tube lighting, string lights, or other similar materials shall not be installed on non-residential buildings, except as allowed by the photometric/lighting regulations, as found within the Code.

(5) No more than one color shall be used for visible roof surfaces; however, if more than one type of roofing material is used, the materials shall be varying hues of the same color or complimentary in nature. Awnings and canopies may incorporate brighter color and branding; however, the primary roof shall not be a bold color.

8. Auxiliary design standards. All structures shall be designed to incorporate no less than four of the architectural elements from the list below. Buildings over 50,000 square feet must include a minimum of five of the referenced architectural elements.

(1) Canopies, awnings, porticos with colonnade or arcades;

(2) Raised pilaster cornices (end columns at corner), or quoined corners;

(3) Vertical elements (tower, cupola, lighthouse, turret, arches, etc.);

(4) Windows and doors framed with smooth cobble, cast stone, limestone or other decorative

masonry headers and sills; or dormer windows;

(5) Outdoor patios and/or courtyards integrated into a site's layout that creates a sense of place (landscaped and furnished for informal and experiential gathering);

(6) Decorative and repetitive ornamentation (non-signage) integrated into the building façade, such as corbels, medallions, functioning clocks, niches, wrought iron, balconettes, gargoyles, or horizontal and rhythm patterned brickwork;

(7) Other architectural features approved by the director.

7.7 Industrial building design standards. The following apply to structures constructed in an industrial zoning district and proposing an industrial and/or manufacturing use, per the use chart of the zoning ordinance:

(a) Building products or materials are limited to those approved for use by a national model code (International Building and Fire Codes) published within the last three code cycles.

(b) The main entry or office area of the building shall be articulated both horizontally and vertically by at least two feet or ten percent of the adjacent wall length. Building corners shall also be articulated, as approved by the director.

(c) A uniform color scheme is required. Colors shall be neutrals, creams, pastels, or deep, rich, non-reflective, natural, or earth-tone colors. Bold reds, greens, oranges, and other "hot and cold" colors should be avoided.

(d) Structures shall incorporate two of the auxiliary design standards.

7.8 Residential design standards. The following architectural design standards shall apply to all single-family residential and duplex development:

(a) Building products or materials are limited to those approved for use by a national model code (International Building and Fire Codes) published within the last three code cycles.

(b) Homes, with elevations adjacent to or facing/backing to a right-of-way categorized as a collector or bigger, even if separated by an alley or HOA common area, shall be a minimum of two stories in height.

(c) The primary residential structure shall incorporate a minimum of three of the following "gifts to the street" into each front elevation:

(1) Gables, dormers, or other comparable vertical articulation

(2) Covered front porch not less than 100 square feet in area

(3) Recessed entry not less than four feet in depth

(4) Architectural garage door

(5) Architectural pillars, posts, or arches

(6) Bay window facing street, or other comparable horizontal articulation

(7) Minimum roof pitch 8:12 or variable roof pitch

(8) Separate transom windows

(9) Cupulas or turrets

(10) Garage door not facing street

(11) Roof accent upgrades

(12) Decorative driveway paving (enhancements)

(13) Decorative pattern-work integrated into a front façade

7.9 Other site area standards.

(a) Gas pumps and fueling stations.

(1) Roofs of the associated pump canopy of convenience store buildings shall not be flat or straight-lined, and should be noticeably pitched or otherwise distinguished, subject to review and approval by the director.

(2) Canopy columns shall be fully encased with category A masonry materials that match the main building.

(3) The canopy band face shall be flat with no projections or stripes, be non-plastic and generally a metal or masonry based material, be primarily one earth-tone color that matches or accents the primary building, may not be backlit or otherwise illuminated or used as signage, and should generally be no greater than four feet in height, except as follows:

(i) The canopy band face may utilize one small button logo on each face that can be internally illuminated, as long as each button logo does not exceed 15 square feet for bands three feet in size and 20 square feet for bands four feet in size, is generally as tall as it is wide, and does not protrude more than 18 inches from the canopy in any direction.

(ii) The canopy band face may utilize an external LED halo type light, if properly shielded/recessed and oriented downward/upward so that only the "wash" is visible.

(iii) The canopy band face may utilize internally illuminated rings, as long as the source is LED, it is flush with the band face and only protrudes nominally (up to a maximum of six inches), and the size of the ring does not exceed more than 25 percent for single rings and 50 percent for multiple rings of the thickness of the canopy band face.

(iv) The canopy band face shall provide 12 inches decorative metal address numbers of a contrasting color on street facing sides.

(4) Exhaust valves for underground fuel storage tanks shall be designed to be located against a building, dumpster, screening wall, through the canopy roof, or other structure to mitigate their visual impact and should be an earth-tone color. If impractical, the exhaust valves may be located in an interior landscape area, if properly screened, but shall not be located in the exterior landscape buffer adjacent to the public right-of-way.

(b) Mechanical equipment.

(1) Exposed conduits, ladders, exhaust valves, utility boxes and drain spouts shall be a color matching the building, an accent color, or other earth-tone color.

(2) Outside equipment, coolers, and/or other mechanical items shall be screened in accordance with the screening standards of the zoning ordinance or be enclosed by a masonry wing wall. Roof mounted equipment shall be screened by the parapet, not metal screens, nor visible from public view. Transformers should be placed to mitigate their visual impact.

(3) All new utilities, including any proposed aerial lines, shall be underground.

(4) Shopping cart return bins for uses such as grocery stores shall be constructed of category A masonry walls (or an enhanced decorative metal railing) and permanently affixed to the ground.

(c) Accessibility and layout.

(1) Pedestrian connections, both internal and connecting to external sidewalks or property boundaries, shall be provided, subject to discretionary review and approval by the director.

(2) Cross access to adjacent lots shall be provided at all times for both vehicular and pedestrian travelers.

(3) Bay doors shall not be oriented toward the right-of-way.

(4) Drive-through facilities shall provide sufficient stacking spaces, as determined by the director.

(5) The final layout of any proposed development, including building placement, parking lots, fire lanes, gates, dumpster locations, and other site elements, shall be determined by the director.

(Ordinance 3805, sec. 1, adopted 8/7/17; Ordinance 3947, sec. 2, adopted 10/7/19)

Sec. 8. Reserved.

Editor's note – Ordinance 3552, sec. 2, adopted December 2, 2013, repealed sec. 8, which pertained to residential landscaping requirements and derived from Ordinance 3169, sec. 1, adopted 10/5/09. See Article 4, Section 11 for similar provisions.

Sec. 9. Wind energy systems.

9.1 Definitions.

ANSI means the American National Standards Institute.

dBA means the sound pressure level in decibels. Refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.

Decibel means the unit of measurement used to express the magnitude of sound pressure and sound intensity.

Sound pressure means the average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.

Sound pressure level means the sound pressure mapped to a logarithmic scale and reported in decibels (dB).

Tower height shall mean the height of the tower, including the base, wind turbine and blades.

Turbine shall mean the parts of a wind energy system including the blades, generator and tail.

Utility grid wind energy system shall mean a wind energy system designed and built to provide electricity to the electric utility grid.

Wind energy system or system shall mean a wind energy conversion system that converts wind energy into electricity through the use and consisting of a wind turbine, a tower, and associated control or conversion electronics, that has a rated capacity of not more than 20 kw for residential systems and not more than 100 kw for commercial systems and is intended for on-site production and consumption of electricity to serve the needs of the consumer.

9.2 General regulations. Wind energy systems meeting the following general regulations shall be permitted by right within any zoning district. Wind energy systems that fail to meet the following standards may be permitted by special use permit. The procedures for consideration of an application for a special use permit shall be as specified in [article 3, section 11](#) of the city’s zoning ordinance. Pre-existing wind energy systems lawfully in existence at the time of the enactment of this section shall not be required to meet the requirements established herein.

(a) Utility grid wind energy systems. Utility grid wind energy systems are prohibited within the city.

(b) Construction standards. A wind energy system must be installed according to the manufacturer’s recommendations and under the seal of a professional engineer registered in the State of Texas. Additionally, all components of a wind energy system shall comply with applicable state and local building codes. Only wind energy systems utilizing monopole towers shall be permitted. No systems utilizing lattice towers or requiring guy wires shall be permitted in the city.

(c) Maximum height. Wind energy systems shall not exceed 64 feet in tower height (inclusive of the turbine and blades) in all zoning classifications where structures of any sort are allowed, subject to the regulations set forth in this section.

(d) Location and setback.

(1) A wind energy system shall only be permitted on lots that are two acres or greater in size (87,120 square feet).

(2) No wind energy system shall be permitted in the front yard, which is defined as the space between the street and the front building face of the primary structure. This provision shall include a side yard adjacent to the street on a corner lot.

(3) The tower structure of a wind energy system shall be set back from all property lines a minimum distance equal to one and one-fourth times the height of the tower.

(4) Location and setback requirements, including minimum lot size shall be maintained so long as the wind energy system is in place. If a tower ceases to meet these criteria due to subsequent subdivision of land, the wind energy system is in violation of this ordinance.

(e) Primary structure required on lot. A wind energy system may be constructed or installed on a lot as a secondary structure only after a primary structure has been constructed on the lot.

(f) Sound pressure levels. Sound pressure levels shall not exceed 50 decibels (dBA) between 7:00 a.m. and 10:00 p.m. and 35 decibels (dBA) between the hours of 10:00 p.m. and 7:00 a.m. as measured from the property line closest to the wind energy system.

(g) Lights. All lighting, including but not limited to, upward lighting, flood lights, or lighting mounted on the structure itself, shall be prohibited unless such lighting is required by the Federal Aviation Administration (FAA). When obstruction lighting is required by the FAA, such lighting shall not exceed the minimum requirements of said agency.

- (h) Signs. No advertising or other signs or flags shall be allowed on a wind energy system.
 - (i) Prohibited in easements. No portion of a wind energy system shall be placed in easements unless authorized by the easement holder.
 - (j) Notice to utility company on grid-interconnected systems. No grid-interconnected wind energy system shall be installed until the customer provides the building official evidence that the appropriate utility company has been informed of the customer's intent to install. Off-grid systems shall be exempt from this requirement.
 - (k) Color. Wind energy system towers shall be a neutral color (i.e. light grey, white) and shall remain painted or finished the color and/or finish that was originally applied by the manufacturer, unless otherwise approved in the special use permit.
 - (l) City building codes/safety standards. To ensure the structural integrity of a wind energy system, the owner of such system must ensure that it is maintained in compliance with all provisions of the City of Sachse's building codes and zoning regulations. If, upon inspection, the city concludes that a wind energy system fails to comply with such codes and regulations and/or constitutes a danger to persons or property, then upon written notice to the owner of the wind energy system, the owner shall have 60 days to bring the wind energy system into compliance or be found in violation of this ordinance and be subject to the fines provided herein.
 - (m) Collocation. Collocation of any kind shall be prohibited. Wind energy system towers shall not be utilized for any purpose other than that specified by the manufacturer.
 - (n) Maintenance and abandonment.
 - (1) The wind turbines shall be maintained at all times according to the manufacturer's specifications.
 - (2) A wind turbine that has become unstable leans significantly out-of-plumb, or that poses a danger of collapse shall be removed or brought into repair within 60 days following notice by the building official to the owner of the lot upon which the wind turbine is located. The building official may order immediate repairs or removal in the event of imminent collapse.
 - (3) If the owner of the wind turbines plans to abandon or discontinue, or is required to discontinue the operation of the system, the owner shall notify the building official by certified U.S. Mail of the proposed date of abandonment or discontinuation. Such notice shall be given no less than 30 days prior to abandonment or discontinuation.
 - i. In the event that an owner fails to give such notice, the wind turbine shall be considered abandoned if the turbine is not operated for a continuous period of 12 months.
 - ii. Upon abandonment or discontinuation of use, the property owner shall physically remove the wind turbine within 90 days from the date of abandonment or discontinuation of use. "Physically remove" includes, without limitation, the actual, complete removal of the tower, turbine and all other components of the system and transportation of such components to an appropriate disposal site.
- 9.3 Building permit required. A building permit must be obtained prior to the construction or installation of a wind energy system. An application for building permit must be accompanied by:
- (a) The appropriate permit fee as established by the city;
 - (b) A site plan of the proposed wind energy system at a scale of 1" = 30'. The submittal of the site plan should consist of three 24" x 36" sheets and one 11" x 17" sheet and include:
 - (1) A survey and legal description of the subject property.
 - (2) A plan view layout of the proposed wind energy system clearly showing the following:
 - i. The location of the system.
 - ii. All components of the system.
 - iii. Distances to property lines.
 - iv. Required setbacks.
 - v. Adjacent land uses and zoning designations.
 - vi. Existing structures on the site.
 - vii. Natural features such as watercourses and trees.

(c) Elevation drawings showing:

- (1) The design and height of the proposed wind energy system; and
- (2) Detailed drawings of all system components.

(d) A line drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the International Building Code and National Electric Code. This information is frequently supplied by the manufacturer.

(1) Standard installation drawing of the wind turbine structure, including the tower, base and footings. An engineering analysis of the tower showing compliance with the International Building Code and certified by a licensed professional engineer registered in the State of Texas shall also be submitted.

(2) Evidence of notice to the utility company as provided in [section 9.2\(j\)](#).

(Ordinance 3206, sec. 1, adopted 4/19/10; Ordinance 3947, sec. 2, adopted 10/7/19)

Sec. 10. Lighting.

10.1 General. This section establishes minimum criteria for the installation, use and maintenance of outdoor lighting.

10.2 Purpose. The purpose of the lighting standards is to:

- A. Preserve and enhance the lawful nighttime use and enjoyment of property;
- B. Protect drivers and pedestrians on nearby travel ways from disabling glare from non-vehicular light sources that shine directly into their eyes, thereby, impairing safe travel;
- C. Shield neighboring properties from nuisance glare and trespass resulting from improperly directed or unshielded light sources;
- D. Prevent and/or lessen light pollution;
- E. Promote efficient design and operation with regard to energy conservation; and
- F. Curtail the degradation of the nighttime visual environment.

10.3 Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building official means the chief building official for the City of Sachse, or his or her designee, having responsibility to enforce and administer this article.

Bulb or lamp means the source of electric light. To be distinguished from the whole assembly, lamp is used to denote the bulb and its housing.

Candela means the unit of luminous intensity in a given direction. It is commonly called one candlepower.

Cutoff fixture means a fixture that provides a cutoff (shielding) of the light emitted.

Diffusing luminaire means one that scatters light substantially in all directions as contrasted with a directional luminaire which confines its light principally in an angle of less than 180 degrees.

Floodlight means a luminaire designed to project its light in a well-defined area. It is directional in character.

Floodlight beam means the angular spread of light between two orthogonal planes each of which equal ten percent of the maximum candlepower within the beam.

Foot-candle means the amount of illumination provided by one lumen uniformly distributed on one square foot of surface.

Foot-lambert means the luminance of a surface uniformly emitting, transmitting, or reflecting one lumen per square foot of surface.

Fixture means the assembly that holds the lamp in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or defractor (lens), the ballast, housing and the attachment parts.

Full cutoff fixture means a fixture that allows no emission above a horizontal plane through the fixture.

Fully shielded means light fixtures that are constructed so all light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted, nearly 100 percent cut-off type, as evidenced by the manufacturer's photometric data.

Glare means direct lighting emitted from a luminary that causes reduced vision or temporary blindness.

High pressure sodium (HPS) means a high intensity discharge lamp where radiation is produced from sodium vapor at relatively high partial pressures (100 tore). HPS is essentially point source light.

Horizontal plane means a line horizontal to the lowest point on the fixture from which light is emitted.

Illumination means the density of the luminous flux (lumens) incident on a surface. It is the quotient of the luminous flux divided by the area of the surface, expressed in foot-candles.

Incandescent lamp means any lamp that produces light by heating a filament through use of an electric current.

Installed means the attachment, or assembly fixed in place, whether or not connected to a power source, or any outdoor light fixture.

Kilowatt (kWh) means a unit of energy equal to the work done by one kilowatt (1,000 watts) of power acting for one hour.

Light source means a device (such as a lamp) which produces visible energy as distinguished from devices or bodies which reflect or transmit light such as a luminaire.

Light trespass means light falling outside the boundary of property for which it was originally intended or needed. Also referred to as spillover light or obtrusive light.

Low pressure sodium (LPS) means a discharge lamp where the light is produced by radiation from sodium vapor at a relatively low partial pressure (about 0.001 tore). LPS is a "tube source" monochromatic light.

Lumen means the quantity of luminous flux intercepted by a surface of one square foot, all points of which are one foot from a uniform source of one candela. A one-candela source provides 12.57 lumens.

Luminaire means a device or fixture containing a light source and means for directing and controlling the distribution of light from the source.

Luminance means the luminous intensity per unit projected area of a given surface viewed from a given direction; for purposes of this article expressed in candelas divided by distance squared.

Mercury lamp means a high intensity discharge lamp where light is produced by radiation from mercury vapor.

Metal halide lamp means a high intensity discharge lamp where light is produced by radiation from metal halide vapor.

Outdoor lighting fixture means an outdoor artificial illumination device, whether permanent or portable, used for illumination outdoors and shall include but not be limited to devices used for search, spot, flood and area lighting for buildings and structures, recreational facilities, parking areas, landscape lighting, outdoor advertising displays, billboards, signs, public and private street lighting and walkway lighting.

Partially shielded means shielding so that the lower edge of the shield is at or below the centerline of the light source or lamp so as to minimize light transmission above the horizontal plane, or at least 90 percent of the emitted light projects below the horizontal plane as evidenced by the manufacturer's photometric data.

Photometric means quantitative measurements of light levels and distribution.

Shielding means a physical structure intended to restrict emitted light.

Substantial change means any change to the lamp or bulb that alters the lighting properties of the site, or any change in the type, style or orientation of a light fixture.

10.4 Applicability and exemptions. The lighting standards for the City of Sachse shall apply to all new construction except as follows:

A. Outdoor lighting that lawfully exists as of the date of this ordinance shall be deemed a lawful use. Any substantial change or addition to the existing lighting system, as determined by the Building Official, shall comply with the provisions of this ordinance. If a site substantially changes more than 25 percent of the lighting on a site or adds new lighting that increases the number of light fixtures by more than 25 percent, the entire site shall comply with the provisions of this ordinance.

B. Commercial sites approved as part of a site plan prior to the ordinance from which this chapter is derived shall conform to the provisions in place at that time. Any substantial change or addition to the existing lighting system shall, as determined by the Building Official, comply with the provisions of this section. If a site substantially changes more than 25 percent of the lighting on a site or adds new lighting that increases the number of light fixtures by more than 25 percent, the entire site shall comply with the provisions of this ordinance.

C. If a use with existing, non-conforming lighting shall cease operation for a period of more than 18 months, then such nonconforming lighting shall be deemed permanently abandoned. The lighting on such site shall be brought into conformance with the provisions of this ordinance prior to the

redevelopment or re-use of the site.

D. The following uses shall be exempt from the requirements of this section:

- (1) Lighting installed by a governmental agency for public benefit on public rights-of-way, parks, and public recreation areas;
- (2) Temporary special effects of holiday lighting;
- (3) Navigation and airport lighting required by the Federal Aviation Administration for operation of airplanes; and
- (4) Emergency lighting by police, fire, and/or municipal, state or federal government authorities.

10.5 Submittal requirements.

A. As part of any site plan application or prior to altering any existing lighting, the applicant shall submit evidence that the proposed work will comply with this chapter. The submission shall contain, but is not be limited to, the following:

- (1) Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors and other devices, and the mounting height of the light;
- (2) Description of the illuminating devices, fixtures, lamps, supports, reflectors and other devices shall include, but is not limited to, catalog cuts by manufacturers and drawings; and
- (3) Photometric plans showing illumination levels on the property, at the property line and just beyond the property line, as well as other data such as that furnished by manufacturers or similar data showing the angle of cutoff for light emissions.

B. The required plans, description, and data provided shall be sufficient to enable the plans examiner to readily determine whether compliance with the requirements of this chapter will be secured.

10.6 Measurement.

A. Metering equipment. Lighting levels shall be measured in foot-candles with a direct reading, portable light meter. The meter shall read within an accuracy of plus or minus five percent. It shall have been tested and calibrated by an independent commercial photometric laboratory or the manufacturer within one year of the date of use as attested to by a certificate issued by such laboratory.

B. Method of measurement. The meter sensor shall be mounted or held not more than six inches above ground level in a horizontal position. Readings shall be taken only after the cell has been exposed to provide a constant reading. Measurements shall be made when the National Weather Service indicates visibility is six miles or greater such that measurements will not be adversely affected by atmospheric scatter. Measurements shall be made at least one hour after sunset or one hour prior to sunrise with the existing questioned light sources on, then with the same sources off. The difference between the two readings shall be compared to the limitations stated by this section. This procedure eliminates the effects of moonlight and other ambient light. However, if lighting levels comply with the light sources on then no further reading is needed with the light sources off to demonstrate compliance.

C. Computation of illumination. Illumination at a point may be computed in lieu of measurement. Computation methods shall consist of an Illumination Engineering Society of North America accepted method, using certified photometric data furnished by the fixture manufacturer, lamp manufacturer, photometric laboratory, or other reliable authority satisfactory to the city. Computations shall be based on new, properly seasoned lamps, new and clean fixtures, and at rated voltage and wattage, with ballasts, lenses, shields, diffusers, and other appurtenances in place, and with proper regard taken for mounting height, relative elevation, natural and man-made objects and industry standard maintenance factors.

10.7 Illumination.

A. Limitations on neighboring property. The limit of illumination on neighboring property from one establishment shall be based on the zoning of the neighboring property. Maximum computed maintained and maximum measured foot-candles at the neighboring property lines shall not exceed:

- (1) Single family and two-family residential districts: 0.25 foot-candles
- (2) Multifamily residential districts: 0.5 foot-candles
- (3) Agriculture: 1.0 foot-candles

- (4) Nonresidential districts (excluding industrial): 3.0 foot-candles
- (5) Rights-of-way and private streets: 3.0 foot-candles
- (6) Industrial districts: 5.0 foot-candles
- (7) Exception. Illumination at interior property lines on contiguous lots in a multitenant nonresidential development may exceed the above criteria when necessary to provide constant lighting levels of adjoining parking areas, fire lanes and interior access roadways as determined by the Director of Development Services.

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B. Limitations on subject property. The maximum outdoor maintained computed and measured illumination level on the subject property shall not exceed 20 foot-candles at any point, with the following exceptions:

- (1) Lighting under canopies (such as service stations) shall not exceed 30 foot-candles. All other lighting on the site shall comply with the provisions of this section.
- (2) Lighting for car dealerships shall not exceed 30 foot-candles within vehicle display areas.

10.8 Luminance.

A. Calculations generally. If illumination measurements are not practical as determined by the Building Official and no other means of measuring fixture luminance is immediately available, a computation for measuring luminance may be used to determine compliance with this article.

B. Luminance calculations using luminaire photometric data. For the purpose of this article, the luminance shall be computed by the formula:



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where l is the fixture candlepower in candelas in the direction of the point from which the calculations are to be made, d is the shortest distance in feet measured horizontally from the property line to a point directly under the luminaire, and h is the height of the luminaire above the eye level (at the property line) as explained in Figure A below:



C. Luminance limitations. The luminance on neighboring property from one establishment shall be by zoning of the neighboring property. The luminance as calculated in subsection (b) shall not exceed the value by zoning as follows:

Luminance	
Single-family and two-family residential districts	0.02
Multiple-family residential districts	0.05
Nonresidential districts, streets	0.30
Industrial districts	0.50

10.9 Effective outdoor lighting. The purpose of the effective outdoor lighting section is to minimize glare, sky glow, light trespass and excessive energy consumption through the use of appropriate lighting fixtures, practices and systems, while maintaining safety, security and productivity and curtailing degradation of the nighttime visual environment. The following are requirements for effective outdoor lighting:

A. Fully shielded luminaries shall be required in all outdoor lighting installations, with the following exceptions:

- (1) Outdoor light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal or platform shall use a very narrow cone of light or shielded lights for the purpose of confining

the light to the object of interest and minimize light spillover and glare. Compliance with this provision shall be subject to approval by the building official.

(2) Building facades and architectural features of buildings may be floodlighted when the floodlight fixtures are equipped with shields and are located so as to limit the fixture's direct light distribution to the façade or feature being illuminated. The configuration of the floodlight installation shall block all view to the floodlight fixture's lamps from adjacent properties. Compliance with this provision shall be subject to approval by the building official.

B. The following lamp types shall be prohibited for outdoor lighting:

(1) Low pressure sodium

(2) Mercury vapor

C. The quality of the light source shall be a minimum of 65 CRI (color rendering index) as indicated by the lamp manufacturer's data.

D. Outdoor lighting shall be constructed and installed in a manner consistent with this section and shall be located so as not produce glare or direct illumination across the property line or onto rights-of-way.

E. Pole height.

(1) In parking areas containing zero to 150 parking spaces, the maximum height of lighting pole standards shall not exceed 25 feet.

(2) In parking areas containing 151 or more parking spaces, the maximum height of lighting pole standards shall not exceed 35 feet.

(3) For contiguous lots in a multitenant nonresidential development, adjacent parking areas may be combined for the purposes of calculating parking spaces used to determine maximum pole height.

F. Hours of operation.

(1) Lighting used for the illumination of outdoor sales and eating areas, on-site advertising, assembly areas, repair areas, and businesses may be operated during the hours that the facilities are open to the public;

(2) Lighting used for the illumination of recreational and sporting areas shall be turned off by 11:00 pm on Sunday through Thursday and by 12:00 midnight on Friday and Saturday; and

(3) Lighting used for the illumination of walkways, roadways, equipment yards, parking areas and outdoor security may be operated anytime.

(Ordinance 3455, sec. 1, adopted 2/18/13; Ordinance 3947, sec. 2, adopted 10/7/19)

Sec. 11. Landscaping and screening.

11.1 Purpose. The purposes of this section are as follows:

a. To aid in stabilizing the environment's ecological balance by contributing to the processes of air purification, oxygen regeneration, groundwater recharge, and stormwater or irrigation runoff retardation, while at the same time aiding in noise, glare and heat abatement;

b. To assist in providing adequate light and air and preventing overcrowding of land;

c. To ensure that landscaping is an integral part of a development or redevelopment;

d. To enhance the beautification of the city;

e. To enhance property values and to protect public and private investments;

f. To preserve and protect the unique identity and environment of the city and preserve the economic base attracted to the city by such factors;

g. To conserve energy and natural resources; and

h. To protect and enhance the public health, safety and general welfare.

11.2 Applicability.

a. General applicability. This section shall apply to all development and improvements to property. This shall include, but shall not be limited to the following:

1. Enlargement of existing development. Applications for building permits for construction work that:
 - (a) Increases the number of stories in a building on the lot, or
 - (b) Increases by more than ten percent or 10,000 square feet, whichever is less, of the combined floor areas of a building, or
 - (c) Increases the impermeable lot coverage by more than 2,000 square feet.
2. Change of use. Change of use where the value of improvements to the existing building to accommodate the new use exceeds 30 percent of the tax-appraised value of the structure immediately prior to issuance of a building permit.
3. Nonconformities. Lots and properties to which lawful nonconforming status is terminated for any reason.

b. Relationship to other requirements.

1. Use-Specific standards. Any use required to provide landscaping or screening pursuant to the use-specific standards of this Code shall provide such use-specific landscaping or screening. In the event of a conflict between the use-specific requirements and the general requirements of this Section, the use-specific provisions shall control.
2. Conflicts with other zoning districts. Where landscaping regulations included in the turnpike overlay district and the mixed use district conflict with the regulations contained herein, the regulations included in the turnpike overlay district and the mixed use district shall control.

11.3 Administration and enforcement of landscaping provisions.

- a. Form and content of application. To be accepted as complete, landscape plans shall be prepared by a person knowledgeable in plant material usage and landscape design (e.g., landscape architect, landscape contractor, landscape designer, etc.), prepared in the format specified by the director of development services or his/her designee and shall contain all information and supporting materials required by this section. Landscape plans involving grade work or retaining walls shall be prepared and sealed by a professional engineer licensed to practice in the State of Texas. Irrigation plans shall be submitted with building plans when the building permit application is submitted to the chief building official for review. In addition, irrigation plans shall be prepared by a licensed irrigator.
- b. Maintenance responsibility. It shall be the responsibility of the owner (or applicable Homeowner's Association/Property Owner's Association) to maintain all installed landscaping, screening walls or living screens.
- c. Surety. When due to drought restrictions, a property owner seeks a certificate of occupancy prior to landscaping being installed, the director of development services shall require an irrevocable letter of credit or cash escrow equivalent to 135 percent of the total cost of the landscaping. Appropriate erosion control measures will need to be taken by the property owner during the deferral of planting. These measures should include the installation of erosion control fabric (e.g., Curlex) and other necessary measures.

When drought restrictions have been relaxed and landscape installation is not prohibited, the property owner shall have 180 days from this time to complete the installation of required landscaping.

d. Certificate of occupancy.

1. Irrigation. No certificate of occupancy shall be issued prior to the complete installation and approval of the irrigation system as indicated on the approved landscape and irrigation plans, unless otherwise provided in this section.
2. Water restrictions. When mandated water restrictions do not allow for the installation and watering of new landscaping, the property owner shall either post surety in accordance with this section or seek a variance from the city manager in order to obtain a certificate of occupancy. Variances will be reviewed on a case-by-case basis and the property owner will be required to demonstrate how alternate landscaping measures will reduce water consumption for the site. If a variance is approved it will only be until such time as vegetative roots are established for new landscaping.

11.4 Required landscaping.

- a. General. In all areas other than single-family and two-family dwellings, at least ten percent of the gross lot area excluding rights-of-way shall be maintained as landscaped area and shall comply with the

following standards:

1. All required perimeter buffers and off-street parking interior landscaping shall be included in the overall minimum ten percent of gross site landscaping.
 2. No tree may be planted within five feet of any impermeable surface or area, unless approved by the director of development services or a greater distance is required due to tree species.
 3. The existing natural landscape character shall be preserved to the extent reasonable and feasible. In an area of the street frontage containing a stand of trees, the developer shall use good-faith efforts to preserve such trees, and also shall comply with the tree preservation requirements in this Code.
 4. No unapproved landscaping, object, structure, or sign shall be placed within a visibility easement.
 5. A minimum of one-third of all trees and shrubs required to be planted as part of perimeter buffers (right-of-way, compatibility or incompatibility), parking lot landscaping, and single-family residential landscaping shall be drought-tolerant species. These drought-tolerant species shall be chosen from those noted as such in the approved plant list in this section. This requirement shall not apply to ground-cover.
- b. Perimeter buffer landscape requirements.
1. Buffer types.
 - (a) Right-of-way. Right-of-way (ROW) buffers shall be provided along all street frontages except alleys. ROW buffers shall not be required for individual single-family or duplex dwellings.
 - (b) Compatibility. Compatibility buffers shall be provided between all compatible use types, except the case where single family residential subdivisions are adjacent to other single family residential subdivisions.
 - (c) Incompatibility. Incompatibility buffers shall be provided between all incompatible use types or incompatible zoning districts.

Figure 1. Buffer Types



2. Trees and shrubs. Trees and shrubs shall be provided in all perimeter buffers in accordance with the following standards:
 - (a) Trees.
 - (1) ROW buffers. One tree per 50 lineal feet.
 - (2) Compatibility buffers. No tree requirement.
 - (3) Incompatibility buffer. One tree per 50 lineal feet.
 - (b) Shrubs.
 - (1) ROW buffers. One evergreen shrub per three lineal feet, for a maximum of 75 percent of the ROW frontage.
 - (2) Compatibility buffers. No shrub requirement.
 - (3) Incompatibility buffers. No shrub requirement.
3. Walls and fences. If a masonry wall is required within an incompatibility buffer or otherwise provided as part of the proposed landscaping, the wall shall adhere to the masonry wall standards provided in this Code.
4. Area measurement. The width of access ways that traverse required perimeter landscape buffers shall be included in the calculation of linear dimension.
5. ROW buffer.
 - (a) Width. The total width of the buffer along streets, thoroughfares, or other means of vehicular access shall be ten feet.
 - (b) Corner lots at the intersection of minor arterials or major arterials. Corner lots at the intersection of minor arterials or major arterials with collector streets or larger thoroughfares shall provide a minimum landscape area of 600 square feet located at the intersection corner of the lot.

- (c) Planting pattern for perimeter ROW buffer. At least 75 percent of the frontage of parking lots adjacent to a public right-of-way, within the street yard shall be screened from public streets with evergreen shrubs attaining a minimum height of three feet, a low masonry wall of a minimum height of three feet, a landscaped earthen berm of a minimum height of three feet or a combination of the above with a minimum combined height of three feet. A wall used for parking lot screening should be accompanied with landscape planting in the form of low shrubs and groundcover to soften the appearance of the wall.
- (d) Landscape overhang. Automobile bumpers shall not overhang into the ROW buffer. If the parking stalls adjacent to the ROW buffer are 18 feet deep, an additional two feet of landscape area shall be required. The additional two feet of landscape area shall not be included in calculating the required ROW buffer width requirements.
- (e) Additional groundcover. The applicant is also encouraged to plant a variety of ornamental trees and flowers in addition to the required plantings. Any permeable surface not occupied by trees, shrubs, planting beds. Signs, or other permitted fixtures shall be surrounded with turf or other living groundcover. Gravel, bark mulch, or other similar materials are not acceptable.
- (f) Sight visibility triangles. Sight visibility triangles shall be maintained at all street, alley or private drive intersections in accordance with the city's sight triangle guidelines.
6. Compatibility buffer. Compatibility buffers shall serve to provide a minor transitional buffer between similar land uses. The minimum width of a compatibility buffer is five feet.
7. Incompatibility buffer. An incompatibility buffer shall be required between all incompatible use types or incompatible tracts in a planned development in accordance with the requirements of Table 1, Incompatibility Buffer Standards.

TABLE 11.4-1. INCOMPATIBILITY BUFFER STANDARDS

Buffer Type	Width	Wall/Fencing Type Required	Maximum Tree Spacing
Type 1	10-ft.	Masonry Wall (1)	50-ft. O.C.
Type 2	15-ft.	Masonry Wall	50-ft. O.C.

- (1) Living Screen may be considered as an alternate to a masonry wall for a Type 1 Incompatibility Buffer. The living screen shall be considered in accordance with the alternative landscape plan provisions contained herein.
- (a) Landscape requirements. An incompatibility buffer shall consist of a continuous, opaque landscape barrier. The landscape barrier shall either be a hedge, fence or a wall. Shrubs and trees required pursuant to other sections of this Code shall be provided in addition to the wall/fencing type requirements shown in Table 1.
- (b) Determining incompatibility buffer type. The type of incompatibility buffer required shall be the highest buffer type based on the height or use difference between adjacent uses, in accordance with Table 5.4-3, Required Incompatibility Buffer Types-Height and Table 5.4-4, Required Incompatibility Buffer Types-Use. In the case of a conflict, the most restrictive buffer type shall be required.

TABLE 11.4-2 REQUIRED INCOMPATIBILITY BUFFER TYPES-HEIGHT

Building Height Difference Between Adjacent Uses	Required Buffer Type
14-28 feet	Type 1
Greater than 28 feet	Type 2

TABLE 11.4-3 REQUIRED INCOMPATIBILITY BUFFER TYPES-USE

Existing Use Type	Proposed Use Type	Required Buffer Type
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Single-Family	Multifamily	Type 1
Residential (All types)	Commercial	Type 1
Residential (All types)	Institutional/Public	Type 1
Residential (All types)	Industrial	Type 2
Residential (All types)	Utility	Type 2

c. Off-street parking landscaping requirements. Off-street parking and interior vehicular use areas shall be subject to the following landscaping requirements. Plantings required by this Section's perimeter buffer landscape requirements shall not be used to satisfy these requirements.

1. General. The required percentage of interior parking lot landscaping shall be devoted to living landscaping which includes grass, ground cover, plants, shrubs and trees.
 2. Required percentage of planting area. There shall be eight square feet of permeable interior landscaping for each parking space. This permeable space shall be grass, shrubs, living groundcovers, trees or a combination of these materials. Gravel, bark mulch or other similar materials are not acceptable.
 3. Exemption. Areas used for parking or vehicular storage which are under, on, or within buildings are exempt from these standards.
 4. Parking landscape islands. Interior areas of parking lots shall contain landscape islands located so as to best relieve the expanse of paving. Landscape islands must be located no farther apart than every 12 parking spaces and at the terminus of all rows of parking. Terminal islands shall contain at least one tree. The remainder shall be landscaped with shrubs, turf, ground cover or other appropriate material not to exceed three feet in height. Landscaping islands shall have a minimum size of ten feet by 18 feet measured from inside of curb to inside of curb and shall be separated from vehicular use areas by a six-inch non-mountable curb.
 5. Trees. A minimum of 75 percent of all trees required in the interior planting area shall be canopy trees. Ornamental Trees substituted at a rate of 2:1, may count as one required tree, not to exceed 25 percent of the total required trees. Where only three or fewer trees are required, those trees shall all be canopy trees. The minimum requirement for canopy trees shall not be less than one tree for every ten parking spaces.
 6. Wheelstops. Wheelstops shall be installed no closer than two feet from the landscaped area to prevent cars from parking too close to trees or damaging shrubs and screens and to allow routine landscape maintenance.
 7. Parking structures. Perimeter planters shall be provided along the exterior of parking structures located within 500 feet of a public right-of-way or residential zoning district. Planters shall provide a total of one-half square foot of planting area for each linear foot of facade per parking level. Planting areas may be arranged in linear fashion or clustered at intervals or on levels, and shall be provided with permanent irrigation to permit watering of plant materials. The perimeter planter requirement may be altered if in conflict with the architectural character of the structure, subject to approval of an alternative landscape plan.
- d. Single-family residential development requirements.
1. Applicability. The provisions in this section titled, "single family residential development requirements" shall not be applicable to lots zoned R-39 (39,000 square feet) or larger.
 2. Individual lot requirements. The following landscaping requirements must be met prior to request for final building inspection:
 - (a) Planting of at least four shade trees per dwelling unit, of at least three-inch caliper and seven feet tall;
 - (b) Mandatory trees shall be a minimum of five feet from all property lines;

- (c) Sodding of entire yard, consisting of front, side and rear; and
 - (d) Planting of at least 12 shrubs (five-gallon minimum) in the front yard.
 - (e) An automatic irrigation system shall be installed to maintain all required landscaping. All plant material shall be maintained in a healthy and growing condition, and must be replaced with plant material of similar variety and size if damaged, destroyed or removed.
3. Entryway areas. A minimum landscape area of 900 square feet shall be located at the intersection corner of residential subdivisions and at the main entrance to the subdivision. This landscape area shall provide a minimum distance of 40 feet from the projected corner of the intersection on both sides. No trees shall be planted in this area.
4. Masonry wall required. Unless otherwise approved by the city council, a masonry screening shall be provided along the rear and/or side property lines of residential districts when the area backs up to and/or sides a street which is designated on the city's thoroughfare plan as a thoroughfare. Screening walls shall be not less than six feet in height and designed in accordance with city requirements. A living screen may be proposed as an alternative landscape plan.
- 11.5 General landscaping requirements and standards. The following criteria and standards shall apply to landscape materials and installation.
- a. Quality.
 - 1. Conformance. The best professional practices of the American Society of Landscape Architects, the International Society of Arboriculture and the American Nursery and Landscape Association regarding planting, installation, trimming, and fertilization, shall apply to this section. In addition, plant materials used in conformance with the provisions of this chapter shall conform to the standards of the American Standard for Nursery Stock, ANSI Z60.1-2004, or equivalent thereof.
 - 2. Approved plant list. Plant materials shall be from the City of Sachse Approved Plant List contained in this section. Plant materials must be suitable for local soil conditions and climate. Specifically, plant materials should have high heat tolerance and lower water consumption, where possible.
 - 3. Material. Grass seed, sod and other material shall be clean and reasonably free of weeds and noxious pests and insects.
 - 4. Species diversification. Plant material selection for any area of a lot shall provide species diversity so as to minimize impacts from species-specific disease. No more than 25 percent of any tree type (e.g., canopy tree, ornamental tree) shall be of the same species. A minimum of four different species shall be used as canopy trees and a minimum of four different species shall be used as ornamental trees. The various species shall not be grouped in close proximity and should be distributed throughout the lot.
 - b. Plant measurements.
 - 1. Canopy trees.
 - (a) Minimum height. Canopy trees shall have a minimum height of 12 feet at time of installation.
 - (b) Minimum caliper size. Canopy trees shall be a minimum of three-inch caliper as measured 12 inches above ground.
 - 2. Ornamental trees.
 - (a) Minimum height. Ornamental trees shall have a minimum height of eight feet at time of installation.
 - (b) Minimum container size. Ornamental trees shall be a minimum of 30 gallon container size.
 - 3. Shrubs.
 - (a) Minimum container size. The minimum container size for shrubs shall be three gallons.
 - (b) Minimum height. Shrubs shall have a minimum height of 24 inches at time of installation and shall obtain a minimum height of 36 inches within two years of planting.
 - (c) Minimum spacing. Shrubs shall be planted at a minimum spacing of three feet on center and capable of achieving a solid visual screen within one year of planting.
 - c. Plant Material Substitution.
 - 1. Due to seasonal planting issues and a lack of plant availability, approved landscape plans may require minor revisions. Revisions to approved plans shall be approved by the director of development

services or his/her designee.

2. Ornamental trees may be substituted for canopy trees at a ratio of two ornamental trees to one canopy tree.

d. Proximity to overhead utilities. To minimize conflicts with overhead power lines and overhead utility installations, the applicant may substitute trees with a mature height of 25 feet or less for canopy trees when planting within ten feet from either side of overhead power lines.

e. Shrub beds. Beds shall be mulched with a minimum two-inch layer of shredded hardwood or cypress mulch. Irrigation for shrub beds shall be separated from turf areas.

f. Maintenance. Every owner and person in control of property shall keep landscaped areas in a well-maintained, safe, clean, and attractive condition at all times. Such maintenance shall include, but is not limited to, the following:

1. Landscaped areas shall be kept free of trash, litter, weeds, and other such materials or plants not a part of the landscape.

2. All plant material shall be maintained in a healthy and growing condition and must be replaced within 30 days with plant material of similar variety and size (size not to be smaller than the minimum required by this section at the time of replacement) if diseased, damaged, destroyed, or removed. If replacement cannot or should not be affected within the 30-day period due to seasonal temperatures, an extension may be approved by the director of development services if requested in writing, stating when such planting is to be accomplished. No planting delay of over 90 days shall occur. When replacement of landscape material conflicts with watering restrictions, such surety for replacement of landscape materials shall be posted in an amount equal to 135 percent of the total cost of the landscaping.

3. Turf, grass and ground cover shall be mowed, trimmed and edged, and maintained at the proper height.

4. Proper pruning shall be done.

5. Watering shall be done on a regular basis, subject to any city drought contingency plan in effect at the time.

6. Landscape lighting shall be maintained in working order.

7. Irrigation systems shall be maintained in working order.

8. Property owners and persons in control shall maintain and keep clean property and areas situated between the property and the paved portion of any street, alley or right-of-way, as well as any abutting waterway.

9. The property owner shall be responsible for any landscaping, irrigation and maintenance of any right-of-way area between the property line and the curb line. In the case of new development, turf grass/ground cover shall be installed in the right-of-way area between the property line and the curb line and be consistent in material and/or type with the installed turf grass/ground cover on the adjacent property.

g. Landscaping on or affecting public property.

1. The city has the authority to plant, preserve, spray, trim, or remove any tree, shrub, or plant on any parkway, alley, or public ground belonging to the city to protect the public health, safety, and general welfare.

2. It shall be unlawful for any person to cut or break any branch of any tree or shrub or injure in any way the bark of such tree or shrub growing on public property.

3. The city has the authority to trim or remove, or to order the trimming or removal, of vegetation that conflicts or interferes with the delivery of public services, or that creates a hazard or nuisance to public rights-of-way or easements.

h. Irrigation. All landscape areas and open space shall be provided with an adequate, inconspicuous, and complete-coverage automatic irrigation system. All landscaped areas shall be irrigated according to the following standards:

1. Irrigation systems shall be calibrated and designed to provide the appropriate amount of water that

relates to the plant species, and shall not over-water.

2. All planted areas shall be irrigated.
3. All irrigation systems shall be equipped with rain and freeze sensors and shall comply with backflow and cross-connection regulations.
4. Drip or soaker irrigation shall be used in all vegetated areas exclusive of turf grass areas.
5. No control valve shall be located within an easement for transmission towers.

11.6 Screening standards.

a. General. The placement of natural landscape materials (e.g., trees, shrubs, and hedges) is the preferred method for buffering differing land uses, for providing a transition between adjacent properties, and for screening the view of any parking or storage area, refuse collection, utility enclosures, or other service area visible from a public street, alley, or pedestrian area. Plants may be used with fences or berms to achieve the desired screening or buffering effect. Plant material should be mature enough at the time of planting to provide an effective buffer or screen, and should be planted in an appropriate location to allow for desired growth within a reasonable period of time.

When used to screen an activity area such as a parking lot, landscaping shall not obstruct the visibility of motorists or pedestrians or interfere with public safety.

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b. Screening of service and off-street loading spaces. All service areas and designated off-street loading spaces on a site shall be screened from all public and more restrictive, conforming adjacent uses. Screening shall comply with the following standards:

1. To the maximum extent feasible, service and off-street loading areas shall not be visible from public streets.
2. Service and off-street loading areas shall be incorporated into the overall design of the building and landscaping so that visual and acoustic impacts are fully contained and out of view from adjacent properties and public streets.
3. Service areas shall be concealed by a method of screening comprised of materials at least six feet in height measured from the horizontal plane passing through the nearest point of the off-street loading space or service area. Such screening may be provided by using one of any of the following methods; however, off-street loading spaces located adjacent to residentially zoned property or existing residential uses shall utilize a masonry wall per the requirements in this section.

- (a) Masonry wall pursuant to the standards set forth in this section.
- (b) Living screen in accordance with the standards contained herein.

c. Dumpster and trash compactor screening.

1. Dumpsters shall be enclosed on three sides with six-foot masonry walls constructed of the same materials and finishes as the buildings; a solid double metal gate shall be required on the fourth side, and shall be kept closed at all times other than for immediate access. The opening shall not face, or shall be screened from, a public street or access easement.
2. An eight-foot wall constructed of the same materials and finishes as the buildings shall be provided around compactors.
3. Screens are not required for dumpsters in nonresidential developments when located in the service area and screened by the buildings, wing wall or screening wall from public view.
4. Dumpsters are required and shall be identified on a site plan for all developments that require a site plan. The specific screening requirements specified in this section shall be placed on the site plan.

d. Masonry wall standards.

1. Design and materials. A masonry screening wall shall consist of a reinforced wall of the same materials, color, and texture as used on the primary structure on the site, having a minimum height of six feet and a maximum height of eight feet. A graphic detail and schedule of materials shall be shown on the plan. The masonry wall shall be designed and built in accordance with the City of Sachse Standard Construction Details; the designs shall be signed by a structural engineer licensed to practice in the State of Texas.

2. Engineering requirements. Plans and specifications for the wall shall be submitted with the civil plans and approved by the city engineer.

3. Installation of landscaping between wall and alley prohibited. Where a masonry screening wall erected pursuant to this section abuts an alley, any required landscaping shall be installed between the nonresidential use and the screening wall, rather than between the screening wall and the alley.

4. Maintenance easement. A minimum five-foot wall maintenance easement shall be required within residential lots that abut the masonry screening wall. Wall maintenance easements shall be dedicated to or owned, and maintained, by the homeowners' association.

5. Conflict with easements. If the placement of the wall conflicts with an easement, the wall shall not encroach upon the easement, unless otherwise approved by the city engineer.

6. Additional requirements.

(a) The wall shall be designed so that water will drain under, through, and away from the wall on all sides. No ponding of water shall be allowed.

(b) Unless otherwise constrained by topography, curvature, and location of infrastructure, where walls are aligned with residential alleys, the face of the wall or column shall be a minimum of one foot from the property line.

(c) Masonry wall construction shall be in accordance with City of Sachse Standard Construction Details.

(d) Slip-form or similar type walls are prohibited.

e. Living screen standards. If a living screen is authorized, it shall consist of a berm and plant materials and shall comply with the following standards:

1. The berm shall have a minimum side slope of four to one and a minimum crown width of one and one-half feet.

2. The berm shall undulate from one foot to the maximum height not to exceed five feet in height.

3. Large evergreen-type shrubs shall be selected from the approved planting materials list and planted in accordance with specifications herein. In addition, the plant materials shall:

(a) Be located in a bed that is of a width suitable for the required plant spacing, but at least five feet wide. The director of development services or his/her designee may require a wider bed width depending on type, species and/or growing habit.

(b) Be planted in staggered rows over the entire length of the bed unless the director of development services or his/her designee approves an alternative planting density as being capable of providing a solid screen within one year of planting.

(c) Be a minimum of six feet in height at time of planting and provides the required visual barrier.

4. A wrought iron fence or similar steel fence having a minimum height of not less than six feet nor more than eight feet in combination with evergreen plant material is required if a living screen is proposed.

11.7 Tree preservation.

a. Tree preservation. There is hereby created and established a tree preservation program to provide a valuable amenity to the urban environment and to establish terms and provisions to apply to real property within the city, as follows.

b. Definitions. Terms in this section shall have the following definitions.

Caliper. Diameter of the trunk of a newly installed tree (planted within the previous year) as measured 12 inches above grade, or the diameter of an existing tree measured at the DBH of four and one-half feet above the ground, measured from the root flare at the base of the tree.

Buildable area. The actual base area of a building and an area not to exceed six feet around the foundation necessary for construction and grade transitions.

DBH. Diameter at breast height (DBH), is the tree trunk diameter measured in inches at height of four and one-half feet above ground level.

Tree. Any self-supporting, woody perennial plant which will attain a trunk diameter of two inches or more when

measured at a point four and one-half foot above ground level as measured from the root flare, and which will attain a minimum mature height of 12 feet.

Tree, protected. A tree as listed in the Protected Tree List, subsection i., Figure 1, that has a diameter of six inches or greater measured at four and one-half foot above ground. For a multi-trunk tree, the diameter shall be the total diameter of the largest trunk plus one-half of the diameter(s) of each additional trunk.

Tree, unprotected. Any existing tree that is not a protected tree per the definition of "protected tree" in this section.

c. Enforcement responsibility. The City Manager of the City of Sachse shall designate a member of the city's staff who shall have the responsibility for enforcement of the provisions of this article. References herein made to the performance of certain functions by the city shall be deemed references to performance by the city manager's designee.

d. Applicability. This section shall apply to the following properties.

1. All real property upon which any protected tree is located, excluding developed single-family and two-family residential property.
2. All vacant and undeveloped real property.
3. All real property to be subdivided or re-subdivided, including record plats and replats.
4. The yard areas of all developed property, excluding developed single family and two-family residential property.
5. All easements and rights-of-way, excluding those included on a record plat and filed in the plat records of the county.

e. Exceptions. The following exceptions from the terms and provisions of this section are hereby authorized and granted.

1. The terms and conditions of this section allow trees located in necessary public rights-of-way and easements to be removed without a tree removal permit and prior to the issuance of a building permit.
2. In the event that any protected tree shall be determined to be in a hazardous or dangerous condition so as to endanger the public health, welfare or safety, and requires immediate removal without delay, authorization for removal may be given by the parks and recreation director, or designee, and the protected tree may then be removed without obtaining a written permit as herein required.
3. During the period of an emergency, such as a tornado, storm, flood or other act of God, the requirements of this section may be waived as may be deemed necessary by the city manager.
4. All licensed plant or tree nurseries shall be exempt from the terms and provisions of this section only in relation to those trees planted and growing on the premises of the licensee, that are so planted and growing for the sale or intended sale to the general public in the ordinary course of the licensee's business.
5. Utility companies franchised by the city may remove, cut or prune protected trees that endanger public safety and welfare by interfering with utility service, except that where the trees are on properties developed for single-family or duplex use, disposal of the trees shall be at the option of the property owner(s).
6. The mowing, clearing and grubbing of brush located within or under the drip lines of protected trees shall be allowed, provided the mowing, clearing or grubbing is accomplished by hand or by mowers. The use of bulldozers, loaders or other construction or earth moving equipment for this purpose shall not be allowed.
7. For recreational property or uses, such as golf courses, ball fields, etc., of the property shall include that portion of the property necessary for the construction of the recreational improvements, including sufficient adjacent area to allow the normal operation of construction equipment.
8. Tree mitigation is not required for any tree located within the buildable area of a lot or site as defined herein.
9. The following species of trees are exempt from the protection and preservation requirements stated within this section except when located in a floodplain or watercourse as defined by the city or other government agency and when these species have a DBH of ten inches or greater.

Species	Common Name
Celtis occidentalis	Hackberry
Populus spp.	Poplar, Cottonwood
Prosopis glandulosa	Mesquite
Gleditsia triacanthos	Honey Locust
Maclura pomifera	Bois d’Arc

f. Tree management plan required.

1. Along with the submittal of an application for approval of a detailed development plan, site plan, subdivision plat, clearing and grading plan, erosion control plan or public improvement construction plan, a tree management plan shall be submitted to the development services department and any lot one acre or greater must have a plan submitted by a landscape architect. See subsection i. for tree preservation and mitigation requirements.
2. The tree management plan shall:
 - (a) Show the location, species, and caliper of all protected trees.
 - (b) Identify those trees proposed to be removed and those to be protected.
 - (c) Show the methods of preservation of the trees to be protected.
 - (d) Show the location of proposed building pads, drives, parking, and all easements which will affect existing trees on the site.
 - (e) Show the location of all floodplain limits, and general grading limits of cut and fill.
3. The tree management plan is not required to protect trees that are:
 - (a) Injured, dying, diseased or infested with harmful insects;
 - (b) In danger of falling, interferes with utility service or creates unsafe vision clearance;
 - (c) In any manner creating a hazardous or dangerous condition so as to endanger the public health, welfare or safety.

g. General requirements related to protected trees.

1. No person, directly or indirectly, shall cut down, destroy, remove or effectively destroy through damaging, any protected tree on any real property within the city without an approved tree management plan as provided herein.
2. Under no circumstances shall the clear cutting of protected trees on any real property within the city be allowed prior to the approval of a tree management plan for the property.
3. Unless otherwise approved by the city, no construction or construction-related activity shall occur under the canopy or drip line of any protected tree or group of protected trees.
4. No person, directly or indirectly, shall replant, relocate, transfer or move from one location to another any protected tree on any real property within the city without approval from the city.
5. All protected trees are required to be protected from the harmful effects of nearby construction. In order to insure survival of protected trees during the construction process the following shall be required:
 - (a) Prior to construction or land development, the developer shall clearly mark with three-inch wide red ribbon or tape all protected trees within 30 feet of a public right-of-way, public easement or buildable lot area, as included on the applicable approved and filed recorded plat.
 - (b) Prior to construction or land development of the subdivision, the developer shall establish designated parking areas for the parking and maintenance of all vehicles, trailers, construction

equipment and related items and designated stockpile areas for the storage of construction supplies and materials during construction of the subdivision. The location and dimensions of said designated areas shall be clearly identified on both subdivision construction and site plans and shall be approved by the city prior to construction or land development of the subdivision.

- (c) Designated parking and stockpile areas shall be completely fenced with chain-link fencing and gated for safety purpose and to separate protected trees from the construction area and related construction activity. The designated parking and stockpile areas may be combined into one fenced area provided the preservation of protected trees is not adversely affected or jeopardized.
 - (d) Supplies and pipe and other items that are customarily unloaded where installed shall be required to be stored within the designated stockpile areas.
 - (e) During construction, the developer shall prohibit the cleaning of equipment or materials and/or the disposal of any waste material, including, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., under the canopy or drip line of any protected tree or group of protected trees.
 - (f) If a foundation, street or alley pavement, utility line, on-site sewerage facility, pool, tennis court, patio, sidewalk, drive or parking lot, as approved by the city, must be constructed within the drip line of a protected tree, it shall be constructed no closer than five feet from the trunk of the protected tree and the canopy of the tree pruned appropriately to balance the effect of damage to the roots.
6. During construction no attachments or wires of any kind, other than those of a protective nature, shall be attached to any protected tree.
7. To accommodate grade changes of six inches or greater, a retaining wall or tree well of rock, brick, landscape timbers or other approved materials shall be constructed around the tree no closer than the drip line of the tree. The top of the retaining wall or tree well shall be constructed at the new grade.

h. Enforcement and penalty.

1. Enforcement.

- (a) The city manager or his designee shall be authorized to enforce the provisions of this ordinance.
- (b) Each tree removed or transplanted without a permit shall constitute a separate offense.
- (c) Violation of this ordinance shall not constitute an exemption to the replacement requirements of this ordinance. The removal of protected trees shall be mitigated according to requirements contained herein.

2. Penalty.

- (a) Any person violating a provision of this chapter, upon conviction, is guilty of an offense punishable by a fine not to exceed \$500.00 for each incident. Each tree upon which there exists a violation of this chapter or failure to abide by, or comply with, any provision or requirement of this chapter, shall constitute a separate incident and subject the offender to separate penalty.

i. Tree preservation and mitigation.

- 1. Protected trees, as listed below in Figure 1, that are healthy and growing on a site must be preserved or replaced at the rate of one hundred percent of the lost caliper inches.

Figure 1. Protected Tree List

Species	Common Name
Carya illinoensis	Pecan
Ilex vomitoria	Yaupon Holly
Liquidambar styraciflua	Sweetgum
Magnolia grandiflora	Southern Magnolia

Quercus macrocarpa	Bur Oak
Quercus muehlenbergii	Chinkapin Oak
Quercus shumardii	Shumard Oak
Quercus texana	Texas Red Oak
Quercus virginiana	Live Oak
Taxodium distichum	Bald Cypress
Platanus occidentalis	Sycamore
Quercus spp.	Oaks (all others not listed)
Ulmus americana	American Elm
Ulmus crassifolia	Cedar Elm
Bumelia lunuginosa	Chittamwood
Diospyros virginiana	Common Persimmon
Fraxinus pennsylvanica	Green Ash
Juglans nigra	Black Walnut
Juniperus virginiana	Eastern Red Cedar
Lagerstroemia indica	Crape Myrtle
Prunus Mexicana	Mexican Plum
Sophora affinis	Eve's Necklace
Pinus spp.	Pines
Pyrus calleryana	Bradford Pear

Existing trees may be used to fulfill the tree planting requirements specified in other city ordinances provided that such trees are in a healthy and growing condition. When existing trees are used to fulfill screening and landscape requirements, existing tree locations shall be accepted, and the formal spacing requirements may be waived.

2. Required large tree plantings may count towards the mitigation of lost caliper inches. The minimum tree caliper inch specified in the landscape requirements supersedes the minimum replacement tree size, specified in this section.

3. If, due to the size, shape or topography of the intended site of development a tree mitigation plan for the site of development is unworkable, the City may approve a tree management plan that provides for the mitigation of protected trees through either the planting of replacement trees at an off-site location in private open spaces, or the payment to a city reforestation and tree management fund of an

amount equal to 100 percent of the replacement cost.

4. The city manager shall determine the monetary value of a replacement tree by contacting landscape companies, plant nurseries, or garden centers for the price of a four-inch caliper tree installed, then averaging that cost to determine the mean cost of a four-inch tree; and then dividing by four to determine the mean cost of a one-inch tree installed. The mean cost of a one-inch tree installed is then multiplied by the required number of replacement tree inches proposed for fee payment in lieu of planting. Said formula is represented as follows:

$$((A+B+C+D)/4) \times X = \text{Replacement Tree Escrow Fee}$$
where A, B, C, and D represent the installed cost of a four-inch tree from four sources, and where X represents the required number of replacement tree inches.

j. Waivers.

1. The city council after conducting a public hearing, shall hear appeals from decisions of the city manager and may approve a tree removal permit and approve a waiver to all or a portion of the requirements to provide for replacement trees for the following:

- (a) A public or recreational use or structure but not including rights-of-way or easements.
- (b) A private use that usually requires large areas of open space (impervious surface).
- (c) Development of heavily forested sites where the strict compliance of the requirements of this chapter, as amended, will unreasonably burden the use of the property.

k. Tree care. There is hereby created and established a tree care program to provide full power and authority over the care of all trees, plants and shrubs located within public rights-of-ways, parks and public places and aids in the proper growth of a landscape program to enhance the beauty of the city.

l. Care of public trees.

- 1. The city manager shall have the responsibility, to plant, prune, maintain and remove trees, plants and shrubs within the public right-of-way of all streets, alleys, avenues, lanes, squares, parks, and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. This shall include the removal of trees that may threaten electrical, telephone, gas, or any municipal water or sewer line, or any tree that is affected by fungus, insect, or other pest disease.
- 2. Every owner of any tree or shrub overhanging any street or right-of-way within the city shall, in accordance to the city pruning guidelines, prune the branches so that such branches shall not [severely] obstruct the light from any street lamp or obstruct the view of any street intersection; will not obstruct the passage of pedestrians on sidewalks; will not obstruct vision of traffic signs; and will not obstruct the view of any street or alley intersection. If the property owner fails to do so, the parks and recreation director and/or his or her designee shall give ten days' notice to the property owners to take action, otherwise the city shall have the right to remove or prune any tree or shrub on private property which threatens the safety of those who may use a city street or city park. A fee shall be assessed for this service on an hourly basis. Fees will be based on the current hourly wages of city maintenance workers.
- 3. It shall be unlawful for any person, firm or corporation to attach any cable, wire, rope sign or any object to any city tree, plant or shrub without written permission from the city manager.

m. Tree preservation board.

- 1. Board membership. The tree preservation board shall consist of the members of the parks and recreation commission.
- 2. Term of office. The board shall elect its own officers and each officer shall serve for a term of two years or until a successor is appointed.
- 3. Meetings. The board shall meet a minimum of four times each year. All stated meetings shall be open to the public. The board chairman may schedule additional meetings as needed.
- 4. Officers. The board shall annually select one of the members to serve as chair, and may appoint a second member to serve as vice-chair, and may appoint a third member to serve as secretary.
- 5. Duties. The duties of the tree preservation board shall include:
 - (a) To review the tree management plan, tree preservation and mitigation guidelines, and the tree

care program as may be necessary.

- (b) To promote the protection of healthy trees and provide guidelines for the replacement and/or replanting of trees necessarily removed during construction, development, and redevelopment.
- (c) To uphold rules and regulations governing the protection and preservation of native or established trees within the city, which provide for purification of air and water, provide for shade, windbreaks and the cooling of air, provide for open space and more efficient drainage of land, thus reducing the effects on soil erosion.
- (d) To study, investigate, counsel and develop and/or update periodically a written plan for the care, preservation, pruning, planting, replanting, removal or disposal of public trees and shrubs on city property.
- (e) To review and recommend specific beautification projects and public awareness programs to the parks and recreation department, city manager and/or city council as may be appropriate.
- (f) Coordinating and promoting Arbor Day activities.
- (g) Submitting the annual application to renew the tree city USA designation; and
- (h) Other duties that may be assigned by the city council.

11.8 Alternative landscape plan.

a. Purpose and intent. An Alternative Landscape Plan (ALP) is intended to promote the preservation and incorporation of existing native vegetation or specimen trees, or for the innovative use of plant material and improved site design.

b. Applicability. Any landscape plan application may be eligible to apply for an ALP.

1. Design principles. To qualify for consideration an application for an ALP shall demonstrate compliance with the following principles.

- (a) Innovative use of plant materials and design techniques in response to unique characteristics of the specific site.
 - (b) Preservation and/or incorporation of existing native vegetation.
 - (c) Use of a variety of plant material in excess of minimum requirements.
 - (d) Incorporation of naturalistic design principles, such as variations in topography, meandering or curvilinear plantings, and grouping of dominant plant materials in a manner consistent with existing native vegetation.
 - (e) Integration of landscaping with on-site pedestrian facilities as well as potential connections to existing or proposed adjacent pedestrian facilities.
 - (f) Use of additional shade trees to create a greater canopy effect.
 - (g) A greater degree of compatibility with surrounding uses than a standard landscape plan would offer, provided the resulting landscape conforms to the design principles and guidelines of this section.
 - (h) Use of water-efficient irrigation systems and xeriscaping at appropriate locations.
 - (i) Incorporation of specific environmental attributes such as soil, hydrology, and vegetative communities unique to the site, and which are compatible with environmental features on-site and on adjacent properties.
2. Allowable modifications to standards. The standards that can be modified through the use of an ALP are listed below. Any standard not listed herein shall not be eligible to be modified through an ALP.
- (a) Perimeter buffer landscape requirements; trees and shrubs.
 - (b) Perimeter buffer landscape requirements, ROW buffer width.
 - (c) Perimeter buffer landscape requirements, compatibility buffer standards.
 - (d) Perimeter buffer landscape requirements, incompatibility buffer standards.
 - (e) Single-family residential development requirements, entryway areas.
 - (f) Single-family residential development requirements, masonry wall requirements.
 - (g) Dumpster and trash compactor screening.

- c. Application requirements. An application for an ALP shall be in a form established by the director of development services or his/her designee and shall include a narrative and any necessary supporting documentation that clearly details and demonstrates compliance with this section.
- d. Approval. ALPs must be submitted in conjunction with a landscape plan application subject to the following requirements.
1. Required findings. An ALP shall only be approved upon finding that:
- (a) There are unique characteristics of the property, site design or use that warrant special consideration to modify or deviate from the requirements of this section and that these characteristics are not self-created.
- (b) The ALP meets or exceeds the minimum requirements of this section, while recognizing the unusual site design or use restraints on the property.
- (c) Approval of the ALP will provide for both increased consistency and compatibility with adjacent projects located in the general vicinity of the property.
- (d) The ALP conforms to the requirements of this section and no modifications are requested except those explicitly provided for in this Section.
2. Approval process. Application for an ALP shall be reviewed in accordance with the approval process set forth in this Code.
3. Appeals. If an application for an ALP is denied by the planning and zoning commission, the applicant may appeal the decision to the city council. An appeal shall be filed in writing with the director of planning not more than 20 days after the rendering of the decision or action taken by the planning and zoning commission. The city council shall vote by simple majority vote of those members present at the meeting to either approve or deny the appeal, which decision shall be final and binding.
- 11.9 Approved plant list. The following is a list of plants and trees recommended for required landscape areas. Plants and trees marked with an asterisk require lower water needs.

TABLE 11.9-1 GRASSES (TURF)

Common Name	Botanical Name
Bermuda Grass	Cynodon dactylon
Big Blue Stem	Andropogon gerardii
Blue gamma*	Bouteloua gracilis
Buffalo Grass*	Buchloe dactyloides
Eastern gamma grass	Tripsacum dactyloides
Green, Sprangletop	Leptochloa dubia
Indian Grass	Sorghastrum nutans
Little Blue Stem	Schizachyrium scoparium
Muhly Deer	Muhlenbergia lindheimer
Muhly Seep	Muhlenbergia reverchonii
Prairie Dropseed	Sporobolus heterolepis

Prairie Wild Rye	<i>Elymus canadensis</i>
St. Augustine	<i>Stenotaphrum secundatum</i>
Zoysia Grass	<i>Zoysia</i> sp.

TABLE 11.9-2 GRASSES (ORNAMENTAL)

Common Name	Botanical Name
Big Bluestem*	<i>Andropogon gerardii</i>
Muhly Grass*	<i>Muehlenbergia lindheimeri</i>
Pampas Grass*	<i>Cortaderia selloana</i>
Sideoats gramma*	<i>Bouteloua curtipendula</i>
Silver Bluestem*	<i>B. laguroides</i>
Spithead Bluestem*	<i>Andropogon ternarius</i>
Switchgrass*	<i>Panicum virgatum</i>

TABLE 11.9-3 GROUNDCOVERS

Common Name	Botanical Name
Ajuga	<i>Ajuga reptans</i>
Asiatic Jasmine	<i>Trachelospermum asiaticum</i>
Avens White*	<i>Geum Canadense</i>
English Ivy	<i>Hedera helix</i>
Frog fruit*	<i>Phyla nodiflora</i>
Horseherb*	<i>Calyptocarpus vialis</i>
Liriope	<i>Liriope muscari</i>
Monkey Grass*	<i>Ophiopogon japonicus</i>
Mountain Pea*	<i>Leguminosae</i>
Pigeonberry*	<i>Rivina humilis</i>
Santolina*	<i>Santolina</i> sp.
Snake Herb*	<i>Dyschoriste linearis</i>

Trailing Juniper*	Juniperus sp.
Vinca	Vinca major
Water Clover	Marsilea macropoda
Wintercreeper Euonymous	Euonymous fortunei
Wood Violet*	Viola sp.
Woody Stemodia	Stemodia lanata

TABLE 11.9-4 VINES

Common Name	Botanical Name
Alerian Ivy	Hedera canariensis
Boston Ivy	Parthenocissus tricuspidata
Carolina Jessamine	Gelsemium sempervirens
Clematis	Clematis sp.
Confederate Jasmine	Trachelospermum jasminoides
Coral Honeysuckle	Lonicera sempervirens
Coralvine*	Antigonon leptopus
Crossvine	Bignonia capreolata
English Ivy	Hedera helix
Fig Ivy	Ficus pumila (repens)
Ground Ivy*	Glechoma hederacea
Lady Banksia Rose*	Rosa banksia
Silverlace Vine	Polygonum aubertii
Trumpet vine	Campsis radicans
Virginia Creeper	Parthenocissus
Wisteria*	Wisteria sp.

TABLE 11.9-5 DWARF SHRUBS (1 to 3 feet)

Common Name	Botanical Name
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Coral Berry*	Symphoricarpos orbiculatus
Dwarf Burford Holly*	Ilex cornuta rotunda burfordii
Dwarf Chinese Holly*	Ilex cornuta rotunda
Dwarf Pittosporum*	Pittosporum tobira wheeleri
Dwarf Yaupon Holly*	Ilex vomitoria nana
Nandina: Harbour Dwarf, Gulf Stream, nana*	Nandina sp.
Red Yucca*	Hesperaloe parvifolia
Rosemary	Rosmarinus officinalis
Sacahuista	Nolina texana
Yucca	Yucca sp.

TABLE 11.9-6 SMALL SHRUBS (3 to 5 feet)

Common Name	Botanical Name
American Beautyberry	Callicarpa americana
Aromatic Sumac*	Rhus aromatica
Black Dalea	Dalea frutescens
Bridal Wreath Spirea	Spirea cantoniensis
China Rose	Rosa chinensis
Damianita	Compositae chrysactinia mexicana
Desert Spoon	Dasylium wheeleri
Dwarf Burning Bush*	Euonymus alata 'Compacta'
Dwarf Burford Holly*	Ilex cornuta rotunda burfordii
Dwarf Yaupon Holly*	Ilex vomitoria 'Nana'
Edward Goucher Abelia	Abelia goucher
Flame Anisacanthus	Anisacanthus q. wrightii
Flowering Quince	Chaenomeles japonica

Glossy Abelia	Abelia grandiflora
Grayleaf Cotoneaster	Cotoneaster glaucophylla
Indian hawthorne	Raphiolepis indica
Japanese Boxwood*	Buxus japonica
Juniper*	Juniperus sp.
Knockout Rose	Rosa 'Radcon'
Leatherleaf mahonia*	Mahonia bealeii
Miniature Crepe Myrtle*	Lagerstroemia indica
Nandina compact*	Nandina domestica compacta
Nolina, Lindheimer*	Nolina lindheimeri
Nolina, Texas*	Nolina texana
Red Barberry*	Berberis thunbergii atropurpurea
Skeleton-Leaf Goldeneye*	Viguiera stenoloba

TABLE 11.9-7 MEDIUM SHRUBS (6 to 9 feet)

Common Name	Botanical Name
Agarita*	Mahonia trifoliata
Althea	Hibiscus syriacus
American Beautyberry*	Callicarpa americana
Apache Plum	Fallugia paradoxa
Aromatic Sumac*	Rhus aromatica
Bridal Wreath Spirea*	Spiraea spp.
Burford Holly*	Ilex cornuta burfordii
Chinese Horned Holly	Ilex cornuta
Dwarf Burning Bush*	Euonymus alata 'Compacta'
Dwarf Crepe Myrtle*	Lagerstroemia indica

Dwarf Wax Myrtle*	Myrica pusilla
Eleagnus	Eleagnus fruitlandi
Forsythia	Forsythia intermedia spectabilis
Fraser Photinia	Photinia x fraseri
Glossy Abelia	Abelia grandiflora
Green Pittosporum	Pittosporum tobira
Indian Hawthorne	Raphiolepis indica
Italian Jasmine	Jasminum humile
Juniper*	Juniperus sp.
Nandina*	Nandina domestica
Pomegranate*	Punica granatum
Smooth Sumac*	Rhus glabra
Texas Sage*	Leucophyllum sp.
Variegated Pittosporum*	Pittosporum tobira variegata
Winter Honeysuckle	Lonicera fragrantissima

TABLE 11.9-8 ORNAMENTAL TREES (10 to 35 feet)

Common Name	Botanical Name
American Holly*	Ilex opaca
American Smoke Tree	Cotinus obovatus
Aristocrat Pear	Pyrus calleryana 'Aristocrat'
Arizona Cypress	Cupressus arizonica
Birds of Paradise*	Caesalpinia gilliesii
Buckeye, Mexican*	Ungnadia speciosa
Buckeye, Red*	Aesculus pavia
Buckeye, Texas*	Aesculus arguta

Carolina Buckthorn*	Rhamnus caroliniana
Cherry Laurel	Prunus caroliniana
Chinese Photinia	Photinia serrulata
Chinese Pistache	Pistacia chinensis
Crape Myrtle	Lagerstroemia indica
Desert Willow*	Chilopsis linearis
Eastern Red Cedar	Juniperus virginiana
Eve's Necklace	Sophora affinis
Flameleaf Sumac	Rhus lanceolata
Goldenball Lead Tree	Leucaena retusa
Goldenrain tree	Koelreuteria paniculata
Hawthorne*	Crataegus spp.
Hollywood Juniper*	Juniperus chinensis 'Torulosa'
Japanese Black Pine	Pinus thunbergi
Japanese Persimmon*	Diospyros kaki
Juniper, Blue Point*	Juniperus chinensis 'Blue Point'
Juniper, Wichita Blue*	Juniperus scopulorum 'Wichita'
Magnolia 'little gem'	Magnolia 'Little Gem'
Maple, shantung	Acer truncatum
Mexican Plum*	Prunus mexicana
Panicled Golden Raintree	Koelreuteria paniculata
Pomegranate*	Punica granatum
Possumhaw*	Ilex decidua
Redbud*	Cercis sp.
Russian Olive*	Eleagnus angustifolia

Rusty Blackhaw	Viburnum rufidulum
Savannah Holly	Ilex x attenuata 'Savannah'
Texas Persimmon	Diospyros texana
Texas Pistache	Pistacia texana
Vitex*	Vitex agnus-castus
Wax myrtle	Myrica cerifera
Yaupon Holly*	Ilex vomitoria

TABLE 11.9-9 CANOPY TREES (above 35 feet)

Common Name	Botanical Name
American Elm*	Ulmus americana
Arizona Cypress*	Cupressus arizonica
Bald Cypress	Taxodium distichum
Bigelow Oak*	Quercus sinuata var. breviloba
Black Locust	Robinia pseudoacacia
Bur Oak*	Quercus macrocarpa
Caddo Maple*	Acer saccharum var.caddo
Cedar Elm*	Ulmus crassifolia
Chinquapin Oak	Quercus muhlenbergii
Deodar Cedar	Cedrus deodora
Durrand Oak*	Quercus sinuata var. sinuata
Lace Bark Elm	Ulmus parvifolia
Lacey Oak*	Quercus glaucoides
Live Oak	Quercus virginiana
Magnolia, Southern	Magnolia grandiflora
Maple, Bigtooth	Acer saccharum 'Caddo'

Pecan	<i>Carya illinoensis</i>
Persimmon, common	<i>Diospyros virginiana</i>
Pine, Afghan, Mondell or Eldarica*	<i>Pinus eldarica</i>
Pistachio, chinese	<i>Pistacia chinensis</i>
Shumard Red Oak*	<i>Quercus shumardii</i>
Texas Ash*	<i>Fraxinus texensis</i>
Texas Red Oak*	<i>Quercus texana</i>
Thornless Honey Locust*	<i>Gleditsia triacanthos</i>
Western Soapberry*	<i>Sapindus drummondii</i>

(Ordinance 3552, sec. 2, adopted 12/2/13; Ordinance 3947, sec. 2, adopted 10/7/19)

Sec. 12. Accessory structures.

12.1 General requirements. The following standards shall apply to all zoning districts.

- (a) An accessory building or structure is a subordinate building/structure, the use of which is secondary to and supportive of the main building or primary use. Accessory buildings or structures shall not be permitted without a main building or primary use in existence.
- (b) No accessory structure shall be used as a dwelling, unless otherwise allowed by the base zoning district.
- (c) No accessory structure shall be constructed upon a lot until the construction of the primary building has commenced, and no accessory structure shall be used unless the primary building on the lot is also being used.
- (d) No accessory structure shall be permitted to have a building footprint in excess of the building footprint for the primary structure, except for accessory structures located on lots that are one acre in area or greater, which can also exceed the height of the primary structure.

12.2 Residential requirements. The following standards shall apply to all single-family residential zoning districts.

- (a) All accessory structures over 120 square feet in size require a building permit. Permanent and/or engineered foundations may be required for accessory structures, per the adopted international codes.
- (b) Accessory structures shall be located behind the front building line with a minimum side yard and rear yard setback of three feet. For accessory structures located on corner lots there shall be a side yard setback from the intersecting street of not less than 15 feet in case such lot is back to back with another corner lot and shall conform to front yard requirements in every other case. The interior side yard of a corner lot shall be the same as for dwellings and accessory structures on an interior lot.
- (c) When an accessory structure is greater than 400 square feet, that building shall be required to adhere to the setback requirements for a primary structure in the underlying zoning district.
- (d) All accessory structures of 120 square feet or less shall be exempt from the exterior material and permitting requirements; however, all setbacks must be met, and the building must be located behind the front building line.
- (e) An accessory structure of between 120 square feet and 400 square feet, and which is an enclosed structure, shall have exterior walls constructed of building materials other than metal that are weather resistant, including the roof; provided, however, that if the primary structure on the lot has a metal roof, the accessory structure may also have a metal roof of a similar type.

- (f) The exterior walls and roof of an accessory structure over 400 square feet in size and which is enclosed shall be constructed of building materials that match the exterior building material(s) of the primary structure.
- (g) An accessory structure on a lot that is one acre in area or greater may utilize metal, wood, or cementitious fiber board for its exterior material and roof. All such structures shall meet the setbacks that apply to the primary structure.
- (h) Any metal walls or roofing for accessory buildings shall not be less than 26 gauge, roll-formed ribbed or standing seam sheeting containing a factory-applied non-reflective finish with a manufacturer's warranty of not less than 20 years for the structure and finish and should have "baked-in" or integral color finishes as opposed to paint. Corrugated "barn tin" is prohibited. Alternative materials may be used for legitimate agricultural facilities.
- (i) The number and size of accessory structures permitted on residential lots shall be regulated by the maximum lot coverage permitted in the zoning district, or 35 percent when not specified.
- (j) Carports are allowed behind the front building line of the primary building and shall not exceed 500 square feet in area.
- (k) When an accessory structure is higher than 15 feet, that building shall be required to adhere to the setback requirements for a primary structure in the underlying zoning district. At no point shall the height of the accessory structure exceed the primary structure or allowed height of the underlying zoning district, whichever is less.

12.3 Commercial requirements. The following standards shall apply to all non-residential, commercial, office, retail, industrial, and multi-family zoning districts and uses.

- (a) Accessory buildings and structures are considered commercial buildings and shall obtain all necessary permits and inspections and abide by all applicable codes and masonry regulations. Modular storage units, portable on demand storage containers, donation bins, and drop off bins/trailers are considered accessory structures and require permits.
- (b) Accessory structures with pervious roofs, such as decorative pergolas or arbors, may be constructed with fire-treated and rot-resistant wooden material. An open air pavilion shall encase its columns in masonry that matches the primary building.
- (c) Accessory structures shall not conflict with site features such as fire lanes, landscape buffers, required parking, or other identified features deemed pertinent during the permit review process.

12.4 Accessory dwelling units. Whether located on the ground as a free standing structure or erected over a private garage or within another structure, the following regulations apply.

- (a) An accessory dwelling unit may not be sold separate from the sale of the entire property, including the primary dwelling unit, and shall be located on the same lot as the primary structure.
- (b) An accessory dwelling unit must have a permanent foundation and cannot be mobile or have a chassis.
- (c) Utility services shall be metered by the same meter as those serving the main structure on the premises.
- (d) Shall abide by the same setback, height, and architectural regulations as the primary structure. An accessory dwelling unit shall not exceed 1,200 square feet in area, excluding any associated garage or unconditioned space.
- (e) Unless otherwise allowed by the base zoning district, only lots of one-half acre or greater in area may have an accessory dwelling unit, and only one accessory dwelling unit is allowed per lot.

(Ordinance 3573, sec. 1, adopted 3/17/14; Ordinance 3623, sec. 1, adopted 10/20/14; Ordinance 3876, sec. 2, adopted 7/16/18)

ARTICLE 5. NONCONFORMING USES

A nonconforming status shall exist under the following provisions of this ordinance:

- (1) When on the effective date of this ordinance the use or structure was in existence and lawfully

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constructed, located and operating in accordance with the provisions of the prior zoning ordinance or which was a nonconforming use thereunder, and which use or structure does not now conform to the regulations herein prescribed for the district in which such use or structure is located.

(2) When a use or structure which does not conform to the regulations prescribed in the district in which such use or structure is located was in existence at the time of annexation to the City of Sachse and has since been in regular and continuous use.

Any nonconforming use of land or structures may be continued (for indefinite periods of time) subject to such regulations as the board of adjustments may required [require] for immediate preservation of the adjoining property prior to ultimate removal of the nonconforming use. The building official may grant a change of occupancy from one nonconforming use to another, providing the use is within the same or a more restrictive classification as the original nonconforming use. In the event a nonconforming use of a building may be changed to another nonconforming use of a more restrictive classification it shall not be later changed to a less restrictive classification of use and the prior less restrictive classification shall be considered to have been abandoned. Existing residences located in nonresidential districts may be improved, maintained, or rebuilt as conforming structures.

If a structure occupied by a nonconforming use is destroyed by fire, the elements, or other cause, it may not be rebuilt except to conform to the provisions of this ordinance. In the case of a partial destruction of a nonconforming use not exceeding 75 percent of its reasonable value, reconstruction will be permitted but the site or function of the nonconforming use cannot be expanded.

If a nonconforming use on a particular parcel shall cease operation for a period of more than six months, then such nonconforming use shall be deemed to be permanently abandoned and shall not be reinstituted on that parcel or any other parcel in any district which does not permit the discontinued use. For the purpose of this paragraph, to "cease operation" shall mean to intentionally abandon the nonconforming use. The temporary suspension of a use shall not constitute abandonment, provided the property is not used during the period of suspension for any other purpose.

ARTICLE 6. PERMITS AND CERTIFICATES

It shall be unlawful for any person, firm or corporation to commence the construction, enlargement or structural alteration of any building or structure in the city, or using or occupying the same without first applying for and securing a building permit, or to use or occupy same without first securing a certificate of occupancy permit.

Creation of building site

A permit for the construction of a building or buildings upon any tract or plot shall be issued only if a building site, building tract or building lot has been created in compliance with one of the following:

- (1) The lot or tract where any building is to be constructed is part of a plat of record, properly approved by the planning and zoning commission and/or city council, and filed in the plat records of the county;
- (2) The plot, tract, or lot faces upon a dedicated street and was separately owned prior to the effective date of the ordinance from which this chapter is derived, or prior to annexation of the property into the city, whichever is applicable; however, only one building permit for a single main building conforming to all the requirements of this chapter may be issued on each such original separately owned parcel unless either subsection (1) of this section is complied with; or
- (3) A permit for the construction of a non-residential building or buildings upon any tract or plot may be issued if a building site, building tract or building lot has been reflected on an approved plat. A certificate of occupancy shall not be issued until a final plat has been filed for record with the county clerk and all other applicable regulations have been appropriately satisfied.

ARTICLE 7. SPECIAL PARKING AND AREA REGULATIONS AND EXCEPTIONS

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Sec. 1. Vision clearance.

1.1 On any corner lot on which front and side yards are required, no wall, fence, structure, sign, tree, shrub or hedge may be maintained as to cause danger to traffic by obstructing the view and when topography prevents a clear view, this bank shall be removed.

Sec. 2. Building lines.

2.1 The front building line of the main building hereafter constructed in residence districts, or altered in such manner as to change the position of such front building line, shall be located the distance required from the front lot line as may be required in the residential district in which such dwellings are located.

2.2 Open porches of dwellings may extend into the front yard a distance of ten feet from the main line of the building. Cornices and eaves of the main building may project not more than three feet into the front yard.

Sec. 3. Lot area.

3.1 On any lot separately owned on the date this ordinance becomes effective, a single-family dwelling may be erected even though such lot has less area than required by these regulations.

Sec. 4. Location of dwellings and buildings.

4.1 Only one main building for single-family, with permitted accessory buildings, may be located upon a lot or platted tract. Every dwelling shall face or front upon a street or officially approved place, other than an alley, which means of access shall have a minimum width of 35 feet. Where a lot or tract of land is used for commercial or industrial purposes, more than one main building may be located upon the lot but only when such buildings conform to all the open space, parking and density requirements applicable to the uses and district, when all such main buildings face upon a street or officially approved place, other than an alley.

ARTICLE 9. UNPLATTED PROPERTY

Sec. 1. Zoning required.

1.1 The planning and zoning commission shall not approve any plat of any subdivision within the city limits until the area covered by the proposed plat has been permanently zoned by the city council.

Deleted: shall

Sec. 2. Annexation pending.

2.1 The city planning commission shall not approve any plat of any subdivision within any area where a petition or ordinance for annexation or recommendation for annexation to the city is pending before the city council.

Sec. 3. Simultaneous hearings.

3.1 In the event the planning and zoning commission holds a hearing on proposed annexation, it may, at its discretion, at the same time hold a hearing upon the permanent zoning that is to be given to the area or tract to be annexed, and make a recommendation on both matters to the city council, so that the city council can, if it desires, act on the matter of permanent zoning and annexation at the same time.

ARTICLE 10. ENFORCEMENT

The provisions of this ordinance shall be administered and enforced by the city manager or such other person as may be designated by the city manager. All applications for building permits on tracts of five acres or less shall be accompanied by a plat or plot plan in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size and location of the building to be erected, the use of the property and such other information as may be necessary to provide for the enforcement of these regulations. A careful record of such applications and plats shall be kept in the office of the city secretary, or such other person as may be designated by the city manager.

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ARTICLE 11. PENALTY FOR VIOLATION

Any person or corporation who shall violate any of the provisions of this ordinance or fail to comply therewith or with any of the requirements thereof, or who shall build or alter any building or use in violation of any detailed statement or plan submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable to a fine of not more than \$200.00, and each day that such violation shall be permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof, where anything in violation of this ordinance shall be placed or shall exist, any architect, builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of any such violations shall be guilty of a separate offense and upon conviction shall be fined as herein provided.

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ARTICLE 12. CHANGES AND AMENDMENTS

Sec. 1. General description.

1.1 The city council may, from time to time, amend, supplement or change by ordinance, the boundaries of the district or the regulations herein established as provided by the Statutes of the State of Texas.

Sec. 2. Review by planning and zoning commission.

2.1 Before taking action of any proposed amendment, supplement or change, the governing body shall submit the same to the planning and zoning commission for its recommendation and report.

Sec. 3. Public hearing before planning and zoning commission.

3.1 The planning and zoning commission shall hold a public hearing on any application for any amendments or change prior to making its recommendation and report to the city council. When any such amendment or change relates to a change in classification or boundary or a zoning district, written notice of public hearing before the planning and zoning commission on the proposed amendment or change shall be mailed to all owners of real property lying within 1,000 feet of the property on which the change is requested. Such notice shall be given not less than ten days before the date set for hearing by depositing in the mail such notice properly addressed and postage paid to each taxpayer as the ownership appears on the last approved city tax roll. When any such amendment relates to a change of a zoning regulation or to the text of this ordinance not affecting specific property, notice of the public hearing of the planning and zoning commission shall be given by publication in a newspaper of general circulation in the City of Sachse without necessity of notifying property owners by mail. Such notice shall state the time and place for such hearing and the nature of the subject to be considered, which time shall not be earlier than ten days from the date of publication. (Ordinance 2244, sec. 3, adopted 10/2/06)

Sec. 4. Public hearing before governing body.

4.1 A public hearing shall be held by the governing body before adopting any proposed amendment, supplement or change. Notice of such hearing shall be given by publication in a newspaper of general circulation in the City of Sachse stating the time and place of such hearing, which time shall not be earlier than 15 days from the date of publication.

Sec. 5. Circumstances dictating voting requirements.

5.1 If a written protest is submitted against such change, signed by the owners of 20 percent or more either of the area of the lots or land included in such proposed change, or of the lots or land immediately adjoining the same and extending 200 feet therefrom, such amendment shall not become effective except by the favorable vote of three-fourths of the city council.

ARTICLE 13. VALIDITY

If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so dedicated to be invalid or unconstitutional.

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ARTICLE 14. WHEN EFFECTIVE

▲ This ordinance shall become effective immediately upon its passage and publication, as the law in such cases provides, and it is accordingly ordained.▲

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Schedule I. Reserved.

Editor’s note – Ordinance 3887, sec. 1, adopted September 17, 2018, repealed Schedule I, which was a table that pertained to permitted uses and derived from Ordinance 1725, adopted April 3, 2000; Ordinance 2015, adopted May 5, 2003; Ordinance 2072, adopted April 19, 2004; Ordinance 2247, adopted October 16, 2006; Ordinance 3074, adopted August 18, 2008; Ordinance 3126, adopted April 6, 2009; Ordinance 3147, adopted July 6, 2009; Ordinance 3206, adopted April 19, 2010; Ordinance 3209, adopted May 3, 2010; Ordinance 3256, adopted October 4, 2010; Ordinance 3375, adopted March 19, 2012; Ordinance 3400, adopted July 2, 2012; Ordinance 3463, March 18, 2013; Ordinance 3560, adopted January 20, 2014; and Ordinance 3573, adopted March 17, 2014. For similar provisions see chapter 11, exhibit 1, article 3, section 13.2.

[Secs. 1, 2. - Reserved.]

Sec. 3. [Violations.]

That any person violating or attempting to violate any provision of this Ordinance shall be subject to the penalties and provisions contained in this ordinance.

Sec. 4. [Severability.]

That the provisions of this Ordinance are severable, so that the invalidity of one or more provisions shall not affect the validity of those valid portions.

Sec. 5. [Effective date.]

That this Ordinance shall become and be effective immediately upon its adoption and publication as required by law, and it is accordingly so ORDAINED.

PASSED AND APPROVED this 3rd day of April, 1995.

ATTEST:

The City of Sachse, Texas.

/s/ Terry Smith		/s/ Larry Holden
City Secretary		Mayor



Agenda Item Details

Meeting	Apr 19, 2021 - City Council Combined Meeting
Category	F. Regular Agenda Items
Subject	2. Consider an Ordinance amending Chapter 1 of the Code of Ordinances by amending Section 1-22 "Code of Ethics" to provide for provisions prohibiting council members and persons related to an employee, the mayor or any member of the City Council from serving on certain boards, commissions and corporations unless expressly permitted by law.
Access	Public
Type	

Public Content

BACKGROUND

The City Council requested this item be brought back for discussion.

OVERVIEW

The City Council may discuss and consider an amendment to the Ethics policy.

POLICY CONSIDERATIONS

If approved, this item would prohibit council members and persons related to an employee, the mayor or any member of the City Council from serving on certain boards, commissions and corporations unless expressly permitted by law.

RECOMMENDATION

Discuss and consider an amendment to the City's Code of Ethics policy.

[Ordinance Amending Code of Ethics \(Chapter 1\) by Adding Additional Standard.pdf \(111 KB\)](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SACHSE, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 1 TITLED “GENERAL PROVISIONS” BY AMENDING SECTION 1-22 TITLED “CODE OF ETHICS” BY AMENDING SUBSECTION 1-22-E TITLED “ADDITIONAL STANDARDS” BY ADDING NEW ADDITIONAL STANDARDS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That the Sachse Code of Ordinances is amended by amending Chapter 1 titled “General Provisions” by amending Section 1-22 titled “Code of Ethics” by amending Subsection 1-22-E, to read as follows:

CHAPTER 1 GENERAL PROVISIONS

Sec. 1-22. Code of ethics.

AMEND E AS FOLLOWS:

E. *Additional standards.*

...

- (4) No person related to an employee, the mayor or any member of the city council within the first or second degree by consanguinity or affinity shall be eligible to serve on any of the city boards, commissions or corporations.
- (5) No person related to the mayor or any member of the city council within the first degree by consanguinity or affinity shall serve as a voting member on any non-city board, commission or corporation that receives funding from the city, whether that funding is through providing support services or direct monetary funding.

SECTION 2. That all provisions of the Ordinances of the City of Sachse, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. An offense committed before the effective date of this Ordinance is governed by state law and the provisions of the Ordinances of the City of Sachse, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 4. That should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, which shall remain in full force and effect.

SECTION 5. That any person violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Sachse as heretofore amended and upon conviction shall be punished by a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense.

SECTION 6. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provides.

PASSED AND APPROVED by the City Council of the City of Sachse, Texas on the _____ day of _____, 2021.

APPROVED:

Mike J. Felix
Mayor

DULY ENROLLED:

Michelle Lewis Sirianni
City Secretary

APPROVED AS TO FORM:

Joseph J. Gorfida, Jr.
City Attorney
(04-01-2021:TM 121533)



Agenda Item Details

Meeting	Apr 19, 2021 - City Council Combined Meeting
Category	F. Regular Agenda Items
Subject	3. Discuss and receive an update on a potential Bailey Road Project
Access	Public
Type	Discussion
Goals	Strategically invest in the City's existing and future infrastructure.

Public Content

BACKGROUND

Bailey Road was originally built as a two-lane asphalt street serving a large (estate) lot subdivision. Additional developments have occurred around this area increasing usage and traffic. Bailey Road does serve as a connection between SH 78 and Sachse Road.

OVERVIEW

The last major repair was an overlay in the 1990s. The longevity of the overlay has expired and now cannot be sustained by small patching and maintenance. Staff is looking for discussion and direction on design of this project.

POLICY CONSIDERATIONS

Determine how future roads should be considered and presented for reconstruction projects.

RECOMMENDATION

Provide direction to staff on how to proceed with design project.

[Bailey Road Discussion Presentation.pdf \(1,013 KB\)](#)

Bailey Road Discussion

City Council
April 19, 2021



Overview

- Site Location
- Background
- PASER Ratings
- Design Options
- Estimated Cost
- Staff Recommendation
- Discussion



Site Location



Background

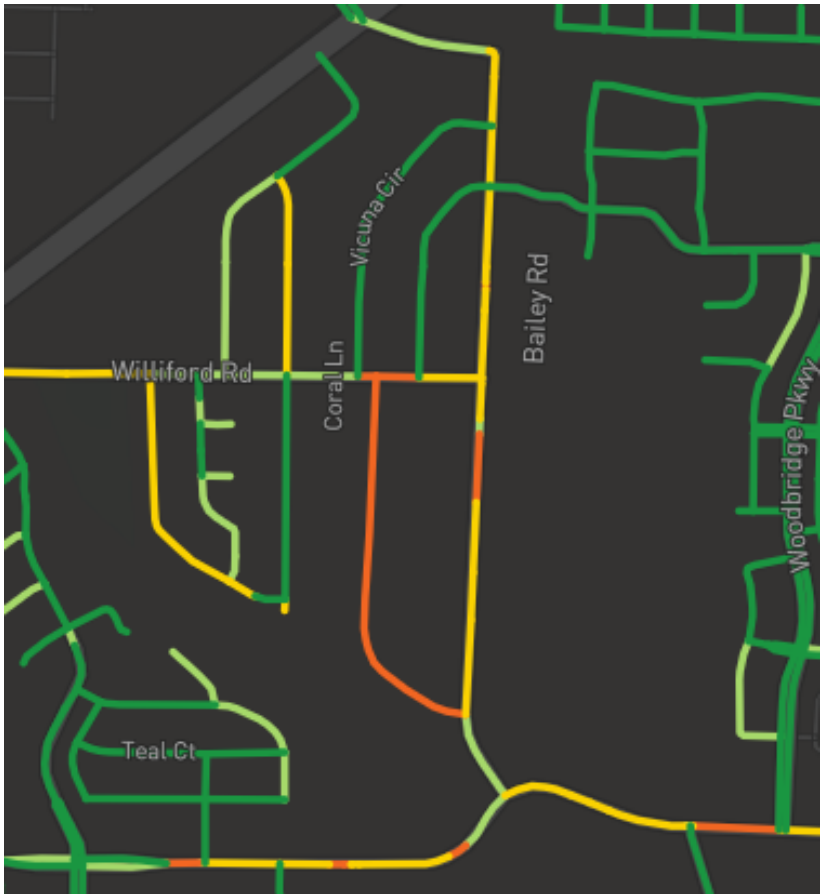
- Originally built as a two-lane asphalt street serving a large (estate) lot subdivision
- Additional developments have occurred around this area increasing usage and traffic
- Bailey Road is a connection between SH 78 and Sachse Road
- Last major repair was an overlay in the 1990s
- The longevity of the overlay has expired and now cannot be sustained by small patching and maintenance



Background



PASER Ratings



Sachse, TX

1.34
Network RB Score

121
Centerline Miles

[VIEW ROAD REPORT ANALYSIS](#)

Enter Address

Segments

1 2 3 4 5 All

☒ ☐ ☐ ☐ ☐ ☐

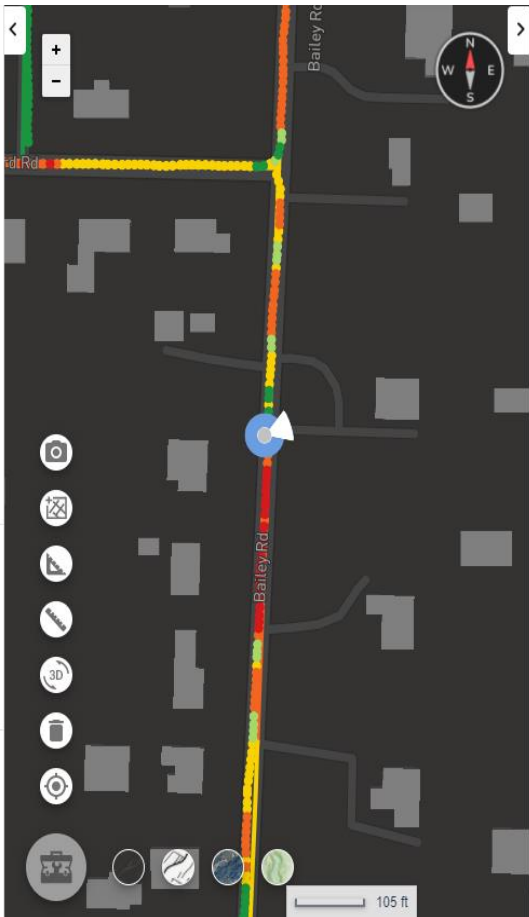
Not Paved ☐

Points

1 2 3 4 5 All

☒ ☐ ☐ ☐ ☐ ☐

Not Paved ☒



Bailey Road

Avg Rating: 4.2 Length: 426.9 Feet

RATING 4

6505 Bailey Road Aug 31, 2020, 4:15 pm 32.98055, -96.57518 East



Design Options

- Factors to Consider:

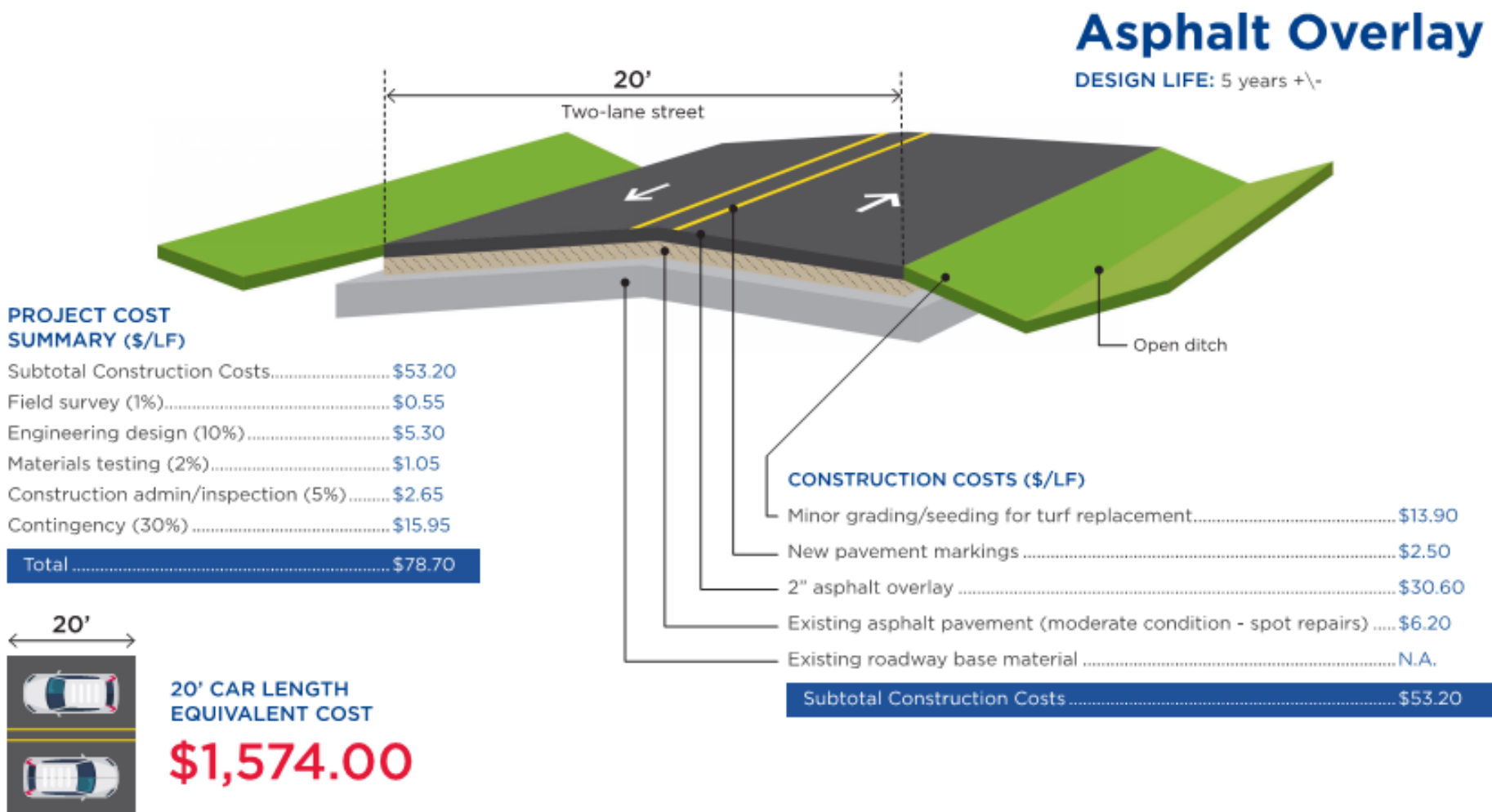
- Cost and Budget
- Longevity
- Site Restrictions
- Design Elements



- Design Elements:

- Overlay
- New Asphalt or Concrete
- Sidewalks
- Drainage Improvements
 - Bar Ditch or Curb and Gutter
- Utility Improvements
- Speed Bumps
- Traffic Signage
 - Evaluate Stop Sign Locations

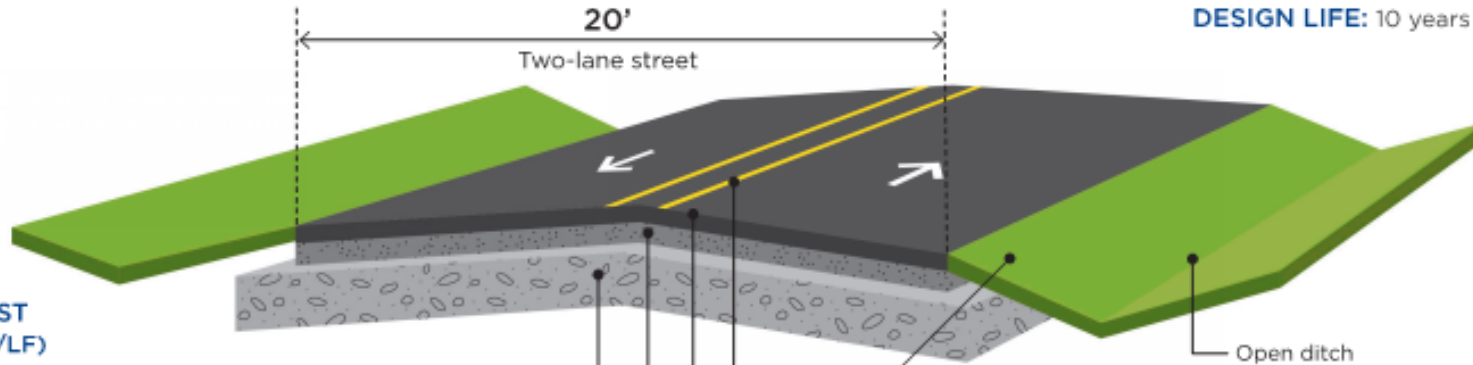
Design Options – Asphalt Overlay



Design Options – New Asphalt

New Asphalt

DESIGN LIFE: 10 years until first overlay



PROJECT COST SUMMARY (\$/LF)

Subtotal Construction Costs.....	\$118.00
Field survey (1%).....	\$1.20
Engineering design (10%).....	\$11.80
Materials testing (2%).....	\$2.35
Construction admin/inspection (5%).....	\$5.90
Contingency (30%)	\$35.40

Total	\$174.65
--------------------	-----------------

CONSTRUCTION COSTS (\$/LF)

Minor grading/seeding for turf replacement.....	\$20.90
New pavement markings	\$2.50
1.5" asphalt pavement (surface course)	\$23.00
2.5" asphalt pavement (base course).....	\$38.20
8" treated base (existing pavement, pulverized aggregate base)...	\$33.40

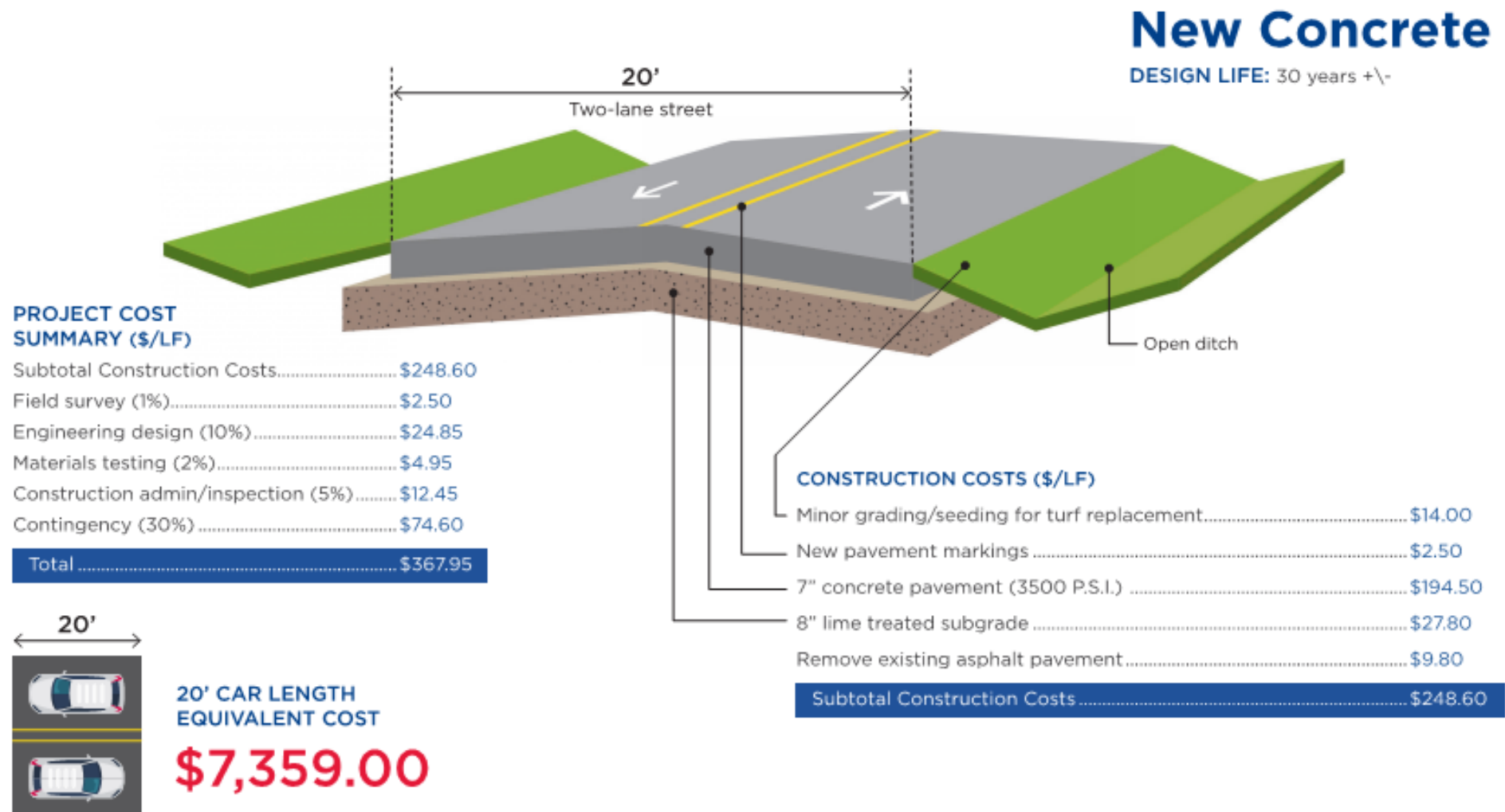
Subtotal Construction Costs	\$118.00
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20' CAR LENGTH
EQUIVALENT COST

\$3,493.00

Design Options – New Concrete



Estimated Cost – Road

Asphalt Overlay

Construction Costs		\$/LF
Minor Grading/Seeding		13.90
Pavement Markings		2.50
2" asphalt overlay		30.60
Ex. Asphalt pvmt repair		6.20
Subtotal		53.20

Project Cost Summary

	%	\$/LF
Subtotal Construction Costs		53.20
Field Survey	1	0.55
Engineering Design	10	5.30
Materials Testing	2	1.05
Construction Admin/Inspection	5	2.65
Contingency	30	15.95
Total		78.70

20' Car Length Equivalent Cost	1,574.00
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1 STA cost (100') 7,870
1 Mile Cost (5280') 415,536

New Asphalt

Construction Costs		\$/LF
Minor Grading/Seeding		20.90
Pavement Markings		2.50
1.5" asphalt pavement		23.00
2.5" asphalt pavement		38.20
8" treated base		33.40
Subtotal		118.00

Project Cost Summary

	%	\$/LF
Subtotal Construction Costs		118.00
Field Survey	1	1.20
Engineering Design	10	11.80
Materials Testing	2	2.35
Construction Admin/Inspection	5	5.90
Contingency	30	35.40
Total		174.65

20' Car Length Equivalent Cost	3,493.00
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17,465
922,152

New Concrete

Construction Costs		\$/LF
Minor Grading/Seeding		14.00
Pavement Markings		2.50
7" concrete pavement		194.50
8" LTS		27.80
Remove ex. asphalt pvmt		9.80
Subtotal		248.60

Project Cost Summary

	%	\$/LF
Subtotal Construction Costs		248.60
Field Survey	1	2.50
Engineering Design	10	24.85
Materials Testing	2	4.95
Construction Admin/Inspection	5	12.45
Contingency	30	74.60
Total		367.95

20' Car Length Equivalent Cost	7,359.00
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36,795
1,942,776



Estimated Cost – Utilities and Drainage

		Waterline \$/LF	Sanitary \$/LF	Storm \$/LF	Sidewalk \$/LF	Lighting \$/LF
Construction Costs	%	125.00	175.00	275.00	45.00	65.00
Field Survey	1	1.25	1.75	2.75	0.45	0.65
Engineering Design	10	12.50	17.50	27.50	4.50	6.50
Materials Testing	2	2.50	3.50	5.50	0.90	1.30
Construction Admin/Inspection	5	6.25	8.75	13.75	2.25	3.25
Contingency	30	37.50	52.50	82.50	13.50	19.50
Total		185.00	259.00	407.00	66.60	96.20

20' Car Length Equivalent Cost

3,700

5,180

8,140

1,332

1,924

1 STA cost (100')

18,500

25,900

40,700

6,660

9,620

1 Mile Cost (5280')

976,800

1,367,520

2,148,960

351,648

507,936



Staff Recommendations

Considered with Bond Election

- New Concrete Street
- Curb and gutter, sidewalk, drainage and utilities
- Meets current City Ordinance requiring new street construction be concrete
- Has the best longevity
- Limited opportunity for appropriate funds

Considered with Alternate Funding

- New Asphalt Street
- No curb and gutter or sidewalk
- Improve bar ditch drainage and utilities
- Moderate cost
- Eligible for Dallas County Type B Road Funding



**Agenda Item Details**

Meeting	Apr 19, 2021 - City Council Combined Meeting
Category	G. Executive Session
Subject	1. The City Council shall convene into Executive Session pursuant to Texas Government Code, Section §551.087 Economic Development Deliberations: to deliberate the offer or other financial incentive to a business prospect generally located along the President George Bush Turnpike.
Access	Public
Type	Closed Session

Public Content**RECOMMENDATION**

Conduct Executive Session as appropriate.