

**ORDINANCE NO. 2021-05**

**AN ORDINANCE OF THE CITY OF TALTY, TEXAS, AMENDING ORDINANCE NO. 99-08 (THE COMPREHENSIVE ZONING ORDINANCE) TO AMEND ARTICLE 2 OF ORDINANCE NO. 99-08, THE CITY'S COMPREHENSIVE ZONING ORDINANCE, TO ESTABLISH ZONING DISTRICTS AND COMPREHENSIVE ZONING REGULATIONS PERTAINING TO ZONING DISTRICTS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND, PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission of the City of Talty and the governing body of the City of Talty, in compliance with state laws with reference to amending the Comprehensive Zoning Ordinance, have given the requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, the governing body of the City Talty is of the opinion that said zoning ordinance should be amended as provided herein; Now, Therefore,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TALTY, TEXAS:**

**SECTION 1.** That the Comprehensive Zoning Ordinance of the City of Talty, Texas, Ordinance No. 99-08, duly adopted by the City Council on October 23, 1999, as heretofore amended, be and the same is hereby amended to amend Section 2-101 of Article 2 ("General Zoning District Regulations") by repealing Section 2-101 and replacing it with a new Section 2-101, defining new zoning district categories such that Section 2-101 shall read as follows:

**"ORDINANCE NO. 99-08**

**ZONING ORDINANCE**

...

**ARTICLE 2**

**GENERAL ZONING DISTRICT REGULATIONS**

**Section 2.1 Zoning District Regulations.**

2-101. Zoning District Categories

The City of Talty, Texas is hereby divided into the following zoning districts. The use, height, area regulations, and other standards, as set out herein apply to each district. The districts established herein shall be known as:

<u>Base Districts</u>	<u>Designation Zoning District Name</u>
AG	Agricultural
SF-1AC	Single-Family-Residential- 1 acre (minimum 43,560 sq. ft. lots)
SF-20	Single-Family Residential-20 (minimum 20,000 sq. ft. lots)
SF-15	Single-Family Residential-15 (minimum 15,000 sq. ft. lots)
SF-11	Single-Family Residential-11 (minimum 11,000 sq. ft. lots)
SF-8.5	Single Family Residential-8.5 (minimum 8500 sq. ft. lots)
SF-PH	Single-Family Residential-Patio Home (zero-lot-line homes)
2F	Two-Family Residential (Duplex homes)
SFA	Single-Family Attached Residential (Townhomes)
MF-14	Multi-Family Residential-14 (Apartments)
MH	Manufactured Home
O	Office
NS	Neighborhood Service
GR	General Retail
CBD	Central Business District
C	Commercial
MU	Mixed-Use
LI	Light Industrial
<u>Overlay Districts</u>	<u>Designation Zoning District Name</u>
PD	Planned Development
CUP	Conditional Use Provision”

## **Section 2.2 AG - AGRICULTURAL DISTRICT**

### **2.201 General Purpose And Description.**

The AG, Agricultural, district is designed to permit the use of land for the ranching, propagation and cultivation of crops and similar uses of vacant land. Single-family uses on large lots are also appropriate for this district. Territory newly annexed into the City is initially zoned Agricultural until it is assigned another more permanent zoning district. It is anticipated Agricultural zoned land will eventually be rezoned to another more permanent, suburban zoning classification in the future. The Agricultural district is also appropriate for areas where development is premature due to lack of utilities or infrastructure; to preserve areas unsuitable for development due to problems that may present hazards such as flooding, in which case the AG zoning designation should be retained until such hazards are mitigated and the land is rezoned; and to provide permanent greenbelts or to preserve open space areas as buffers around uses that might otherwise be objectionable or pose environmental or health hazards.

### **2.202 Permitted Uses.**

Those uses listed for the AG-Agricultural district in Section 2.2102 as “P” or “C” are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 2.20.

#### 2.203 Height Regulations.

##### A. Maximum Height:

1. Three (3) stories, and not to exceed forty-five feet (45'), for the main building/house.
2. Forty-five feet (45') for agricultural structures (e.g., barns, silos, water towers, etc.), provided they are no closer than one hundred feet (100') from any residential structure on the premises, and they are set back at least one hundred feet (100') or three (3) times their height (whichever is greater) from any front, side or rear property line.
3. Twenty-five feet (25') for other accessory buildings, including detached garage, garden shed, accessory dwelling units, etc.
4. Other requirements (see Section 2.22).

#### 2.204 Area Regulations.

##### A. Size of Lots:

1. Minimum Lot Area - Two acres (i.e., 87,120 square feet)
2. Minimum Lot Width - Two hundred feet (200')
3. Minimum Lot Depth - Two hundred-fifty feet (250')

##### B. Size of Yards:

1. Minimum Front Yard - Seventy-five feet (75')
2. Minimum Side Yard - Forty feet (40'); forty-five feet (45') from a street right-of-way line for a corner lot, Accessory buildings- Ten feet (10') inside of property lines; twenty feet (20') from street right-of-way for corner lots.
3. Minimum Rear Yard - Twenty-five feet (25') for a large building (over 250 square feet) and any accessory building(s); twelve feet (12') from a main building to an accessory building

##### C. Maximum Lot Coverage: Fifteen percent (15%) all buildings

##### D. Parking Regulations

1. Single-Family Dwelling Unit - A minimum of two (2) enclosed parking spaces behind the front building line on the same lot as the main structure, plus four (4) additional parking spaces on a paved driveway having a minimum length of twenty-five feet (25') as measured from the street right-of-way line
2. Other - See Off-Street Parking and Loading Regulations

- E. Minimum Floor Area per Dwelling Unit – Two thousand eight hundred (2,800) square feet of air-conditioned floor area
- F. Minimum Exterior Construction Standards- See other sections, as amended.
- G. Garages – Garage doors facing the street shall only be permitted if they are set back from the front of the main structure a minimum distance of 20 feet.

#### 2.205 Special Requirements.

- A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of three (3) or more acres.
- C. Open storage is prohibited (except for materials for the residents' personal use or consumption such as firewood, garden materials, farm equipment, etc., which cannot be stored in any required setback and which shall be screened from view of public streets and neighboring properties).
- D. Single-family homes with side-entry garages where lot frontage is only to one street (not corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty-five feet (25').
- E. The elimination of a garage space by enclosing the garage with a stationary building wall shall be prohibited.
- F. Swimming pools- See other sections and codes
- G. Site plan approval shall be required for any non-residential use (e.g., school, church, child care center, private recreation facility, etc.) in the AG district. Any nonresidential land use which may be permitted in this district shall conform to the “NS”-Neighborhood Service district standards with respect to building setbacks, landscaping, exterior building construction, screening requirements, lighting, signage, etc.
- H. Other Regulations - As established by supplemental regulations or other sections.

### **Section 2.3 SF-1AC- SINGLE FAMILY RESIDENTIAL-1 ACRE DISTRICT**

#### 2.301 General Purpose And Description.

The SF-1AC, Single-Family Residential - 1 Acre district is intended to provide for development of primarily very low-density detached, single-family residences on lots of

not less than 43,560 square feet in size, churches, schools and public parks in logical neighborhood units. Areas zoned for the SF-1AC district shall have, or shall make provision for, water and waste water services. They shall be designed to adequately accommodate storm drainage; they shall have paved concrete streets with logical and efficient vehicular circulation patterns which discourage non-local traffic; they shall have multiple points of ingress and egress (with due consideration to development size); they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

#### 2.302 Permitted Uses.

- A. Those uses listed for the SF-1AC district in Section 2.22 as “P” or “C” are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth Section 2.22.

#### 2.303 Height Regulations.

A. Maximum Height:

1. Three (3) stories, and not to exceed forty-five feet (45'), for the main building/house.
2. Other requirements (see Section 2.22).

#### 2.304 Area Regulations.

A. Size of Lots:

1. Minimum Lot Area –Forty three thousand five hundred and sixty (43,560) square feet
2. Minimum Lot Width - One hundred fifty feet (150'); one hundred sixty feet (160') for street corner lots
3. Minimum Lot Depth – Two hundred feet (200')

B. Size of Yards:

1. Minimum Front Yard - Seventy-five (75'), for principal residence, one hundred feet for all accessory buildings.
2. Minimum Side Yard - Principal buildings- Thirty-five feet (35') for all interior lot lines; forty feet (40') from a street right-of-way line for a corner lot. Accessory buildings- Ten feet (10') inside of property lines; twenty feet (20') from property/street right-of-way line for corner lots.
3. Minimum Rear Yard - Twenty-five feet (25') for principal residence, ten feet (10') for accessory buildings.

- C. Maximum Lot Coverage: Twenty percent (20%) including main buildings and accessory buildings

D. Parking Regulations:

1. Single-Family Dwelling Unit - A minimum of two (2) enclosed parking spaces behind the front building line on the same lot as the main structure, plus two (2) additional parking spaces on a paved driveway having a minimum length of twenty-five feet (25') as measured from the street right-of-way line
  2. Other - See Street Parking and Loading Regulations
- E. Minimum Floor Area per Dwelling Unit – Two thousand five hundred (2,500) square feet of air-conditioned floor area.
- F. Minimum Exterior Construction Standards- See or other sections, as amended.
- G. Garages – Garage doors facing the street shall only be permitted if they are set back from the front of the main structure a minimum distance of 20 feet.

2.305 Special Requirements.

- A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of three (3) or more acres.
- C. Open storage is prohibited (except for materials for the residents' personal use or consumption such as firewood, garden materials, farm equipment, etc., which cannot be stored in any required setback and which shall be screened from view of public streets and neighboring properties).
- D. Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty-five feet (25').
- E. The elimination of a garage space by enclosing the garage with a stationary building wall shall be prohibited.
- F. Swimming pools- See appropriate sections.
- G. Site plan approval shall be required for any non-residential use (e.g., school, church, child care center, private recreation facility, etc.) in the SF-1AC district. Any permitted nonresidential land use in this district shall conform to the “NS”-Neighborhood Service district standards with respect to building setbacks, landscaping, exterior building construction, screening requirements, lighting, signage, etc.

- H. Other Regulations - As established by supplemental regulations or this Ordinance, as amended.

## **Section 2.4 SF-20- SINGLE-FAMILY RESIDENTIAL 20,000 SF DISTRICT**

### 2.401 General Purpose And Description.

The SF-20, Single-Family Residential-20, district is intended to provide for development of primarily very low-density detached, single-family residences on lots of not less than 20,000 square feet in size, churches, schools and public parks in logical neighborhood units. Areas zoned for the SF-20 district shall have, or shall make provision for, water and wastewater services. They shall be designed to adequately accommodate storm drainage; they shall have paved concrete streets with logical and efficient vehicular circulation patterns which discourage non-local traffic; they shall have multiple points of ingress and egress (with due consideration to development size); they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts. Lots under one acre (43,560 square feet) must be served by an approved wastewater system. The City of Talty can only consider SF-20 lots as part of a Planned Development including wastewater treatment facilities.

### 2.402 Permitted Uses.

- A. Those uses listed for the SF-20 district Section 2.21 "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 2.20.

### 2.403 Height Regulations.

#### A. Maximum Height:

1. Two and one-half (2.5) stories, and not to exceed thirty-six feet (36'), for the main building/house.
2. Other requirements (see Section 2.22).

### 2.404 Area Regulations.

#### A. Size of Lots:

1. Minimum Lot Area – Twenty thousand (20,000) square feet
2. Minimum Lot Width - One hundred feet (100'); One hundred-ten (110') for a corner lot
3. Minimum Lot Depth – One hundred fifty feet (150')

#### B. Size of Yards:

1. Minimum Front Yard - Forty feet (40').

2. Minimum Side Yard - Principal buildings- Ten (10') for all interior lot lines; twenty feet (20') from a street right-of-way line for a corner lot. Twenty-five (25') feet from garage door to ROW line. Accessory buildings - Ten feet (10') inside of property lines; twenty feet (20') from property/street right-of-way line for corner lots.
3. Minimum Rear Yard - Twenty feet (20') for the main building. Ten feet (10') any accessory building(s); twenty-five feet (25') for rear garage entry; twelve feet (12') from a main building to an accessory building.

C. Maximum Lot Coverage: Thirty percent (30%) including main buildings and accessory buildings

D. Parking Regulations:

1. Single-Family Dwelling Unit - A minimum of two (2) enclosed parking spaces behind the front building line on the same lot as the main structure, plus two (2) additional parking spaces on a paved driveway having a minimum length of twenty-five feet (25') as measured from the street right-of-way line
2. Other - See Off-Street Parking and Loading Regulations.

E. Minimum Floor Area per Dwelling Unit – Two thousand five hundred (2,500) square feet of air-conditioned floor area.

F. Minimum Exterior Construction Standards – See other sections, as amended.

G. Garages – Garage doors facing the street shall only be permitted if they are set back from the front of the main structure a minimum distance of 20 feet.

2.405 Special Requirements.

- A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of three (3) or more acres.
- C. Open storage is prohibited (except for materials for the residents' personal use or consumption such as firewood, garden materials, farm equipment, etc., which cannot be stored in any required setback and which shall be screened from view of public streets and neighboring properties).
- D. Single-family homes with side-entry garages where lot frontage is only to one street (not corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty-five feet (25').



- E. The elimination of a garage space by enclosing the garage with a stationary building wall shall be prohibited.
- F. Swimming pools - See other sections and codes.
- G. Site plan approval shall be required for any non-residential use (e.g., school, church, child care center, private recreation facility, etc.) in the SF-20 district. Any nonresidential and use which may be permitted in this district shall conform to the NS"-Neighborhood Service district standards with respect to building setbacks, lighting, landscaping, exterior building construction, screening requirements, signage, etc.
- H. Other Regulations - As established by Supplemental Regulations and codes.

## **Section 2.5 SF-15 - SINGLE-FAMILY RESIDENTIAL 15,000 SF DISTRICT**

### **2.501 General Purpose And Description.**

The SF-15, Single-Family Residential-15, district is intended to provide for development of primarily low-density detached, single-family residences on lots of not less than 15,000 square feet in size, churches, schools and public parks in logical neighborhood units. Areas zoned for the SF-15 district shall have, or shall make provision for, water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved concrete streets with logical and efficient vehicular circulation patterns which discourage non-local traffic; they shall have multiple points of ingress and egress (with due consideration to development size); they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts. Lots under one acre (43,560 square feet) must be served by an approved wastewater system. The City of Talty can only consider SF-15 lots as part of a Planned Development including wastewater treatment facilities.

### **2.502 Permitted Uses:**

- A. Those uses listed for the SF-15 district in Section 2.21 "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 2.20.

### **2.503 Height Regulations:**

#### **A. Maximum Height:**

1. Two and one-half (2.5) stories, and not to exceed thirty-six feet (36'), for the main building/house.
2. Other requirements- See Section 2.22.

2.504 Area Regulations:

A. Size of Lots:

1. Minimum Lot Area - Fifteen thousand (15,000) square feet; also, the average lot area shall be at least seventeen thousand two hundred-fifty (17,250) square feet in order to provide diversity in lot sizes within each SF-15 neighborhood
2. Minimum Lot Width - Eighty feet (80')
3. Minimum Lot Depth - One hundred twenty feet (120')

B. Size of Yards:

1. Minimum Front Yard - Thirty-five feet (35')
2. Minimum Side Yard – Eight feet (8') for interior side yard; fifteen feet (15') for a corner lot on a residential or collector street; twenty feet (20') for a corner lot on an arterial street
3. Minimum Rear Yard - Fifteen feet (15') for the main building and any accessory building(s); twenty-five feet (25') for rear garage entry; ten feet (10') from a main building to an accessory building.

C. Maximum Lot Coverage: Thirty-five percent (35%) including main buildings and accessory buildings

D. Parking Regulations:

1. Single-Family Dwelling Unit - A minimum of two (2) enclosed parking spaces behind the front building line on the same lot as the main structure, plus two (2) additional parking spaces on a paved driveway having a minimum length of twenty-five feet (25') as measured from the street right-of-way line
2. Other - See Off-Street Parking and Loading Regulations

E. Minimum Floor Area per Dwelling Unit – Two thousand five hundred (2,500) square feet of air-conditioned floor area

F. Minimum Exterior Construction Standards –See other sections, as amended

G. Garages – Garage doors facing the street shall only be permitted if they are set back from the front of the main structure a minimum distance of 20 feet.

2.505 SPECIAL REQUIREMENTS:

- A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.

- B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of three (3) or more acres.
- C. Open storage is prohibited (except for materials for the residents' personal use or consumption such as firewood, garden materials, farm equipment, etc., which cannot be stored in any required setback and which shall be screened from view of public streets and neighboring properties).
- D. Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty-five feet (25').
- E. The elimination of a garage space by enclosing the garage with a stationary building wall shall be prohibited.
- F. Swimming pools- See other sections and codes
- G. Site plan approval shall be required for any non-residential use (e.g., school, church, child care center, private recreation facility, etc.) in the SF-15 district. Any nonresidential land use which may be permitted in this district shall conform to the "NS"-Neighborhood Service district standards with respect to building setbacks, landscaping, exterior building construction, screening requirements, lighting, signage, etc.
- H. Other Regulations - See Section 2.22 and other applicable sections.

## **Section 2.6 SF-11 - SINGLE-FAMILY RESIDENTIAL 11,000 SF DISTRICT**

### **2.601 General Purpose And Description.**

The SF-11, Single-Family Residential-11, district is intended to provide for development of primarily low-density detached, single-family residences on lots of not less than 11,000 square feet in size, churches, schools and public parks in logical neighborhood units. Areas zoned for the SF-11 district shall have, or shall make provision for, water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved concrete streets with logical and efficient vehicular circulation patterns which discourage non-local traffic; they shall have multiple points of ingress and egress (with due consideration to development size); they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts. Lots under one acre (43,560 square feet) must be served by an approved wastewater system. The City of Talty can only consider SF-11 lots as part of a Planned Development including wastewater treatment facilities.

### **2.602 Permitted Uses.**

Those uses listed for the SF-11 district in Section 2.21 as “P” or “C” are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 2.20.

2.603 Height Regulations.

A. Maximum Height:

1. Two and one-half (2.5) stories, and not to exceed thirty-six feet (36'), for the main building/house.
2. Other requirements (see Section 2.22).

2.604 Area Regulations.

A. Size of Lots:

1. Minimum Lot Area - Eleven thousand (11,000) square feet; also, the average lot area shall be at least twelve thousand two hundred-fifty (12,250) square feet in order to provide diversity in lot sizes within each SF-11 neighborhood
2. Minimum Lot Width – Seventy-five feet (75')
3. Minimum Lot Depth - One hundred ten feet (110')

B. Size of Yards:

1. Minimum Front Yard – Twenty-five feet (25')
2. Minimum Side Yard – Six feet (6') for interior side yard; fifteen feet (15') for a corner lot on a residential or collector street; twenty feet (20') for a corner lot on an arterial street
3. Minimum Rear Yard - Ten feet (10') for the main building and any accessory building(s); twenty-five feet (25') for rear garage entry; ten feet (10') from a main building to an accessory building.

C. Maximum Lot Coverage: Forty percent (45%) including main buildings and accessory buildings

D. Parking Regulations:

1. Single-Family Dwelling Unit - A minimum of two (2) enclosed parking spaces behind the front building line on the same lot as the main structure, plus two (2) additional parking spaces on a paved driveway having a minimum length of twenty-five feet (25') as measured from the street right-of-way line
2. Other - See Off-Street Parking and Loading Regulations

E. Minimum Floor Area per Dwelling Unit – Two thousand two hundred-fifty (2,250) square feet of air-conditioned floor area

- F. Minimum Exterior Construction Standards – See other sections, as amended.
- G. Garages – Garage doors facing the street shall only be permitted if they are set back from the front of the main structure a minimum distance of 20 feet.

2.605 Special Requirements.

- A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of three (3) or more acres.
- C. Open storage is prohibited (except for materials for the residents' personal use or consumption such as firewood, garden materials, etc., which cannot be stored in any required setback and which shall be screened from view of public streets and neighboring properties).
- D. Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty-five feet (25').
- E. The elimination of a garage space by enclosing the garage with a stationary building wall shall be prohibited.
- F. Swimming pools- See other applicable sections or codes.
- G. Site plan approval shall be required for any non-residential use (e.g., school, church, child care center, private recreation facility, etc.) in the SF-11 district. Any nonresidential land use which may be permitted in this district shall conform to the “NS”-Neighborhood Service district standards with respect to building setbacks, landscaping, exterior building construction, screening requirements, lighting, signage, etc.
- H. Other Regulations - See Section 2.22 and other applicable sections.

**Section 2.7 SF-8.5 - SINGLE-FAMILY RESIDENTIAL 8,500 SF DISTRICT**

2.701 General Purpose And Description.

The SF-8.5, Single-Family Residential-8.5, district is intended to provide for development of primarily detached, single-family residences on smaller and more compact lots of not less than 8,500 square feet in size, churches, schools and public parks in logical neighborhood units. Areas zoned for the SF-8.5 district shall have, or shall

make provision for, water and waste water services. They shall be designed to adequately accommodate storm drainage; they shall have paved concrete streets with logical and efficient vehicular circulation patterns which discourage non-local traffic; They shall have multiple points of ingress and egress (with due consideration to development size); they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts. Lots under one acre (43,560 square feet) must be served by an approved wastewater system. The City of Talty can only consider SF-8.5 lots as part of a Planned Development including wastewater treatment facilities.

#### 2.702 Permitted Uses.

- A. Those uses listed for the SF-8.5 district in Section 37 as “P” or “C” are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 2.20.

#### 2.703 Height Regulations.

##### A. Maximum Height:

1. Two and one-half (2.5) stories, and not to exceed thirty-six feet (36'), for the main building/house.
2. Other requirements- See Section 2.22

#### 2.704 Area Regulations.

##### A. Size of Lots:

1. Minimum Lot Area - Eight thousand five hundred (8,500) square feet; also, the average lot area shall be at least nine thousand two hundred-fifty (9,250) square feet in order to provide diversity in lot sizes within each SF-8.5 neighborhood
2. Minimum Lot Width – Sixty-five feet (65')
3. Minimum Lot Depth - Ninety-five feet (95')

##### B. Size of Yards:

1. Minimum Front Yard – Twenty feet (20')
2. Minimum Side Yard – Five feet (5') for interior side yard; fifteen feet (15') for a corner lot on a residential or collector street; twenty feet (20') for a corner lot on an arterial street
3. Minimum Rear Yard - Ten feet (10') for the main building and any accessory building(s); twenty-five feet (25') for rear garage entry; ten feet (10') from a main building to an accessory building.

##### C. Maximum Lot Coverage: Fifty percent (50%) by main buildings and accessory buildings.

D. Parking Regulations:

1. Single-Family Dwelling Unit - A minimum of two (2) enclosed parking spaces behind the front building line on the same lot as the main structure, plus two (2) additional parking spaces on a paved driveway having a minimum length of twenty-five feet (25') as measured from the street right-of-way line
2. Other - See Off-Street Parking and Loading Regulations

E. Minimum Floor Area per Dwelling Unit – Two thousand two hundred-fifty (2,250) square feet of air-conditioned floor area

F. Minimum Exterior Construction Standards – See other sections, as amended.

G. Garages – Garage doors facing the street shall only be permitted if they are set back from the front of the main structure a minimum distance of 20 feet.

2.705 Special Requirements.

A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.

B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of three (3) or more acres.

C. Open storage is prohibited (except for materials for the residents' personal use or consumption such as firewood, garden materials, etc., which cannot be stored in any required setback and which shall be screened from view of public streets and neighboring properties).

D. Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty-five feet (25').

E. The elimination of a garage space by enclosing the garage with a stationary building wall shall be prohibited.

F. Swimming pools- See applicable sections and codes.

G. Site plan approval shall be required for any non-residential use (e.g., school, church, child care center, private recreation facility, etc.) in the SF-8 district. Any nonresidential land use which may be permitted in this district shall conform to the “NS”-Neighborhood Service district standards with respect to building setbacks, landscaping, exterior building construction, screening requirements, lighting, signage, etc.

H. Other Regulations - See Section 2.22 and other sections.

**SECTION 2.8 SF-PH - SINGLE-FAMILY RESIDENTIAL - PATIO HOME DISTRICT (Zero Lot Line Homes)**

2.801 General Purpose And Description.

The SF-PH, Single-Family Residential-Patio Home District is designed to provide for development of primarily detached single-family residences on compact lots having one side yard reduced to zero feet (i.e., "zero-lot-line"), and having not less than four thousand five hundred (4,500) square feet. Patio home developments shall be arranged in a clustered lot pattern with a common usable open space system that is an integral part of the development. Areas zoned for the SF-PH district shall have, or shall make provision for, water and waste water services. They shall be designed to adequately accommodate storm drainage; they shall have paved concrete streets with logical and efficient vehicular circulation patterns which discourage non-local traffic; they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts. Lots under one acre (43,560 square feet) must be served by an approved wastewater system. The City of Talty can only consider SF-PH lots as part of a Planned Development including wastewater treatment facilities.

2.802 Permitted Uses.

A. Those uses listed for the SF-PH district in Section 2.21 as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 2.20.

2.803 Height Regulations.

A. Maximum Height:

1. Two and one-half (2.5) stories, and not to exceed thirty-six feet (36'), for the main building/house.
2. Other requirements- See 2.22.

2.804 Area Regulations.

A. Size of Lots:

1. Minimum Lot Area - Six thousand five (6500) square feet; also, the average lot area shall be at least seven thousand (7,200) square feet in order to provide diversity in lot sizes within each SF-PH neighborhood
2. Maximum Project Size - The maximum size of a patio home development shall be twenty (20) acres.
3. Minimum Project Size - Five (5) acres
4. Minimum Lot Width – Fifty feet (50')



5. Minimum Lot Depth - One hundred feet (100')

B. Size of Yards:

1. Minimum Front Yard – Twenty feet (20'); twenty-five feet (25') to the garage door face for front-entry homes
2. Minimum Side Yard - One side yard reduced to zero feet (0'); other side yard a minimum of twelve feet (12') required with eighteen feet (18') required on corner lots adjacent to a residential or collector street, and twenty-two feet (22') required on corner lots adjacent to an arterial street. Twenty-five feet (25') garage door to ROW line.
3. Minimum Rear Yard - Ten feet (10') for the main building and any accessory building(s); twenty-five feet (25') for rear garage entry; ten feet (10') from a main building to an accessory building.

C. Maximum Lot Coverage: Fifty percent (50%) by main buildings and accessory buildings

D. Parking Regulations:

1. Single-Family Dwelling Unit - A minimum of two (2) enclosed parking spaces behind the front building line on the same lot as the main structure, plus two (2) additional parking spaces on a paved driveway having a minimum length of twenty-five feet (25') as measured from the street right-of-way line
2. Visitor Parking - One half (0.5) parking space per dwelling unit (off-street) which is located within four hundred feet (250') of the dwelling unit
3. Other - See Off-Street Parking and Loading Requirements

E. Minimum Floor Area per Dwelling Unit – One thousand two hundred-fifty (1,800) square feet of air-conditioned floor area

F. Minimum Exterior Construction Standards – See other sections, as amended.

2.805 Special Requirements.

A. Patio home developments shall be developed as zero-lot-line homes. One side yard shall be reduced to zero feet, while the other side yard shall be a minimum of ten feet (10'; fifteen feet for a corner lot on the residential or collector street side, or twenty feet for a corner lot on an arterial street). A minimum five-foot (5') wide maintenance easement shall be placed on the adjacent lot (i.e., the other side of the zero-lot-line) to enable the property owner to maintain that portion of his/her house which is on the zero-lot-line. Side yards and maintenance easements shall be shown on the subdivision plat. A minimum separation between patio homes of ten feet (10') shall be provided. Roof overhangs will be allowed to project into the maintenance easement a maximum of twenty-four inches (24"), but the maintenance easement shall remain reasonably accessible to the adjacent homeowner to perform maintenance and repairs. All materials (e.g., firewood, garden or construction materials, etc.) shall be located or stored within the maintenance easement.

- B. Maintenance Requirements for Common Areas - A property owners association is required for continued maintenance of common land and facilities.
- C. Usable Open Space Requirements - Except as provided below, any patio home subdivision shall provide useable open space which equals or exceeds fifteen percent (15%) of the gross platted area, excluding rights-of-way for collector and larger sized streets. Useable open space shall not be required for a patio home development if it contains twenty (20) or fewer lots, and if the property contiguous (i.e., abutting or separated only by a residential or collector size street) to the subdivision is either developed for use(s) other than patio homes or is restricted by zoning to not permit patio home development. Properties separated by thoroughfares larger than a collector street and/or by drainage/utility easements in excess of sixty feet (60') in width shall not be considered as contiguous.
- D. Specific Criteria for Usable Open Space - Areas provided as usable open space shall meet the following criteria:
1. All residential lots must be located within four hundred feet (400') of a usable open space area as measured along a street. The Planning and Zoning Commission may recommend, and City Council may allow, this distance to be increased to up to eight hundred feet (800') if the shape of the subdivision is irregular or if existing trees or other natural features on the site can be preserved by increasing the distance.
  2. Individual usable open space areas shall be at least twenty thousand (20,000) size. Useable open space must be a minimum of fifty feet (50') wide, and must have no slope greater than ten percent (10%). At the time of site plan and subdivision plat approval, the Planning and Zoning Commission may recommend, and the City Council may allow, full or partial credit for open areas that exceed the 10% maximum slope if it is determined that such areas are environmentally or aesthetically significant and that their existence enhances the development and the surrounding area.
  3. Pools, tennis courts, walkways, patios and similar outdoor amenities may be located within areas designated as useable open space. Areas occupied by enclosed buildings (except for gazebos and pavilions), driveways, parking lots, overhead electrical transmission lines, drainage channels and antennas may not be included in calculating useable open space.
  4. Within useable open space areas, there shall be at least one (1) large shade tree for every one-thousand (1,000) square feet of space. New trees planted to meet this requirement shall be a minimum three-inch (3") caliper, and at least twenty-five percent (25%) of the trees shall be non-deciduous (for qualifying tree species, see City's Approved Plant List).

5. A useable open space area must have street frontage on at least thirty-three percent (33%) of the area's perimeter to ensure that the area is accessible to residents of the subdivision.
6. Useable open space areas must be easily viewed from adjacent streets and homes. Side or rear yard fences along common open space areas shall be of open, wrought iron design with masonry columns at forty-foot (40') spacing on center, and shall not exceed four feet (4') in height adjacent to the open space and for a distance of ten feet (10') perpendicular or radial to the open space area.

E. Credit for Off-Site Open Space

At the time of site plan and subdivision plat approval, the Planning and Zoning Commission may recommend, and the City Council may allow, up to one-third (1/3) of the required open space to be credited for off-site dedicated open space (e.g., park land) that meets the development's needs in terms of adjacency, accessibility, usability, and design integration. The granting of any off-site credit for open space is a discretionary power of the City Council. The guidelines below may assist in considering if credit is appropriate:

1. Adjacency - Is at least fifteen percent (15%) of the patio home development's boundary adjacent to park land?
2. Accessibility - Are there defined pedestrian connections between the development and the park land?
3. Usability - Is the park land immediately adjacent to the development suitable for use and accessible by residents?
4. Design Integration - Does the design of the development provide a significant visual and pedestrian connection to the park or other open space land?

F. Landscaped Areas- Additional common open space and landscaped areas that do not qualify as usable open space may be provided, but shall not be counted toward the usable open space requirement.

G. Single-family lots and detached dwellings constructed in this district shall conform to the standards as set forth in the SF-8.5 zoning district.

H. The elimination of a garage space by enclosing the garage with a stationary building wall shall be prohibited.

I. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.

- J. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of three (3) or more acres.
- K. Open storage is prohibited (except for materials for the residents' personal use or consumption such as firewood, garden materials, etc., which cannot be stored in any required setback and which shall be screened from view of public streets and neighboring properties).
- L. Homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty-five feet (25').
- M. Swimming pools- See other sections and codes.
- N. Site plan approval shall be required for any non-residential use (e.g., school, church, child care center, private recreation facility, etc.) in the SF-PH district. Any nonresidential land use which may be permitted in this district shall conform to the "NS"-Neighborhood Service district standards with respect to building setbacks, landscaping, exterior building construction, screening requirements, lighting, signage, etc.

## **Section 2.9 2F-TWO-FAMILY RESIDENTIAL DISTRICT (Duplex)**

### **2.901 General Purpose And Description.**

The 2F, Two-Family Residential, district is intended to promote stable, quality multiple-occupancy residential development at slightly increased densities. Individual ownership of each of the two-family or duplex units is encouraged. This district is typically used as a "buffer" or transition district between lower density residential areas and higher density or non-residential areas or major thoroughfares. Areas zoned for the 2F district shall have, or shall make provision for, water and waste water services. They shall be designed to adequately accommodate storm drainage; they shall have paved concrete streets with logical and efficient vehicular circulation patterns which discourage non-local traffic; they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts. Lots under one acre (43,560 square feet) must be served by an approved wastewater system. The City of Talty can only consider 2F lots as part of a Planned Development including wastewater treatment facilities.

### **2.902 Permitted Uses.**

- A. Those uses listed for the 2F district in Section 2.21 as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 2.20.

### **2.903 Height Regulations.**

A. Maximum Height

1. Two and one-half (2.5) stories, and not to exceed thirty-six feet (36'), for the main building/house.
2. Other requirements- See 2.22

2.904 Area Regulations.

A. Size of Lots for Two-Family/Duplex Homes:

1. Minimum Lot Area - Eleven thousand (11,000) square feet per duplex lot (i.e., five thousand five hundred [5,500] square feet of lot area per dwelling unit)
2. Minimum Lot Width - One hundred feet (100') for each duplex lot (i.e., fifty feet [50'] of lot width per dwelling unit)
3. Minimum Lot Depth - One hundred feet (100')

B. Size of Yards for Two-Family/Duplex Homes:

1. Minimum Front Yard – Twenty feet (20'); twenty-five feet (25') to the garage door face for front-entry homes
2. Minimum Side Yard - One side yard reduced to zero feet (0') where the duplex units join; other side yard a minimum of seven feet (7') required with eighteen feet (18') required on corner lots adjacent to a residential or collector street, and twenty-two feet (22') required on corner lots adjacent to an arterial street
3. Minimum Rear Yard - Ten feet (10') for the main building and any accessory building(s); twenty-five feet (25') for rear garage entry; ten feet (10') from a main building or an accessory building

C. Maximum Lot Coverage for Two-Family/Duplex Homes - Forty-five percent (45%) by main buildings and accessory buildings

D. Parking Regulations:

1. A minimum of two (2) enclosed parking spaces for each dwelling unit behind the front building line and on the same lot as each dwelling unit, plus two (2) additional parking spaces on a paved driveway having a minimum length of twenty-five feet (25') as measured from the street right-of-way line

2. Also see Off-Street Parking and Loading Regulations

E. Minimum Floor Area per Dwelling Unit for Two-Family/Duplex Homes - Three thousand two hundred (3200) square feet of air-conditioned floor area per pair of duplex

units, with the smaller unit being no smaller than one thousand five hundred (1500) square feet of air-conditioned floor area

F. Minimum Exterior Construction Standards – See other sections, as amended.

2.905 Special Requirements.

A. Single-family lots and detached dwellings constructed in this district shall conform to the standards as set forth in the SF-8.5 zoning district.

B. The elimination of a garage space by enclosing the garage with a stationary building wall shall be prohibited.

C. Recreational vehicles, travel trailers, or motor homes may not be used for on-site dwelling purposes.

D. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of three (3) or more acres.

E. Open storage is prohibited (except for materials for the residents' personal use or consumption such as firewood, garden materials, etc., which cannot be stored in any required setback and which shall be screened from view of public streets and neighboring properties).

F. Single-family and two-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty-five feet (25').

G. Swimming pools- See other applicable sections and codes.

H. Site plan approval shall be required for any non-residential use (e.g., school, church, child care center, private recreation facility, etc.) in the 2F district. Any nonresidential land use which may be permitted in this district shall conform to the “NS”-Neighborhood Service district standards with respect to building setbacks, landscaping, exterior building construction, screening requirements, lighting, signage, etc.

I. Other Regulations - See Section 2.22 and other sections.

**Section 2.10 SFA - SINGLE-FAMILY ATTACHED RESIDENTIAL DISTRICT  
(Townhomes)**

2.1001 General Purpose And Description.

The SFA, Single-Family Attached Residential, district is intended to promote stable, quality, attached-occupancy residential development on individual lots at higher residential densities. Individual ownership of each lot and dwelling unit is encouraged. This district may be included within certain areas of neighborhoods or, when in accordance with the intent of the Comprehensive Plan, may provide a "buffer" or transition district between lower density residential areas and multi-family or non-residential areas or major thoroughfares. Areas zoned for the SFA district shall have, or shall make provision for, water and waste water services. They shall be designed to adequately accommodate storm drainage; they shall have paved concrete streets with logical and efficient vehicular circulation patterns which discourage non-local traffic; they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts. Lots under one acre (43,560 square feet) must be served by an approved wastewater system. The City of Talty can only consider 2F lots as part of a Planned Development including wastewater treatment facilities.

2.1002 Permitted Uses:

- A. Those uses listed for the SFA district in Section 2.21 as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 2.20.

2.1003 Height Regulations:

A. Maximum Height

1. Two and one-half (2.5) stories, and not to exceed thirty-six feet (36'), for the main building/house; where a structure exceeds twenty-five feet (25') in height, it shall be set back from the front property line one (1) additional foot beyond the required front yard setback for each foot above twenty-five feet (25') in height.
2. Other requirements (see Section 2.22).

2.1004 Area Regulations.

A. Size of Lots:

1. Minimum Lot Area - Four thousand (4000) square feet
2. Maximum Density - Six (6) units per gross acre of land area within the development
3. Minimum Project Size - The minimum size of a single-family attached residential development shall be two (2) acres.
4. Maximum Project Size - The maximum size of a single-family attached residential development shall be ten (10) acres.
5. Minimum Lot Width - Forty feet (40')
6. Minimum Lot Depth - One hundred feet (100')

B. Size of Yards:

1. Minimum Front Yard - Fifteen feet (15'); front yard setback shall be staggered in at least four-foot (4') increments such that no more than two (2) units have the same front setback in a row, and such that at least 30% of the lots along any block face are set back at least twenty-five feet (25'), at least 30% of the lots are set back at least twenty-two feet (22'), and no more than 40% of the lots use the minimum eighteen-foot (18') front setback; no front-entry garages permitted

2. Minimum Side Yard

a. Single-family attached dwellings shall not have an interior side yard; however, a minimum eighteen-foot (18') side yard is required for a corner lot adjacent to a residential or collector street, and a minimum twenty-three foot (23') side yard is required for a corner lot adjacent to an arterial street. The ends of any two adjacent building complexes or rows of buildings shall be at least twenty-five feet (25') apart. The required side yards shall be designated upon a final plat approved by the City Council.

b. A complex or continuous row of attached single-family dwellings shall have a minimum length of three (3) dwelling units (triplex), a maximum length of six (6) dwelling units, and shall not exceed two hundred twenty feet (220') in length.

3. Minimum Rear Yard - Fifteen feet (15') for the main building and any accessory building(s); thirty feet (30') for rear garage entry; fifteen feet (15') from a main building to an accessory building

C. Maximum Lot Coverage: Seventy percent (70%) by main and accessory buildings on each individual lot

D. Parking Regulations:

1. A minimum of two (2) enclosed parking spaces for each dwelling unit, located behind, beside or incorporated into the dwelling unit, and accessed only from the rear via an alley, and located on the same lot as each dwelling unit. (See Off-Street Parking and Loading Requirements.)

2. Designated visitor parking spaces shall be provided in off-street, common areas at a ratio of one and three quarters (1.25) guest/visitor spaces per four (4) units.



3. Additional parking shall be required for any recreational uses, clubhouse, office, sales offices and other similar accessory structures and uses.

E. Minimum Floor Area per Dwelling Unit - One thousand two hundred-fifty (1250) square feet of air-conditioned floor area

F. Minimum Exterior Construction Standards – See other sections, as amended.

#### 2.1005 Special Requirements.

A. Usable Open Space Requirements – Except as provided below, any single-family attached subdivision shall provide useable open space which equals or exceeds twenty percent (20%) of the gross platted area, excluding rights-of-way for collector and larger sized streets. Useable open space shall not be required for a single-family attached development if it contains twenty (20) or fewer lots, and if the property contiguous (i.e., abutting or separated only by a residential or collector size street) to the subdivision is either developed for use(s) other than single-family attached homes or is restricted by zoning to not permit single-family attached development. Properties that are separated by thoroughfares larger than a collector street and/or by drainage/utility easements in excess of fifty-nine (59') in width shall not be considered as contiguous. Usable open space areas shall be in conformance with other requirements.

B. Maintenance Requirements for Common Areas - A property owners association is required for continued maintenance of common land and facilities.

C. Alleys - Each attached dwelling unit within the SFA district shall be rear-entry only from an alley that is constructed along with the rest of the subdivision (i.e., at the same time as the streets, utilities, etc.) and that is in conformance with the City's design standards for alleys (see sections of the Subdivision Ordinance).

D. Refuse Facilities - Every single-family attached dwelling unit shall be located within one hundred feet (100') of a refuse facility, measured along the designated pedestrian and vehicular travel way. A refuse facility shall be a dumpster or other similar container designed for receiving garbage in bulk for more than one dwelling, and all refuse containers shall be maintained in accordance with local public health and sanitary regulations. Refuse containers shall be located no closer than thirty feet (30') to any adjacent single-family property, shall be located so as to provide safe and convenient pickup by refuse collection agencies, and shall be screened in accordance with fencing and screening requirements.

E. All utilities shall be provided separately to each lot within an SFA district so that each unit is individually metered.

- F. A swimming pool shall be provided in single-family attached developments of twenty-four (24) or more units.
- G. Single-family detached dwellings (and their respective lots) constructed within this district shall conform to the standards as set forth in the SF-8.5 district.
- H. Each SFA lot shall contain a private yard with not less than four hundred-fifty (450) square feet of area (i.e., a back yard or large side yard). Private yards may include a patio cover, gazebo or other similar non-enclosed structure which does not cover more than twenty-five percent (20%) of the area of the private yard, and they may also include a swimming pool, swing set, play fort, or other private leisure amenity.
- I. The elimination of a garage space by enclosing the garage with a stationary building wall shall be prohibited.
- J. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- K. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of three (3) or more acres.
- L. Open storage is prohibited (except for materials for the residents' personal use or consumption such as firewood, garden materials, etc., which cannot be stored in any required setback and which shall be screened from view of public streets and neighboring properties).
- M. Homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty-five feet (25').
- N. Site plan approval shall be required for any single-family attached or non-residential use (e.g., school, church, child care center, private recreation facility, etc.) in the SFA district. Any nonresidential land use which may be permitted in this district shall conform to the "NS"-Neighborhood Service district standards with respect to building setbacks, landscaping, exterior building construction, screening requirements, lighting, signage, etc. All buildings within a development shall be architecturally compatible with each other, in that they shall use similar exterior finish colors and materials to achieve an overall, visually compatible appearance when viewed from the road.
- O. Gated/secured entrances shall be in accordance with the design standards for gated/secured entrances on private streets.
- P. Other Regulations - See 2.22 and other applicable sections and codes.

**SECTION 2.11 MF-14 – MULTI-FAMILY RESIDENTIAL-14 DISTRICT (Apartments)**

2.1101 General Purpose And Description.

The MF-14, Multi-Family Residential-14, district is an attached residential district intended to provide the highest residential density of fourteen (14) dwelling units per acre. The principal permitted land uses will include low- and mid-rise multiple-family dwellings and garden apartments. Recreational, religious, health and educational uses normally located to service residential areas are also permitted in this district. This district should be located adjacent to a major thoroughfare and serve as a buffer between non-residential development or heavy automobile traffic and medium- or low-density residential development. Areas zoned for the MF-14 district shall have, or shall make provision for, water and waste water services. They shall be designed to adequately accommodate storm drainage; they shall have paved concrete drive aisles with logical and efficient vehicular circulation patterns; they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts. The City of Talty can only consider MF-14 lots as part of a Planned Development including wastewater treatment facilities.

2.1102 Permitted Uses.

- A. Those uses listed for the MF-14 district in Section 2.21 as “P” or “C” are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 2.20.

2.1103 Height Regulations.

Maximum Height:

1. Two and one-half (2.5) stories, and not to exceed thirty-six feet (36'), for the main building(s).
2. Other requirements- See Section 2.22.

2.1104 Area Regulations.

A. Size of Lots:

1. Minimum Lot Area - Two thousand one hundred (2100) square feet per dwelling unit, not to exceed fourteen (14) dwelling units per acre (calculated on gross acreage). The minimum lot (i.e., project) size shall be ten (10) acres.
2. Minimum Lot Width - One hundred feet (100')
3. Minimum Lot Depth - One hundred fifty feet (150')
4. Special Exception - If a property was platted or zoned for MF-14 prior to the effective date of this Ordinance, then it can remain its original size and configuration and does not have to meet the minimum project size, lot width or lot depth stated above. The property shall conform with all other MF-14 development standards herein,

unless the building setbacks shown on a recorded plat vary from those contained herein, in which case the platted setbacks shall prevail unless a replat modifies same.

B. Size of Yards.

1. Minimum Front Yard - Thirty feet (30'). All areas adjacent to a street shall be deemed front yards. See Section 2.22 for additional setback requirements.
2. Minimum Side and Rear Yard - Twenty feet (20'), unless adjacent to a single-family, duplex, patio home or single-family attached district then side and rear setbacks shall be according to the height of the multi-family building, as follows:
  - a. One-story building – twenty-five feet (25')
  - b. Two-story building – fifty feet (50')
  - c. Over two-story building – seventy-five feet (75')
3. Building Separation:
  - a. One-story buildings - Twenty feet (20') for buildings without openings; twenty-five feet (25') for buildings with openings
  - b. Two-story buildings (or a two-story building adjacent to a one-story building) - Twenty-five feet (25') for buildings without openings; thirty feet (30') for buildings with openings
  - c. Over two-story buildings (or an over two-story building adjacent to a one- or two-story building) - Thirty-two feet (32') for buildings with or without openings
  - d. Between a main building and an accessory building – twelve feet (12')

C. Minimum Floor Area per Dwelling Unit:

1. Efficiency unit - Five hundred-fifty (550) square feet per unit.
2. One-bedroom unit - Eight hundred (800) square feet per unit.
3. Two- or more bedroom unit - Nine hundred-fifty (950) square feet for the first two bedrooms, plus an additional one hundred-fifty (150) square feet for every bedroom over two (e.g., three-bedroom unit must have 1,100 square feet, etc.).
4. At least sixty percent (60%) of the total building area for dwelling units (i.e., not including clubhouses, laundry rooms, mail kiosks, etc.) shall be located on the first floor (i.e., maximum of 40% of dwelling unit square footage above the first story)

D. Maximum Lot Coverage: Forty-five percent (45%) total, including main and accessory buildings

E. Parking Regulations:

1. 1.75 spaces for each efficiency or one-bedroom unit
2. 2.5 spaces for each two-bedroom unit
3. 3 spaces for each three-bedroom unit
4. 3.5 spaces for each four- or more-bedroom unit

5. The average number of parking spaces for the total development shall be no less than two and one half (2.5) spaces per dwelling unit, at least one (1) of which shall be enclosed (i.e., garage) for each dwelling unit.
6. No parking space may be located closer than ten feet (10') from any building, nor closer than four feet (4') from any side or rear lot line.
7. All parking areas adjacent to public streets shall be screened from view. Screening may be in the form of live plant materials, berms, low masonry walls that match the exterior finish of main buildings, or any combination of the above.
8. See Off-Street Parking and Loading Requirements, for additional requirements.

F. Minimum Exterior Construction Standards – See other sections, as amended.

#### 2.1105 Special Requirements.

- A. Usable Open Space Requirements – Except as provided below, any multi-family development shall provide useable open space which equals or exceeds eighteen percent (18%) of the total lot area. Usable open space areas shall be in conformance with applicable sections.
- B. Landscape Area Requirements – A minimum of twenty-three percent (23%) of the total lot area shall be devoted to a combination of landscaping (i.e., pervious surface area) and usable open space (see above). See landscaping requirements.
- C. Refuse Facilities - Every multi-family dwelling unit shall be located within one hundred-fifty feet (150') of a refuse facility, measured along the designated pedestrian travel way. A refuse facility shall be a dumpster or other similar container designed for receiving garbage in bulk for more than one dwelling, and all refuse containers shall be maintained in accordance with local public health and sanitary regulations. Refuse containers shall be located no closer than thirty feet (30') to any adjacent single-family property, shall be located so as to provide safe and convenient pickup by refuse collection agencies, and shall be screened in accordance with applicable sections of this Ordinance.
- D. Screening Requirements – See screening requirements.
- E. A swimming pool shall be provided in multi-family developments of forty (40) or more units.
- F. One playground area containing at least five (5) pieces of play equipment shall be provided for every ninety (90) dwelling units, or fraction thereof. The playground equipment shall be of heavy duty construction, such as is normally used in public parks or on public school playgrounds. Playground equipment must comply with any applicable city codes or requirements.
- G. Single-family, duplex, patio home, or townhouse residential units constructed in this district shall conform to SF-8.5, 2F, SF-PH or SF- 1AC district standards, respectively.

- H. Recreational vehicles, travel trailers and motor homes may not be used for on-site dwelling purposes.
- I. Open storage is prohibited.
- J. All points on the exterior facades of all buildings shall be within one hundred fifty feet (150') of a dedicated fire lane easement (as measured by an unobstructed pathway, or route, for fire hoses).
- K. A minimum four-foot (4') wide paved walkway shall connect the front door of each ground floor unit to a parking area. The minimum width of any sidewalk adjacent to head-in parking spaces shall be six feet (6') to accommodate a two-foot (2') bumper overhang for vehicles.
- L. Buildings shall not exceed one hundred seventy-five feet (175') in length.
- M. Boats, campers, trailers and other recreational vehicles shall be prohibited.
- N. All buildings containing residential units shall provide signage which clearly identifies the numbers (i.e., addresses) of the units within each building. Signage shall be visible from entrances into the complex and/or from vehicular drive aisles within the complex such that each individual unit is easy to locate by visitors, delivery persons, and/or emergency personnel.
- O. All parking areas shall have appropriate lighting and shall be positioned such that no light adversely impacts adjacent residential areas.
- P. Site plan approval shall be required for any multi-family or non-residential use (e.g., school, church, child care center, private recreation facility, etc.) in the MF-14 district.  
Any nonresidential land use which may be permitted in this district shall conform to the "NS"-Neighborhood Service district standards with respect to building setbacks, landscaping, exterior building construction, screening requirements, lighting, signage, etc. All buildings within a development shall be architecturally compatible with each other, in that they shall use similar exterior finish colors and materials to achieve an overall, visually compatible appearance when viewed from the road.
- Q. Gated/secured entrances shall be in accordance with the design standards for gated/secured entrances on private streets.
- R. Other Regulations - As established by Section 2.22, other sections and codes.

## **SECTION 2.12 MH – MANUFACTURED HOME DISTRICT**

### 2.1201 General Purpose And Description.

The MH, Manufactured Home, district is a detached residential district establishing standards for the development of HUD-code manufactured home parks and subdivisions. HUD-Code manufactured home subdivisions include individually platted lots for sale within the subdivision, for the placement of manufactured home units. Lots under one acre (43,560 square feet) must be served by an approved wastewater system. The City of Talty can only consider noncompliant MH lots as part of a Planned Development including wastewater treatment facilities. A manufactured home park offers spaces for the placement of manufactured home units on a lease or rental basis. The Manufactured Home district establishes area and design requirements for parks and subdivisions, as well as yard requirements for individual lots. Both parks and subdivisions provide open space and recreational areas appropriate for the acreage and number of units contained. Areas zoned for the MH district shall have, or shall make provision for, water and waste water services. They shall be designed to adequately accommodate storm drainage; they shall have paved concrete streets with logical and efficient vehicular circulation patterns which discourage non-local traffic; they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts. Areas already zoned and developed (i.e., platted of record) for the MH District as of the effective date of this Ordinance shall remain designated MH under this Ordinance, but the creation of new MH zoned areas within the City of Talty is not anticipated nor desired. The transition of existing MH Districts to SF-1AC or other substitute category is desired and anticipated (See 2.1205).

#### 2.1202 Permitted Uses.

- A. Those uses listed for the MH district in the Zoning Use Chart as “P” or “C” are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in .

#### 2.1203 Area Regulations.

- A. Size of Yards (for each space within manufactured home park or subdivision):

1. Minimum Front Yard - Seventy-five feet (75') from a dedicated street; sixty feet (65') from any private street or drive. See Section 2.22 for additional setback requirements.
2. Minimum Side Yard - Thirty feet (35'); fort-five feet (45') for a corner lot on a residential or collector street, and fifty feet (50') for a corner lot on an arterial street
3. Minimum Rear Yard - Ten feet (10'); twenty feet (20') from any zoning district boundary line
4. If a garage is provided, the entry (i.e., door) side of the garage shall have a twenty-five-foot (25') setback as measured from the front building line.

- B. Size of Space (for each space within a manufactured home park):

1. Minimum Lot Area - One (1) acre; Forty three thousand five hundred-sixty (43,560) square feet

2. Minimum Lot Width – One hundred fifty feet (150')
3. Minimum Lot Depth – One hundred feet (100')

- C. Minimum Floor Area per Dwelling Unit: Sixteen hundred (1600) square feet.
- D. Maximum Lot Coverage: Ten percent (10%) for main building/unit and accessory buildings.
- E. Parking Regulations: Two (2) spaces per unit located on the same lot as the unit served (See Off-Street Parking and Loading)
- F. Minimum Lot Area for a Manufactured Home Subdivision (Manufactured Homes on undeveloped lots) - One (1) acre; Forty three thousand five hundred-sixty (43,560) square feet per lot
- G. Area for Manufactured Home Park – Minimum project area three (3) acres; maximum project area thirty-five (35) acres
- H. Maximum Height Limit:
1. Two and one-half (2.5) stories, and not to exceed thirty-six feet (36'), for the main building/house.
  2. One story for other accessory buildings, including detached garages, carports, management office, clubhouse, gazebo, mail kiosks, etc.
  3. Other requirements- See Section 2.22.
- I. Minimum Exterior Construction Standards – None (manufactured homes only – all other structures shall conform with other sections and codes, as amended).

#### 2.1204 Special Requirements For Manufactured Home Parks.

- A. Tenant Parking - Each tenant space shall have no less than two parking spaces and shall have an approved all-weather surface, in accordance with City standards. Parking spaces shall be located to eliminate interference with access to parking areas provided for other manufactured homes and public parking in the park. (See Off Street Parking)
- B. Visitor and Supplemental Parking - In addition to parking spaces required for each manufactured home unit, there shall be paved parking provided for the manufactured home community in general (See Off-Street Parking and Loading Requirements):
1. Two and one half (2.5) visitor parking spaces for every three (3) manufactured home spaces.
  2. Boats, campers, trailers and other recreational vehicles shall be prohibited.
  3. Each parking space will be not less than nine feet by twenty feet (9' x 20'), which is not to be included in the lot size.



- C. Access - Each manufactured home community shall have direct access from an improved public street in accordance with the Subdivision Ordinance. Where an internal private street provides access to individual lots or dwelling units, the same shall be paved in accordance with City standards, and it shall be dedicated to the public as an emergency access or fire lane easement to allow for the rapid and safe movement of vehicles used in providing emergency health or public safety services. Each emergency access/fire lane easement shall have a clear unobstructed width of thirty feet (30'), shall connect to a dedicated public street, and shall have a turning area and radii of a minimum of sixty feet (60') to permit free movement of emergency vehicles. Dead end streets are not allowed. Cul-de-sac streets shall not exceed four hundred feet (400') in length. Fire lane easements shall be maintained by the manufactured home park. Gated/secured entrances shall be in accordance with the design standards for gated/secured entrances on private streets.
- D. Walkways - Designated concrete walkways four feet (4') in width will be provided on both sides of roadways or streets.
- E. Street Names and Signs - Within each manufactured home park, all streets shall be named, and manufactured homes numbered in a logical and orderly fashion. Street signs shall be of a color and size contrasting with those on public streets and roadways so that there is no confusion regarding which are private and which are public streets. These signs and numbers shall be of standard size and placement to facilitate location by emergency vehicles. Street names shall be submitted to the City Manager, or their designee, along with the preliminary plat application, reviewed by the appropriate City staff with respect to street naming procedures set forth within the Subdivision Ordinance and/or the City's Code of Ordinances, and approved by the Planning and Zoning Commission and the City Council on the preliminary plat for the subdivision. Street names should not duplicate other Kaufman County street names. The street names shall be set with preliminary plat approval and shall not be changed on the final plat without City approval. All dwelling unit numbering (i.e., addressing) shall be assigned by the City Manager, or their designee, based on the accepted practices of appropriate Kaufman County offices.
- F. Other Signs - Along all sections of emergency access easements, the owner or agent shall erect metal signs prohibiting parking. The sign type, size, height and location shall be in accordance with the Manual of Uniform Traffic Control Devices and approved by the City.
- G. Intersections - Internal streets shall intersect adjoining public streets at approximately ninety (90) degrees and at locations which will eliminate or minimize interference with traffic on those public streets.
- H. Street Lighting - Street lighting within the manufactured home park shall be provided in accordance with the Subdivision Regulations or use updated technology which meets or exceeds those standards. Street lighting shall be maintained by the owners of the manufactured home park.

- I. Electric and Telephone Service - All electrical distribution lines and all telephone lines shall be underground except the primary service lines to the park.
- J. Drainage and Soil Protection - The ground surface in all parts of the park shall be graded and equipped to drain all surface water in a safe, efficient manner. Each manufactured home space shall provide adequate drainage for the placement of a manufactured home. Exposed ground surfaces in all parts of every manufactured home park shall be paved and/or covered with stone, brick paving, or other similar solid material, or protected with a vegetative growth (such as grass) capable of preventing soil erosion and eliminating dust.
- K. Fire Fighting:
1. Approaches to all manufactured homes shall be kept clear for firefighting.
  2. The owner or agent of a manufactured home park shall be responsible for the instruction of any staff in the use of the park fire protection equipment and in their specific duties in the event of a fire. Owner shall supply standard City fire hydrants located within three hundred feet (300') of all manufactured home spaces, measured along the drive or street.
  3. The owner or agent of a manufactured home park shall be responsible for maintaining the entire area of the park free of dry brush, leaves and weeds in excess of six inches (6") in height.
- L. Refuse Facilities - Every manufactured home dwelling unit shall be located within one hundred fifty feet (150') of a refuse facility, measured along the designated pedestrian travel way. A refuse facility shall be a dumpster or other similar container designed for receiving garbage in bulk for more than one dwelling, and all refuse containers shall be maintained in accordance with local public health and sanitary regulations. Refuse containers shall be located no closer than thirty feet (30') to any adjacent single-family property, shall be located so as to provide safe and convenient pickup by refuse collection agencies, and shall be screened in accordance with other codes and sections of this Ordinance.
- M. Anchorage of Manufactured Homes - To insure against natural hazards such as tornadoes, high winds and electrical storms, anchorage for each manufactured home shall be provided according to the building code, state law and applicable federal standards. If contradictory standards exist, the most secure shall apply.
- N. Skirting:
1. All manufactured home units not attached to a permanent foundation shall provide skirting from the top of the unit's frame to grade. Skirting shall totally enclose and secure from view the unit's axles and all required anchors, footings, and piers.
  2. All required skirting shall be masonry, and shall be of a color similar to materials used in the construction of the manufactured home unit such that it blends with the overall appearance of the unit.

## 2.1205 Special Requirements.

- A. It shall be unlawful for any person to place a mobile home on any tract, parcel or lot within the limits of the City of Talty.
- B. Single-family, duplex, patio home, or townhouse residential units constructed in this district shall conform to SF-8.5, 2F, SF-PH or SF-1AC district standards, respectively.
- C. Open storage is prohibited.
- D. Usable Open Space Requirements – Except as provided below, any manufactured home development shall provide useable open space which equals or exceeds eighteen percent (18%) of the total land area within the development. Usable open space areas shall be in conformance with Ordinance or development agreement requirements.
- E. A swimming pool shall be provided in manufactured home developments of fifty (50) or more units.
- F. One playground area containing at least five (5) pieces of play equipment shall be provided for every ninety (90) dwelling units, or fraction thereof. The playground equipment shall be of heavy duty construction, such as is normally used in public parks or on public school playgrounds.
- G. Site plan approval shall be required for any manufactured home park or non-residential use (e.g., school, church, child care center, private recreation facility, etc.) in the MH district. Any nonresidential land use which may be permitted in this district shall conform to the “NS”-Neighborhood Service district standards with respect to building setbacks, landscaping, exterior building construction, screening requirements, lighting, signage, etc.
- H. Other Regulations - As established by Section 2.22, other sections and codes.

## **SECTION 2.13 O – OFFICE DISTRICT**

### 2.1301 General Purpose And Description

The O, Office, district is established to create an appropriate setting for low intensity office and professional uses. The district can serve as a transition district between residential uses and more intense uses, and with appropriate buffers and landscaping, this district may be located in close proximity to residential districts. Permitted uses should be compatible with adjacent residential areas by limiting heights to one (1) or two (2) stories, and shall not include uses that create excessive amounts of traffic, noise, trash or late-night business operations. Traffic generated by uses in this district shall not be encouraged to travel through residential areas. Adaptive reuse of existing structures is encouraged. Buildings in this district should be compatible and similar in scale with

residential uses and adjacent property. Lots under one acre (43,560 square feet) must be served by an approved wastewater system. The City of Talty can only consider noncompliant OF lots as part of a Planned Development including wastewater treatment facilities.

#### 2.1302 Permitted Uses.

- A. Those uses listed for the O district in Section 2.21 as “P” or “C” are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 2.20.

#### 2.1303 Height Regulations.

##### A. Maximum Height:

1. Two (2) stories, and not to exceed thirty-six feet (36'), for the main building(s).
2. One (1) story for accessory buildings.
3. Other (see Section 2.22).

#### 2.1304 Area Regulations.

##### A. Size of Lots:

1. Minimum Lot Area - Six thousand (6,000) square feet
2. Minimum Lot Width - Sixty feet (60'), except one hundred and twenty feet (120') along Interstate Highway 20 frontage
3. Minimum Lot Depth - One hundred feet (100')
4. Maximum Lot Depth – Three (3) times the lot width, unless otherwise excepted and approved on the site plan by the City Council (to be allowed only due to some unusual characteristic that is intrinsic to the land itself, to existing tract/parcel boundaries that some other proven hardship other than just diminished profit or mere inconvenience of the property's owner/developer)

##### B. Size of Yards:

1. Minimum Front Yard - Twenty-five feet (25') from ultimate right-of-way line of roadway; all yards adjacent to a street shall be considered a front yard (see Section 2.22 for additional setback requirements)
2. Minimum Side and Rear Yard - Fifteen feet (15') unless adjacent to a residentially zoned property (see below)
3. Minimum Side or Rear Yard Adjacent to a Residential District – Twenty feet (20') for one-story building, and an additional twenty feet (20') for every story (or fraction thereof) above one-story in height

- C. Maximum Lot Coverage – Forty percent (40%) including main and accessory buildings; maximum seventy-five percent (75%) impervious coverage (including all buildings, parking areas, sidewalks, etc.)
- D. Maximum Floor-Area-Ratio (FAR) – One to one (1:1)
- E. Parking Requirements- As established by Off-Street Parking and Loading Requirements.
- F. Minimum Exterior Construction Standards – All structures shall consist of one hundred percent (100%) non-combustible materials. All façades of main buildings with frontage of 80 (eighty) feet or more in length facing a public street or a residentially-zoned district (“Front Façade”) shall have no less than 30 percent (30%) of the linear footage of each Front Façade offset a minimum of four feet (4’) in depth either protruding forward of or recessed back from the remaining plane of such Front Façade. Buildings having a frontage less than 80 (eighty) feet in length shall have no less than 30 percent (30%) of the linear footage of each Front Façade offset a minimum of two feet (2’) in depth either protruding forward or recessed back from the remaining plane of such Front Façade. In addition, on buildings of three stories or less, the horizontal line of a flat roof (or parapet wall) along any Front Façade (a façade facing a public street or residentially zoned district) shall vary vertically by a minimum of two feet (2’) up or down so no more than sixty-six feet (66%) of the roofline is on the same elevation

#### 2.1305 Special District Requirements.

- A. Driveway Spacing (i.e., distance between driveways, measured edge-to-edge):
  - 1. Arterial street – One driveway per two hundred (200) linear feet of frontage
  - 2. Collector street – One driveway per one hundred (100) linear feet of frontage
  - 3. Local street – One driveway per fifty (50) linear feet of frontage
  - 4. Minimum distance from driveway to street corner – Fifty feet (50’), as measured from the street corner radius point of tangency
- B. Site Plan Review - Review and approval of a site plan by the Planning and Zoning Commission and the City Council shall be required for any tract/lot within the O district. No certificate of occupancy shall be issued unless all construction and development conforms to the Site Plan as approved by the City Council.
- C. Landscaping Requirements – See applicable requirements and codes
- D. Screening Requirements – See applicable requirements and codes
- E. Open storage and outside display are prohibited.
- F. Building façade (i.e., elevation) plans shall be submitted for review and approval along with the Site Plan. Façade plans shall clearly show how the building(s) will look, especially as viewed from the major thoroughfare upon which the property faces and/or

sides, and will portray a reasonably accurate depiction of the materials and colors to be used. The City Manager (or their designee) may, as they deem appropriate, require submission of additional information and materials (possibly actual samples of materials to be used) during the Site Plan review process. All buildings within a development (i.e., a retail center, office or business complex, etc. – including free-standing pad sites) shall be architecturally compatible with each other, including the use of similar exterior finish colors and materials to achieve an overall, visually compatible appearance when viewed from the road.

- G. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling or nonresidential purposes.
- H. Other Regulations - As established in the Development Standards, Section 2.22 and applicable codes.

## **SECTION 2.14 NS – NEIGHBORHOOD SERVICE DISTRICT**

### **2.1401 General Purpose And Description.**

The NS, Neighborhood Service district is established to provide areas for limited local neighborhood, low intensity retail and service facilities for the retail sales of goods and services. These shopping areas should utilize established landscape and buffering requirements. The NS district should be located along or at the intersection of major collectors or thoroughfares to accommodate higher traffic volumes, but it can also act as a buffer against residential areas. Lots under one acre (43,560 square feet) must be served by an approved wastewater system. The City of Talty can only consider noncompliant NS lots as part of a Planned Development including wastewater treatment facilities.

### **2.1402 Permitted Uses.**

- A. Those uses listed for the NS district in Section 2.21 as “P” or “C” are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 2.20.

### **2.1403 HEIGHT REGULATIONS:**

#### **A. Maximum Height:**

1. Two (2) stories, and not to exceed thirty-six feet (36'), for the main building(s).
2. One (1) story for accessory buildings.
3. Other- See Section 2.22

### **2.1404 Area Regulations:**

#### **A. Size of Lot:**

1. Minimum Lot Area - Six thousand (6,000) square feet
2. Minimum Lot Width - Sixty feet (60'), except one hundred and twenty feet (120') along Interstate 20.
3. Minimum Lot Depth - One hundred feet (100')
4. Maximum Lot Depth – Three (3) times the lot width, unless otherwise excepted and approved on the site plan by the City Council (to be allowed only due to some unusual characteristic that is intrinsic to the land itself, to existing tract/parcel boundaries in existence prior to the effective date of the applicable Subdivision Ordinance, or to some other proven hardship other than just diminished profit or mere inconvenience of the property's owner/developer)

B. Size of Yards:

1. Minimum Front Yard - Twenty-five feet (25') from ultimate right-of-way line of roadway; all yards adjacent to a street shall be considered a front yard (see Section 2.22 for additional setback requirements)
2. Minimum Side and Rear Yard - Fifteen feet (15') unless adjacent to a residentially zoned property (see below)
3. Interior Side Yards - When retail uses are platted adjacent to other retail uses and integrated into an overall shopping center site (i.e., lots/lease spaces abutting one another), no side yard is required provided it complies with the City's Building Code.
4. Minimum Side or Rear Yard Adjacent to a Residential District – Twenty feet (20') for one-story building, and an additional twenty feet (20') for every story (or fraction thereof) above one-story in height

C. Maximum Lot Coverage – Forty percent (40%) including main and accessory buildings; maximum eighty percent (80%) impervious coverage (including all buildings, parking areas, sidewalks, etc.)

D. Maximum Floor-Area-Ratio (FAR) – One to one (1:1)

E. Maximum Building Size - The maximum building foot print (first floor) area of a structure shall not exceed 15,000 square feet. A footprint of 20,000 square feet may be approved on the site provided overall lot coverage does not exceed 40%.

F. Parking Requirements - As established by Off-Street Parking and Loading Requirements.

G. Minimum Exterior Construction Standards – All structures shall consist of one hundred percent (100%) non-combustible materials. All façades of main buildings with frontage of 80 feet or more in length that face a public street or a residentially-zoned district ("Front Façade") shall have no less than 30 percent (30%) of the linear footage of each Front Façade offset a minimum of four feet (4') in depth either protruding forward of or recessed back from the remaining plane of such Front Façade. Buildings having a frontage less than 80 feet in length shall have no less than 30 percent (30%) of the linear footage of each Front Façade offset a minimum of two feet (2') in depth either protruding

forward or recessed back from the remaining plane of such Front Façade. In addition, on buildings of three stories or less, the horizontal line of a flat roof (or parapet wall) along any Front Façade (a façade facing a public street or residentially-zoned district) shall vary vertically by a minimum of two feet (2') up or down so that no more than sixty-six percent (66%) of the roofline is on the same elevation.

2.1405 SPECIAL REQUIREMENTS:

A. Driveway Spacing (i.e., distance between driveways, measured edge-to-edge):

1. Arterial street – One driveway per two hundred (200) linear feet of frontage
2. Collector street – One driveway per one hundred (100) linear feet of frontage
3. Local street – One driveway per fifty (50) linear feet of frontage
4. Minimum distance from driveway to street corner – Fifty feet (50'), as measured from the street corner radius point of tangency

B. Site Plan Review - Review and approval of a site plan by the Planning and Zoning Commission and the City Council shall be required for any tract/lot within the NS district. No certificate of occupancy shall be issued unless all construction and development conforms to the Site Plan as approved by the City Council.

C. Landscaping Requirements – See applicable sections and codes.

D. Screening Requirements – See applicable sections and codes.

E. Temporary outdoor retail sales, which involves the outside display of merchandise and seasonal items, shall be limited to the following:

1. Shall not be placed/located more than thirty feet (30') from the main building.
2. Shall not occupy any of the parking spaces required by this Ordinance for the primary use(s) of the property (except on a temporary basis only, which is a maximum of 30 days per display and a maximum of two displays per calendar year).
3. Shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.
4. Shall not extend into public right-of-way or onto adjacent property.
5. All outside display items shall be removed at the end of business each day (except for large seasonal items such as Christmas trees).
6. All merchandise shall be displayed in a neat, orderly manner and the display area shall be maintained in a clean, litter-free manner.

F. Open storage is prohibited.

G. Building façade (i.e., elevation) plans shall be submitted for review and approval along with the Site Plan. Façade plans shall clearly show how the building(s) will look, especially as viewed from the major thoroughfare upon which the property faces and/or sides, and will portray a reasonably accurate depiction of the materials and colors to be



used. The City Administrator (or their designee) may, as they deem appropriate, require submission of additional information and materials (possibly actual samples of materials to be used) during the Site Plan review process. All buildings within a development (i.e., a retail center, office or business complex, etc. – including free-standing pad sites) shall be architecturally compatible with each other, including the use similar exterior finish colors and materials to achieve an overall, visually compatible appearance when viewed from the road.

- H. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling or nonresidential purposes.
- I. Other Regulations - As established in the Development Standards, Section 2.22 and other codes.

## **SECTION 2.15 GR – GENERAL RETAIL DISTRICT**

### **2.1501 General Purpose And Description.**

The GR, General Retail, district is established to provide areas for local neighborhood shopping and service facilities for the retail sales of goods and services. These shopping areas should utilize established landscape and buffering requirements. The General Retail district should be located along or at the intersection of major collectors or thoroughfares to accommodate higher traffic volumes. Lots under one acre (43,560 square feet) must be served by an approved wastewater system. The City of Talty can only consider noncompliant GR lots as part of a Planned Development including wastewater treatment facilities.

### **2.1502 Permitted Uses.**

- A. Those uses listed for the GR district in Section 2.21 as “P” or “C” are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 2.20.

### **2.1503 Height Regulations.**

#### **A. Maximum Height:**

1. Seventy feet (70’). Any structure above thirty-six feet (36’) in height shall require a Conditional Use Permit (CUP). The building height is measured as the vertical distance from grade plane to the average height of the highest roof surface.
2. One (1) story for accessory buildings.
3. Other- See Section 2.22.

### **2.1504 Area Regulations.**

#### **A. Size of Lot:**

1. Minimum Lot Area - Six thousand (6,000) square feet
2. Minimum Lot Width - Sixty feet (60'), except one hundred and twenty feet (120') along Interstate Highway 20 frontage
3. Minimum Lot Depth - One hundred feet (100')
4. Maximum Lot Depth – Three (3) times the lot width, unless otherwise excepted and approved on the site plan by the City Council (to be allowed only due to some unusual characteristic that is intrinsic to the land itself, to existing tract/parcel boundaries that were in existence prior to the effective date of the applicable Subdivision Ordinance, or to some other proven hardship other than just diminished profit or mere inconvenience of the property's owner/developer)

B. Size of Yards:

1. Minimum Front Yard - Twenty-five feet (25') from ultimate right-of-way line of roadway; all yards adjacent to a street shall be considered a front yard (see Section 2.22 for additional setback requirements)
2. Minimum Side and Rear Yard - Fifteen feet (15') unless adjacent to a residentially zoned property (see below)
3. Interior Side Yards - When retail uses are platted adjacent to other retail uses and integrated into an overall shopping center site (i.e., lots/lease spaces abutting one another), no side yard is required provided it complies with the City's Building Code.
4. Minimum Side or Rear Yard Adjacent to a Residential District – Twenty feet (20') for one-story building, and an additional twenty feet (20') for every story (or fraction thereof) above one-story in height

C. Maximum Lot Coverage – Fifty percent (50%) including main and accessory buildings; maximum eighty percent (80%) impervious coverage (including all buildings, parking areas, sidewalks, etc.)

D. Maximum Floor-Area-Ratio (FAR) – One to one (1:1)

E. Maximum Building Size - The maximum building foot print (first floor) area of a structure shall not exceed 35,000 square feet. A footprint of 50,000 square feet may be approved on the site provided that overall lot coverage does not exceed 50%.

F. Parking Requirements - As established by Off-Street Parking and Loading Requirements.

G. Minimum Exterior Construction Standards – All structures shall consist of one hundred percent (100%) non-combustible materials. All façades of main buildings with frontage of 80 feet or more in length that face a public street or a residentially-zoned district ("Front Façade") shall have no less than 30 percent (30%) of the linear footage of each Front Façade offset a minimum of four feet (4') in depth either protruding forward or recessed back from the remaining plane of such Front Façade. Buildings having a frontage less than 80 feet in length shall have no less than 30 percent (30%) of the linear

footage of each Front Façade offset a minimum of two feet (2') in depth either protruding forward or recessed back from the remaining plane of such Front Façade. In addition, on buildings of three stories or less, the horizontal line of a flat roof (or parapet wall) along any Front Façade (a façade facing a public street or residentially-zoned district) shall vary vertically by a minimum of two feet (2') up or down so that no more than sixty-six percent (66%) of the roofline is on the same elevation.

#### 2.1505 Special Requirements.

##### A. Driveway Spacing (i.e., distance between driveways, measured edge-to-edge):

1. Arterial street – One driveway per two hundred (200) linear feet of frontage
2. Collector street – One driveway per one hundred (100) linear feet of frontage
3. Local street – One driveway per fifty (50) linear feet of frontage
4. Minimum distance from driveway to street corner – Fifty feet (50'), as measured from the street corner radius point of tangency

##### B. Site Plan Review - Review and approval of a site plan by the Planning and Zoning Commission and the City Council shall be required for any tract/lot within the GR district. No certificate of occupancy shall be issued unless all construction and development conforms to the Site Plan as approved by the City Council.

##### C. Landscaping Requirements

1. The owner, developer and/or operator of a non-residential use or multi-family use permitted in the GR district adjacent to or abutting a single-family or two-family residential use in said district shall provide a landscaped area at least five feet (5') wide along the length of the common property line.
  - a. Said landscaped area shall contain evergreen shrubs capable of growing to a height of at least four feet (4') and planted close enough together to make up a living screen along the length of the common property line.
  - b. The evergreen shrubs making up the living screen must be a minimum of thirty inches (30") in height at the time of planting.
  - c. In addition, one (1) canopy tree (minimum three-inch (3") caliper and seven feet (7') in height at time of planting) shall be planted for each thirty (30) linear feet or portion thereof of adjacent exposure along the length of the common property line within the landscaped area. These trees may not be clustered.
  - d. Alternative equivalent landscaping may be approved through the site plan approval process.
2. The foregoing requirements shall be in addition to all other landscaping requirements set out in other sections of this Ordinance.

##### D. Screening Requirements

1. The owner, developer and/or operator of a non-residential use or multi-family use permitted in the GR district and backs up to a single-family or two-family residential use in said district shall erect a screening device comprised of:
  - a. A solid brick/masonry screening wall of not less than six feet (6'), nor more than eight feet (8'), in height, constructed of masonry, reinforced concrete, or other similar suitable permanent materials, and without openings along the property line separating the uses to provide a visual and protective barrier between the properties; or,
  - b. A combination of:
    - (1) a landscaped earthen berm having side slopes not to exceed 3:1 (three feet of horizontal distance for each one foot of height) and containing necessary drainage provisions, as may be required by the city engineer; and
    - (2) a living plant screen of an acceptable type and of a density that will not permit through-passage, the plant materials of which must be evergreen, acceptable for six-foot (6') screening, and at least three feet (3') in height immediately following planting and which exhibits the same year-round screening characteristics as a solid brick/masonry screening wall.
2. The owner, developer and/or operator of the non-residential use or multi-family use property shall be responsible for and shall build and maintain the required screening device on said owner's, developer's and/or operator's side of the property line dividing the non-residential use or multi-family use from the single-family or two-family residential use.
3. Alternative equivalent screening may be approved through the site plan approval process.
4. All screening devices require permits.
5. The foregoing requirements shall be in addition to all other screening requirements set out in other sections of this Ordinance.

#### E. Temporary Outdoor Retail Sales

Temporary outdoor retail sales, which involves the outside display of merchandise and seasonal items, shall be limited to the following:

1. Shall not be placed/located more than thirty feet (30') from the main building.
2. Shall not occupy any of the parking spaces that are required by this Ordinance for the primary use(s) of the property (except on a temporary basis only, which is a maximum of 30 days per display and a maximum of two displays per calendar year).
3. Shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.
4. Shall not extend into public right-of-way or onto adjacent property.
5. All outside display items shall be removed at the end of business each day (except for large seasonal items such as Christmas trees).
6. All merchandise shall be displayed in a neat, orderly manner and the display area shall be maintained in a clean, litter-free manner.

- F. Open storage is limited to a maximum of five percent (5%) of the total lot area, shall not be located in front of (i.e., on the street side of) or on top of the building and cannot be visible from any public street or adjacent property. However, periodic temporary outdoor retail sales, which involves the outside display of seasonal items, is allowed during the appropriate time periods (see provisions in Subsection E above).
- G. Building façade (i.e., elevation) plans shall be submitted for review and approval along with the Site Plan. Façade plans shall clearly show how the building(s) will look, especially as viewed from the major thoroughfare upon which the property faces and/or sides, and will portray a reasonably accurate depiction of the materials and colors to be used. The City Manager, or their designee, may, as they deem appropriate, require submission of additional information and materials (possibly actual samples of materials to be used) during the Site Plan review process. All buildings within a development (i.e., a retail center, office or business complex, etc. – including free-standing pad sites) shall be architecturally compatible with each other; including use of similar exterior finish colors and materials to achieve an overall, visually compatible appearance when viewed from the road.
- H. Recreational vehicles, travel trailers, motor homes or temporary buildings may not be used for on-site dwelling or permanent nonresidential purposes.
- I. Other Regulations - As established in the Development Standards, Section 2.22 and other applicable sections or codes.

## **SECTION 2.16 C- COMMERCIAL DISTRICT**

### **2.160 General Purpose And Description.**

The C, Commercial, district is intended to provide a location for commercial and service-related establishments, such as wholesale product sales, welding/contractors shops, automotive repair services, upholstery shops, and other similar commercial uses. Uses in this district may utilize open storage areas that are screened from public view. Some light manufacturing may also be allowed with certain conditions. The uses envisioned for the district will typically utilize smaller sites and have operation characteristics which are generally not compatible with residential uses and some nonresidential uses. Convenient access to thoroughfares and collector streets is also a primary consideration. Areas zoned for the C district shall have, or shall make provision for, water and waste water services. They shall be designed to adequately accommodate storm drainage; they shall have paved concrete streets with logical and efficient vehicular circulation patterns; they shall be properly buffered from residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts. Lots under one acre (43,560 square feet) must be served by an approved wastewater system. The City of Talty can only consider noncompliant C lots as part of a Planned Development including wastewater treatment facilities.

### **2.1602 Permitted Uses:**

- A. Those uses listed for the C district in Section 2.21 as “P” or “C” are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 2.20.

2.1603 Height Regulations:

A. Maximum Height:

1. Seventy feet (70'). Any structure above thirty-six feet (36') in height shall require a Conditional Use Permit (CUP). The building height is measured as the vertical distance from grade plane to the average height of the highest roof surface.
2. One (1) story for accessory buildings.
3. Other- Section 2.22.

2.1604 Area Regulations:

A. Size of Lot:

1. Minimum Lot Area - Ten thousand (10,000) square feet, except one-half acre (21,780 square feet) for any site having frontage along Interstate Highway 20 or any FM road.
2. Minimum Lot Width - Sixty feet (60'), except one hundred twenty feet (120') for any site having frontage along Interstate Highway 20 or any FM road
3. Minimum Lot Depth – One hundred feet (100'), except one hundred fifty feet (150') for any site having frontage along Interstate Highway 20 or any FM road.
4. Maximum Lot Depth – Three (3) times the lot width, unless otherwise excepted and approved on the site plan by the City Council (to be allowed only due to some unusual characteristic that is intrinsic to the land itself, to existing tract/parcel boundaries in existence prior to the effective date of the applicable Subdivision Ordinance or to some other proven hardship other than just diminished profit or mere inconvenience of the property's owner/developer)

B. Size of Yards:

1. Minimum Front Yard - Twenty-five feet (25') from ultimate right-of-way line of roadway; all yards adjacent to a street shall be considered a front yard (see Section 43.2 for additional setback requirements)
2. Minimum Side and Rear Yard - Fifteen feet (15') unless adjacent to a residentially zoned property (see below)
3. Interior Side Yards - When retail uses are platted adjacent to other retail uses and integrated into an overall shopping center site (i.e., lots/lease spaces abutting one another), no side yard is required provided it complies with the City's Building Code.
4. Minimum Side or Rear Yard Adjacent to a Residential District – Twenty feet (20') for one-story building, and an additional twenty feet (20') for every story (or fraction thereof) above one-story in height

- C. Maximum Lot Coverage – Sixty percent (60%) including main and accessory buildings; maximum eighty-five percent (85%) impervious coverage (including all buildings, parking areas, sidewalks, etc.)
- D. Maximum Floor-Area-Ratio (FAR) – Two to one (2:1)
- E. Parking Requirements- As established by Off-Street Parking and Loading Requirements.
- F. Minimum Exterior Construction Standards – All structures shall consist of one hundred percent (100%) non-combustible materials. All façades of main buildings with frontage of 80 feet or more in length that face a public street or a residentially-zoned district (“Front Façade”) shall have no less than 30 percent (30%) of the linear footage of each Front Façade offset a minimum of four feet (4’) in depth either protruding forward of or recessed back from the remaining plane of such Front Façade. Buildings having a frontage less than 80 feet in length shall have no less than 30 percent (30%) of the linear footage of each Front Façade offset a minimum of two feet (2’) in depth either protruding forward or recessed back from the remaining plane of such Front Façade. In addition, on buildings of three stories or less, the horizontal line of a flat roof (or parapet wall) along any Front Façade (a façade facing a public street or residentially-zoned district) shall vary vertically by a minimum of two feet (2’) up or down so that no more than sixty-six percent (66%) of the roofline is on the same elevation.

2.1605 Special Requirements.

- A. Driveway Spacing (i.e., distance between driveways, measured edge-to-edge):
  - 1. Arterial street – One driveway per two hundred (200) linear feet of frontage
  - 2. Collector street – One driveway per one hundred (100) linear feet of frontage
  - 3. Local street – One driveway per fifty (50) linear feet of frontage
  - 4. Minimum distance from driveway to street corner – Fifty feet (50’), as measured from the street corner radius point of tangency
- B. Site Plan Review - Review and approval of a site plan by the Planning and Zoning Commission and the City Council shall be required for any tract/lot within the C district. No certificate of occupancy shall be issued unless all construction and development conforms to the Site Plan as approved by the City Council.
- C. Landscaping Requirements – See sections and codes.
- D. Screening Requirements – See applicable sections and codes.
- E. Temporary Outdoor Retail Sales – Temporary outdoor retail sales, which involves the outside display of merchandise and seasonal items, shall be limited to the following:
  - 1. Shall not be placed/located more than thirty feet (30’) from the main building.

2. Shall not occupy any of the parking spaces that are required by this Ordinance for the primary use(s) of the property (except on a temporary basis only, which is a maximum of 30 days per display and a maximum of two displays per calendar year).
  3. Shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.
  4. Shall not extend into public right-of-way or onto adjacent property.
  5. All outside display items shall be removed at the end of business each day (except for large seasonal items such as Christmas trees).
  6. All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.
- F. Open storage is limited to a maximum of five percent (5%) of the total lot area, shall not be located in front of (i.e., on the street side of) or on top of the building, and cannot be visible from any public street or adjacent property). However, periodic temporary outdoor retail sales, which involves the outside display of seasonal items, is allowed during the appropriate time periods (see Subsection E above).
- G. Building façade (i.e., elevation) plans shall be submitted for review and approval along with the Site Plan. Façade plans shall clearly show how the building(s) will look, especially as viewed from the major thoroughfare upon which the property faces and/or sides, and will portray a reasonably accurate depiction of the materials and colors to be used. The City Manager (or their designee) may, as they deem appropriate, require submission of additional information and materials (possibly actual samples of materials to be used) during the Site Plan review process. All buildings within a development (i.e., a retail center, office or business complex, etc. – including free-standing pad sites) shall be architecturally compatible with each other, including the use of similar exterior finish colors and materials to achieve an overall, visually compatible appearance when viewed from the road.
- H. Recreational vehicles, travel trailers, motor homes or temporary buildings may not be used for on-site dwelling or permanent nonresidential purposes.
- I. Other Regulations - As established in the Development Standards, Section 2.22 and applicable codes

## **SECTION 2.17 MU – MIXED-USE DISTRICT**

### **2.1701 General Purpose And Description.**

The MU, Mixed Use, district is intended to provide a mixture of uses. Residential uses within the MU district should be either SFA, SF-PH or MF-14 uses. Uses should be arranged on the site such that they complement each other, although much flexibility is allowed on how each use is situated on the site. Non-residential uses should consist of office, neighborhood service, and retail uses. Areas zoned for the MU district shall have, or shall make provision for, water and waste water services. They shall be designed to adequately accommodate storm drainage; they shall have paved concrete streets with



logical and efficient vehicular circulation patterns; they shall be properly buffered from residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts. Design and development standards shall be established on the site plan. Lots under one acre (43,560 square feet) must be served by an approved wastewater system. The City of Talty can only consider noncompliant MU lots as part of a Planned Development including wastewater treatment facilities.

2.1702 Permitted Uses,

- A. Those uses listed for the MU district in Section 2.21 as “P” or “C” are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 2.20.

2.1703 Height Regulations.

A. Maximum Height:

1. Seventy feet (70'). Any structure above thirty-six feet (36') in height shall require a Conditional Use Permit (CUP). The building height is measured as the vertical distance from grade plane to the average height of the highest roof surface.
2. One (1) story for accessory buildings.
3. Other- Section 2.22

2.1704 Area Regulations.

A. Size of Lot:

1. Minimum Lot Area - Twenty thousand (20,000) square feet
2. Minimum Lot Width - One hundred feet (100')
3. Minimum Lot Depth - One hundred feet (100')
4. Maximum Lot Depth – Three (3) times the lot width, unless otherwise excepted and approved on the site plan by the City Council (to be allowed only due to some unusual characteristic that is intrinsic to the land itself, to existing tract/parcel boundaries that were in existence prior to the effective date of the Subdivision Ordinance. or to some other proven hardship other than just diminished profit or mere inconvenience of the property's owner/developer)

B. Size of Yards:

1. Minimum Front Yard - Fifty feet (50'); all yards adjacent to a street shall be considered a front yard. See 2.22 for additional setback requirements.
2. Minimum Side Yard - Twenty-five feet (25')
3. Interior Side Yards - None
4. Minimum Rear Yard - Twenty-five feet (25')

5. Adjacent to a Residential District - The side or rear setback, whichever is adjacent to the residential zoning district, shall observe a sixty-foot (60') setback for any building above one story or up to thirty-six feet (36') in height and a 200' setback for buildings over two stories or thirty-six feet.
- C. Maximum Lot Coverage – Fifty percent (50%) including main and accessory buildings; maximum eighty percent (80%) impervious coverage (including all buildings, parking areas, sidewalks, etc.)
- D. Maximum Floor-Area-Ratio (FAR) – Two to one (2:1)
- E. Parking Requirements - As established by Off-Street Parking and Loading Requirements.
- F. Minimum Exterior Construction Standards – All structures shall consist of one hundred percent (100%) non-combustible materials. All façades of main buildings with frontage of 80 feet or more in length that face a public street or a residentially-zoned district (“Front Façade”) shall have no less than 30 percent (30%) of the linear footage of each Front Façade offset a minimum of four feet (4’) in depth either protruding forward of or recessed back from the remaining plane of such Front Façade. Buildings having a frontage less than 80 feet in length shall have no less than 30 percent (30%) of the linear footage of each Front Façade offset a minimum of two feet (2’) in depth either protruding forward or recessed back from the remaining plane of such Front Façade. In addition, on buildings of three stories or less, the horizontal line of a flat roof (or parapet wall) along any Front Façade (a façade facing a public street or residentially-zoned district) shall vary vertically by a minimum of two feet (2’) up or down so that no more than sixty-six percent (66%) of the roofline is on the same elevation.

2.1705 Special Requirements.

- A. Driveway Spacing (i.e., distance between driveways, measured edge-to-edge):
  1. Arterial street – One driveway per two hundred (200) linear feet of frontage
  2. Collector street – One driveway per one hundred (100) linear feet of frontage
  3. Local street – One driveway per fifty (50) linear feet of frontage
  4. Minimum distance from driveway to street corner – Fifty feet (50’), as measured from the street corner radius point of tangency
- B. Site Plan Review - Review and approval of a site plan by the Planning and Zoning Commission and the City Council shall be required for any tract/lot within the MU district. No certificate of occupancy shall be issued unless all construction and development conforms to the Site Plan as approved by the City Council.
- C Landscaping Requirements – See applicable sections
- D. Screening Requirements – See applicable sections

#### E. Temporary Outdoor Retail Sales

Temporary outdoor retail sales, which involves the outside display of merchandise and seasonal items, shall be limited to the following:

1. Shall not be placed/located more than thirty feet (30') from the main building.
2. Shall not occupy any of the parking spaces that are required by this Ordinance for the primary use(s) of the property (except on a temporary basis only, which is a maximum of 30 days per display and a maximum of two displays per calendar year).
3. Shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.
4. Shall not extend into public right-of-way or onto adjacent property.
5. All outside display items shall be removed at the end of business each day (except for large seasonal items such as Christmas trees).
6. All merchandise shall be displayed in a neat, orderly manner and the display area shall be maintained in a clean, litter-free manner.

F. Open storage is limited to a maximum of five percent (5%) of the total lot area, shall not be located in front of (i.e., on the street side of) or on top of the building, and must be screened in accordance with the set requirements and cannot be visible from any public street or adjacent property. However, periodic temporary outdoor retail sales, which involves the outside display of seasonal items, is allowed during the appropriate time periods (see Subsection E above).

G. Building façade (i.e., elevation) plans shall be submitted for review and approval along with the Site Plan. Façade plans shall clearly show how the building(s) will look, especially as viewed from the major thoroughfare upon which the property faces and/or sides, and will portray a reasonably accurate depiction of the materials and colors to be used. The City Manager (or their designee) may, as they deems appropriate, require submission of additional information and materials (possibly actual samples of materials to be used) during the Site Plan review process. All buildings within a development (i.e., a retail center, office or business complex, etc. – including free-standing pad sites) shall be architecturally compatible with each other, including the use of similar exterior finish colors and materials to achieve an overall, visually compatible appearance when viewed from the road.

H. Recreational vehicles, travel trailers, motor homes or temporary buildings may not be used for on-site dwelling or permanent nonresidential purposes.

I. Other Regulations - As established in the Development Standards, Section 2.22 and other applicable codes.

## **SECTION 2.18**

## **LI – LIGHT INDUSTRIAL DISTRICT**

2.1801 General Purpose And Description.

The LI, Light Industrial, district is intended primarily for the conduct of light manufacturing, assembling and fabrication activities, and for warehousing, research and development, wholesaling and service operations that do not typically depend upon frequent customer or client visits. Such uses do require accessibility to major thoroughfares, major highways, and/or other means of transportation such as the railroad. Areas that were already zoned and developed (i.e., platted of record) for the LI district on the effective date of this Ordinance shall remain designated LI under this Ordinance, but the creation of new LI zoned areas within the City of Talty is not anticipated nor desired unless located along the Interstate 20 frontage.

2.1802 Permitted Uses.

- A. Those uses listed for the LI district in Section 2.21 as “P” or “C” are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 2.20.

2.1803 Height Regulations.

A. Maximum Height:

1. One-hundred twenty feet (120'). Any structure above thirty-six feet (36') in height shall require a Conditional Use Permit (CUP). The building height is measured as the vertical distance from grade plane to the average height of the highest roof surface.
2. Other- Section 2.22.

2.1804 Area Regulations.

A. Size of Lot:

1. Minimum Lot Area - Twenty thousand (20,000) square feet, except one acre (43,560 square feet) for any site having frontage along Interstate Highway 20
2. Minimum Lot Width – One hundred feet (100'), except two hundred feet (200') for any site having frontage along Interstate Highway 20
3. Minimum Lot Depth – One hundred twenty-five feet (125'), except two hundred feet (200') for any site having frontage along Interstate Highway 20
4. Maximum Lot Depth – Three (3) times the lot width, unless otherwise excepted and approved on the site plan by the City Council (to be allowed only due to some unusual characteristic that is intrinsic to the land itself, to existing tract/parcel boundaries that were in existence prior to the effective date of the Subdivision Ordinance, or to some other proven hardship other than just diminished profit or mere inconvenience of the property's owner/developer)

B. Size of Yards:

1. Minimum Front Yard - Fifty feet (50') from ultimate right-of-way line of roadway; all yards adjacent to a street shall be considered a front yard (see Section 43.2 for additional setback requirements)
  2. Minimum Side and Rear Yard – Twenty-five feet (25') unless adjacent to a residentially zoned property (see below)
  3. Minimum Side or Rear Yard Adjacent to a Residential District – Forty feet (40') for one-story building, and an additional twenty feet (20') for every story (or fraction thereof) above one-story in height
- C. Maximum Lot Coverage – Sixty percent (60%) including main and accessory buildings; maximum eighty-five percent (85%) impervious coverage (including all buildings, parking areas, sidewalks, etc.)
- D. Maximum Floor-Area-Ratio (FAR) – Two to one (2:1)
- E. Parking Requirements - As established by Off-Street Parking and Loading Requirements.
- F. Minimum Exterior Construction Standards – All structures shall consist of one hundred percent (100%) non-combustible materials. All façades of main buildings with frontage of 80 feet or more in length that face a public street or a residentially-zoned district (“Front Façade”) shall have no less than 30 percent (30%) of the linear footage of each Front Façade offset a minimum of four feet (4') in depth either protruding forward of or recessed back from the remaining plane of such Front Façade. Buildings having a frontage less than 80 feet in length shall have no less than 30 percent (30%) of the linear footage of each Front Façade offset a minimum of two feet (2') in depth either protruding forward or recessed back from the remaining plane of such Front Façade. In addition, on buildings of three stories or less, the horizontal line of a flat roof (or parapet wall) along any Front Façade (a façade facing a public street or residentially-zoned district) shall vary vertically by a minimum of two feet (2') up or down so that no more than sixty-six percent (66%) of the roofline is on the same elevation.

2.1805 Special Requirements.

- A. Driveway Spacing (i.e., distance between driveways, measured edge-to-edge):
1. Arterial street – One driveway per two hundred (200) linear feet of frontage
  2. Collector street – One driveway per one hundred (100) linear feet of frontage
  3. Local street – One driveway per fifty (50) linear feet of frontage
  4. Minimum distance from driveway to street corner – Fifty feet (50'), as measured from the street corner radius point of tangency
- B. Site Plan Review - Review and approval of a site plan by the Planning and Zoning Commission and the City Council shall be required for any tract/lot within the LI district. No certificate of occupancy shall be issued unless all construction and development conforms to the Site Plan as approved by the City Council.

- C. Landscaping Requirements – See applicable sections and codes.
- D. Screening Requirements – See applicable sections and codes.
- E. Open storage is limited to a maximum of twenty percent (20%) of the total lot area, shall not be located in front of (i.e., on the street side of) or on top of the building, and must be screened in accordance with the requirements and cannot be visible from any public street or adjacent property).
- F. Building facade (i.e., elevation) plans shall be submitted for review and approval along with the Site Plan. Facade plans shall clearly show how the building(s) will look, especially as viewed from the major thoroughfare upon which the property faces and/or sides, and will portray a reasonably accurate depiction of the materials and colors to be used. The City Manager, or their designee, may, as they deem appropriate, require submission of additional information and materials (possibly actual samples of materials to be used) during the Site Plan review process.
- G. Recreational vehicles, travel trailers, motor homes or temporary buildings may not be used for on-site dwelling or permanent nonresidential purposes.
- H. Other Regulations- As established in Development Standards, Section 2.22 and other codes.

## **SECTION 2.19 PD – PLANNED DEVELOPMENT OVERLAY DISTRICT**

### 2.1901 General Purpose And Description.

- A. The City Council of the City of Talty, Texas, after public hearing and proper notice to all parties affected and after recommendation from the Planning and Zoning Commission, may authorize the creation of a Planned Development (PD) overlay district.
- B. The Planned Development (PD) district is a district which accommodates planned associations of uses developed as integral land use units such as office parks, retail/commercial or service centers, shopping centers, residential developments having a mixture of housing options (e.g., single-family, multi-family, duplex, etc.), or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A Planned Development district may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this Ordinance, to ensure the compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community by meeting one or more of the following purposes:
  - 1. To provide for a superior design on lots or buildings;
  - 2. To provide for increased recreation and open space opportunities for public use and enjoyment;

3. To provide amenities or features that would be of special benefit to the property users or to the overall community;
  4. To protect or preserve natural amenities and environmental assets such as trees, creeks, ponds, floodplains, slopes, viewscales or wildlife habitats;
  5. To protect or preserve existing historical buildings, structures, features or places;
  6. To provide an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services; and
  7. To meet or exceed the standards of this Ordinance.
- C. While greater flexibility is given to allow special conditions or restrictions that would not otherwise allow the development to occur, procedures are established herein to ensure against misuse of increased flexibility.

#### 2.1902 Permitted Uses.

- A. An application for a PD district shall specify the base zoning district(s) upon which the PD is based, and the use or the combination of uses proposed (particularly if any of the proposed uses are not allowed by right in the base zoning district). PD designations shall not be attached to CUP requirements. Conditional Use Provisions allowed in a base zoning district(s) are allowed in a PD only if specifically identified as allowable by CUP at the time of PD approval, and if specifically cited as an “additional use” (i.e., to those allowed by right in the PD) in the ordinance establishing the PD. Any use that is not specifically cited as permitted (by right or by CUP) in the applicable base zoning district(s) or the PD ordinance shall be prohibited unless the PD ordinance is amended using the procedures set forth in this Section and other amendment requirements.
- B. In the case of residential PD districts, the proposed lot sizes shall be no smaller than, or shall at least average, the lot sizes allowed in the base zoning district for each type of housing (e.g., single-family, duplex, etc.) except for minor changes in a small percentage of the lots in order to provide improved design, or to provide flexibility in the layout of the subdivision or diversity in lot size choices. Lots under one acre (43,560 square feet) must be served by an approved wastewater system. Adherence to the City’s Comprehensive Plan policies pertaining to housing densities and house sizes shall be a key factor in determining whether or not a proposed PD district is appropriate for a particular geographic area.

#### 2.1903 Planned Development Requirements.

- A. Any development requirements for a particular PD district that deviate from those of the base zoning district(s) shall be set forth in the amending ordinance granting the PD district. These shall include, but may not be limited to: allowed or additional (i.e., CUP) uses, density, lot area, lot width, lot depth, yard depths and widths, building height and size, building exterior construction, lot coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, project phasing or scheduling, property management associations, and other requirements as the City Council and Planning and Zoning Commission may deem appropriate.

- B. In the PD district, uses and development standards shall conform to the standards and regulations of the base zoning district(s) unless specifically stated otherwise in the PD ordinance. The base zoning district(s) shall be stated in the PD granting ordinance. All applications to the City shall list all requested deviations from the standard requirements set forth throughout this Ordinance as applicable to each base zoning district (applications without this list will be considered incomplete). The PD district shall conform to all other regulations of the applicable base zoning district(s), as well as all other sections of the Zoning Ordinance, unless specifically changed or excluded in the ordinance establishing the PD. A PD that is based upon more than one (1) base zoning district shall also include a legal (i.e., metes and bounds) description and graphic exhibit describing/showing the proposed boundaries of each respective area and its base zoning district (e.g., shown as “Proposed PD-SF-8.5”, “Proposed PD-NS”, etc.).
- C. The ordinance granting a PD district shall include a statement as to the purpose and intent of the PD district granted therein, as well as a general statement citing the reason for the PD request.
- D. The minimum acreage for a planned development request shall be five (5) acres.

#### 2.1904 Submittals.

In establishing a Planned Development district in accordance with this Section, the City Council shall approve and file as part of the amending ordinance appropriate plans and standards for each PD district. To facilitate understanding of the request during the review and public hearing process, the concurrent submission of a concept plan for a proposed non-residential, multi-family or manufactured home project, or a land study for a proposed single- or two-family residential project, shall be required along with the PD zoning application. A preliminary plat may be submitted in lieu of the concept plan for a single- or two-family PD (see the Subdivision Ordinance for submission and other requirements) if the applicant prefers to do so, and if the applicant wishes to expend the resources and funds necessary to prepare a complete preliminary plat submission.

- A. Concept Plan or Land Study - This plan shall be submitted by the applicant at the time of the Planned Development request. The plan shall show the applicant's intent for the use of the land within the proposed PD district in a graphic manner and, as may be required, supported by written documentation of proposals and standards for development. The City may prepare application forms further describing and explaining the following requirements:
  - 1. Residential PD Land Study - A land study plan shall be submitted with any residential PD zoning request for a development comprised of single-family or two-family (duplex) dwellings on individually platted lots, and shall show general uses, phasing of the development, access, thoroughfares, alleys (if proposed), preliminary lot arrangements, proposed densities, proposed screening, landscaped or private amenity areas, project scheduling, and other pertinent development data. (See the Subdivision Ordinance for application procedures and requirements for a land study submission.)



2. Nonresidential PD Concept Plan - A concept plan shall be submitted with any nonresidential, multi-family, single-family attached, or manufactured home PD zoning request. This plan shall clearly show all pertinent aspects of the type and nature of the proposed development. The concept plan shall show the types of use(s) proposed; access, topography and boundaries of the PD area; existing physical features of the site; existing and proposed streets, alleys, easements and lot lines; location of existing or proposed public facilities; building heights and locations; parking areas and ratios; fire lanes; screening and landscaped areas; project phasing and scheduling; and other pertinent development data to adequately describe the proposed development (see Section 12 of this Ordinance for concept plan requirements and procedures).
    - a. For a single- or two-family PD (or portion of a PD) – A preliminary plat (see the Subdivision Ordinance) shall be submitted for approval within one (1) year from the approval date of the land study for all or some portion of the PD covered by the overall PD land study. If a preliminary plat is not submitted within one (1) year, then the PD land study may be subject to review by the Planning and Zoning Commission and the City Council to determine its continued validity. If the City determines that the PD land study is no longer valid or that the proposed development is no longer viable, then a new PD land study (along with a zoning application to amend the PD ordinance and its accompanying land study) must be submitted for review and approval prior to final plat review/approval (and any subsequent issuance of a building permit) for any single- or two-family portion of the PD district.
    - b. For a nonresidential, multi-family, single-family attached, or manufactured home PD (or portion of a PD) – A detailed site plan shall be submitted for approval (in accordance with Subsection B below, and with Section 12 of this Ordinance) within one (1) year from the approval date of the concept plan for all or some portion of the PD covered by the overall PD concept plan. If a detailed site plan is not submitted within one (1) year, then the PD concept plan may be subject to review by the Planning and Zoning Commission and the City Council to determine its continued validity. If the City determines the PD concept plan is no longer valid, or if the proposed development is no longer viable, then a new PD concept plan (along with a zoning application to amend the PD ordinance and its accompanying concept plan) must be submitted for review and approval prior to detailed site plan review/approval (and any subsequent issuance of a building permit) for any nonresidential, multi-family, single-family attached, or manufactured home portion of the PD district.
- B. PD Site Plan (detailed) - Submission and approval of the detailed PD site plan shall be in accordance with Section 12 of this Ordinance, and shall accompany an application for a nonresidential, multi-family, single-family attached or manufactured home Planned Development zoning if the applicant prefers to submit the detailed site plan in lieu of the required PD concept plan. The detailed PD site plan will establish the final plans for development of the Planned Development district (or any portion thereof), and it shall substantially conform to the site layout and development data approved on the PD concept plan (adopted along with the PD ordinance). If a PD concept plan was previously

approved for the overall PD district, then a detailed PD site plan (along with the required engineering/architectural site construction plans and final plat) shall be submitted for only the sections or lots proposed for immediate development rather than for the entire PD. If no concept plan was approved with the ordinance establishing the PD, then a concept plan for the entire PD must be submitted and approved prior to approval of a detailed site plan (along with the required engineering/architectural site construction plans and final plat) for only the portion(s) of the PD proposed for immediate development.

For any single- or two-family residential PD district (AG, SF-1AC, SF-20, SF-15, SF-11, SF-8.5, SF-PH, or 2F), a final plat shall qualify as the site plan.

C. Lapse, Extension or Reinstatement of PD Concept Plan or PD Site Plan. A PD Concept Plan or PD Site Plan shall expire if no progress has been made towards completion of the project on the expiration of two years from the date of approval, or five (5) years from the date of the first application for approval of the Planned Development, whichever is earlier. The City Council may renew, extend or reinstate if an application therefor is submitted prior to the expiration date.

#### 1.2905 Approval Process And Procedures.

- A. The procedure for establishing a Planned Development zoning district shall follow the procedures for zoning amendments. This procedure shall be expanded to include concurrent consideration and approval (or denial) of the concept plan (or land study for a single- or two-family residential PD) submitted along with the PD zoning request application. The public hearings conducted for, and the subsequent actions taken upon, the PD zoning request shall also include the accompanying concept plan or land study (as applicable), and if the PD is approved then the concept plan or land study shall become a part of the ordinance establishing the PD district.
- B. The ordinance establishing the Planned Development zoning district shall not be approved (or adopted) until an accompanying concept plan/land study is approved by the City Council and all other procedural requirements are satisfied.

#### 2.1906 Administrator Recommendation.

When a zoning request for a Planned Development district is being considered, a written report from the City Administrator (or their designee) discussing the project's impact upon planning, engineering, water utilities, electric, sanitation, building inspection, tax, police, fire and traffic, as well as written comments from applicable public agencies (such as the School District and/or utility companies), may be submitted to the Planning and Zoning Commission prior to the Commission making any recommendations to the City Council. In the event written comments and advisement are not received prior to the Planning & Zoning Commission's meeting at which the PD zoning request is to be

considered, the Commission may, at its discretion, make a recommendation to the City Council without said comments or advisement.

#### 2.1907 PD Designation.

All Planned Development zoning districts approved in accordance with the provisions of this Ordinance, as may be amended, shall be prefixed by a “PD” designation and assigned a unique identification number (e.g., PD-1, PD-2, PD-3, and so on), and shall also be referenced on the Zoning District Map. A list of such Planned Development districts, showing the uses permitted and any other special stipulations of each PD district shall be maintained as part of this Ordinance.

#### 2.1908 Prior Planned Development Ordinances Remaining In Effect.

Prior to adoption of this Ordinance, the City Council previously established certain Planned Development districts, some of which are to be continued in full force and effect. The ordinances or parts of ordinances approved prior to this Ordinance shall be carried forth in full force and effect and are the conditions, restrictions, regulations and requirements which apply to the respective Planned Development districts shown on the Zoning District Map as of the effective date of this Ordinance. Each prior PD ordinance is hereby assigned a unique identification number (e.g., PD-1, PD-2, PD-3, and so on) and subsequent PD ordinances adopted after the effective date of this Ordinance shall be similarly numbered for identification purposes.

### **SECTION 2.20 CUP -- CONDITIONAL USE PROVISIONS**

#### 2.2001 Purpose And Intent.

- A. Nature of Conditional Use - A conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions. This Section sets forth the standards used to evaluate proposed conditional uses and the procedures for approving conditional use provision applications.
- B. Permit Required - No conditional use shall be established and no building permit shall be issued for any use designated as a conditional use within any zoning district until a conditional use provision (CUP) is issued in accordance with the provisions of this Section. An application for a conditional use provision shall be accompanied by a concept plan or a detailed site plan. The concept plan or site plan shall illustrate the proposed use to be established, its relationship to adjoining properties, and how it meets the approval standards set forth in Section 2.20.

#### 2.2002 Status Of Conditionally Permitted Uses.

The following general rules apply to all conditional uses:

- A. The designation of a use in a zoning district as may be permitted by CUP in Section 2.21 (Use Charts) of this Ordinance does not constitute an authorization or assurance that such use will be approved.
- B. Approval of a conditional use provision shall authorize only the particular use for which the CUP is issued.
- C. No use authorized by a conditional use provision shall be enlarged, extended or relocated, nor may the number of dwelling units be increased, unless an application is made for approval of a new conditional use provision in accordance with the procedures set forth in this Section and other sections of this Ordinance.
- D. Development of the use shall not be carried out until the applicant has secured all the permits and approvals required by these zoning regulations, the City Code of Ordinances, and any permits that may be required by regional, State or Federal agencies.

#### 2.2003 Application For Conditional Use Permit.

- A. Application Requirements - An application for a conditional use provision may be submitted by the property owner or by the property owner's designated representative to the City. The application shall be accompanied by a concept plan or site plan prepared in accordance with requirements. If a base zoning district amendment is required or requested, such rezoning application shall accompany the application for a conditional use provision.
- B. Subdivision Approval - If the proposed use requires a division of land, an application for subdivision approval shall be submitted in conjunction with the application for a conditional use provision (see Subdivision Ordinance). Approval of the conditional use provision shall not become effective until final approval of the subdivision application provided that, if the land is to be divided and developed in phases, the approval of the conditional use provision shall take effect upon final plat approval of the phase of the subdivision containing the property on which the conditional use is to be located.

#### 2.2004 Procedures For Conditional Use Permits.

- A. Planning & Zoning Commission Recommendation - Upon receipt of the recommendation from the City Manager, the Planning and Zoning Commission shall conduct a public hearing in order to formulate its recommendations to the City Council on the conditional use provision application. Following the public hearing, the Planning and Zoning Commission shall recommend approval, approval subject to modification, or denial of the proposal to the City Council in accordance with requirements. If the appropriateness of the use cannot be assured at the location, the Planning and Zoning Commission shall recommend denial of the application as being incompatible with existing uses or with other uses permitted by right in the district.

B. City Council Action - The City Council shall be the final decision-maker on applications for conditional use provisions. Following a public hearing and in consideration of the Planning and Zoning Commission's recommendations, the City Council shall approve, modify or deny the proposal for a conditional use. If the appropriateness of the use cannot be assured at the location, the application for conditional use provision shall be denied as being incompatible with existing uses or with other uses permitted by right in the district.

## 2.2005 Standards.

A. Factors for Consideration - When considering applications for a conditional use provision, the Planning and Zoning Commission in making its recommendation and the City Council in rendering its decision on the application shall, on the basis of the concept plan/site plan and other information submitted, evaluate the impact of the conditional use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. The Planning and Zoning Commission and the City Council shall specifically consider the extent to which:

1. The proposed use at the specified location is consistent with the goals, objectives and policies contained in the adopted Comprehensive Plan;
2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
3. The proposed use meets all supplemental standards specifically applicable to the use as set forth in this Ordinance;
4. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances, includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts, including but not limited to:
  - a. Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire;
  - b. Off-street parking and loading areas;
  - c. Refuse and service areas;
  - d. Utilities with reference to location, availability, and compatibility;
  - e. Screening and buffering, features to minimize visual impacts, and/or set-backs from adjacent uses;
  - f. Control of signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
  - g. Required yards and open space;
  - h. Height and bulk of structures;
  - i. Hours of operation;
  - j. Exterior construction material and building design; and



- A. The Board of Adjustments shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the specific land use designated by any conditional use permit.

2.2009 Use Regulations.

- A. Uses allowed by CUP are specified in Section 2.21.

**SECTION 2.21 USE REGULATIONS (CHARTS)**

2.2101 Land Use.

- A. The use of land and/or buildings shall be in accordance with those listed in the following Use Charts. No land or building shall hereafter be used and no building or structure shall be erected, altered, or converted other than for those uses specified in the zoning district in which it is located. The legend for interpreting the permitted uses in the Use Charts is:

P- Designates use permitted in the zoning district indicated.

Blank- Designates use prohibited (i.e., not allowed) in the zoning district indicated.

C- Designates use may be permitted in the zoning district indicated by Conditional Use Provision (also see Section 2.20).

- B. If a use is not listed (or blank) in the Use Charts, it is not allowed in any zoning district (see Subsection D below).

C. Use Chart Organization - The following use categories are listed in the Use Charts:

1. Agricultural Uses
2. Residential Uses
3. Office Uses
4. Personal and Business Service Uses
5. Retail Uses
6. Transportation and Auto Service Uses
7. Amusement and Recreational Service Uses
8. Institutional/Governmental Uses
9. Commercial and Wholesale Trade Uses
10. Light Manufacturing/Industrial and Construction Uses

- D. Classification of New/Unlisted Uses - It is recognized new land use types will arise in the future, 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 in the Use Charts shall be made as follows:

1. Initiation:
  - a. A person, City department, the Planning and Zoning Commission, or the City Council may propose zoning amendments to regulate new and previously unlisted uses.
  - b. A person requesting the addition of a new or unlisted use shall submit to the City Manager, or their designee, all information necessary for the use classification, including but not limited to:
    - (1) The nature of the use and whether the use involves dwelling activity, sales, services or processing;
    - (2) The type of product sold or produced under the use;
    - (3) Whether the use has enclosed or open storage and the amount and nature of the storage;
    - (4) Anticipated employment typically anticipated with the use;
    - (5) Transportation requirements;
    - (6) The nature and time of occupancy and operation of the premises;
    - (7) The off-street parking and loading requirements;
    - (8) The amount of noise, odor, fumes, dust, toxic materials and vibration likely to be generated;
    - (9) The requirements for public utilities such as sanitary sewer and water and any special public services that may be required; and
    - (10) Impervious surface coverage.
2. The City Manager, or their designee, shall refer questions concerning a new or unlisted use to the Planning and Zoning Commission requesting a recommendation on which zoning classification the use should be placed. The referral of a use interpretation question shall be accompanied by the statement of facts in Subsection D (1) (b) above. An amendment to this Ordinance shall be required as prescribed this Ordinance or state law.
3. The Planning and Zoning Commission 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 or districts within which such use is most similar and should be permitted (by right or by CUP).
4. The Planning and Zoning Commission shall transmit its findings and recommendations to the City Council as to the classification proposed for any new or unlisted use. The City Council shall approve or disapprove the recommendation of the Planning and Zoning Commission or make such determination concerning the classification of such use as is determined appropriate based upon its findings. If approved, the new or unlisted use shall be amended in the use charts of the Zoning Ordinance, following notification and public hearing, etc.
5. Standards for new and unlisted uses may be interpreted by the City Manager, or their designee, as those of a similar use. When a determination of the appropriate zoning district cannot be readily ascertained, the same criteria outlined above ("b") shall be followed for determination of the appropriate district. The decision of the City Manager or their designee may be appealed according to the process outlined in subsections "2" through "4" above.



2.2102 Zoning Use Chart(Next few pages will be the use chart.)

[See Attached]

## **SECTION 2.22 SUPPLEMENTAL REGULATIONS**

### 2.2201 Setbacks; Lot Configuration.

- A. Measuring Setbacks - All setback measurements shall be made in accordance with Illustration 4.
- B. Configuration of Lots - Wherever possible, flag lots (i.e., lots with minimal, or panhandle type, frontage) shall be avoided. Similarly, through (i.e., double frontage) lots (particularly within residential zoning districts) shall also be avoided wherever possible. (Also see Subdivision Ordinance for regulations pertaining to the configuration of lots.)
- C. Building Setbacks- All setbacks established on a recorded plat shall be enforced, even if they exceed this Ordinance's required setbacks. Setbacks established on a recorded plat shall only be changed through replat proceedings (see Subdivision Ordinance).

### 2.2202 Front Yards.

- A. On all corner lots, the front yard setback shall be observed along the frontage of both intersecting streets, unless approved specifically otherwise on a final plat. Where single-family and duplex lots have double frontage, extending from one street to another, or are on a corner, a required front yard shall be provided on both streets unless a side or rear yard building line has been established along one frontage on the plat, in which event only one required front yard need be observed. The side and/or rear yards in the case of single-family and duplex uses shall be identified and the front of the structure shall not face the side or rear yard (see Illustration 12).
- B. Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage (see Illustration 3).
- C. The front yard shall be measured from the property line to the front face of the building, to the nearest supporting member of a covered porch or terrace or to any attached accessory building. Eaves and roof extensions or a porch without posts or columns may project into the required front yard for a distance not to exceed four feet (4'), and subsurface structures, platforms or slabs may not project into the front yard to a height greater than thirty inches (30") above the average grade of the yard (see Illustration 4). Open porches extending into the front yard shall not be enclosed.
- D. Minimum lot widths for lots with predominate frontage on the curved radius of a street (e.g., cul-de-sac or "eyebrow" portion of a street) shall be measured as the linear distance

of the curved front building line, and shall be shown on the subdivision plat. Lot widths for all lots shall be as set forth in the respective zoning district for each lot. The front building line required in a zoning district may be increased by up to five feet (5') on cul-de-sac and street eyebrow lots in order to comply with the minimum lot width required in that zoning district, provided that an adequate building pad area (i.e., has adequate depth) is retained on the lot after moving the front building line back.

- E. See Section 21 for special front yard regulations and setbacks for gasoline service station pump islands and canopies.
- F. Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front, side or rear yard shall be measured from the future right-of-way line.
- G. If 50% or more improved with existing buildings, and if the front yard setback for these existing buildings is greater than the front yard required for that zoning district in this Ordinance, then no new building shall be constructed to project beyond the least front yard depth of the existing buildings without a variance from the Zoning Board of Adjustment.

#### 2.2203 Side And Rear Yards.

- A. On a corner lot used for one or two-family dwellings, both street exposures shall be treated as front yards on all lots, except where one street exposure is designated as a side yard for both adjacent lots or where the two lots are separated by an alley, street right-of-way, creek/flood plain area or other similar phenomenon. In such case, a building line may be designated by the City Manager, or their designee, with a minimum side yard of fifteen feet (15') or more (as determined by the applicable zoning district standards). On lots which were official lots of record prior to the effective date of this Ordinance, the minimum side yard adjacent to a side street shall comply with the minimum required side yard for the respective district.
- B. Every part of a required side and rear yard shall be open and unobstructed except for the ordinary projections of window sills, belt courses, cornices, and other architectural features not to exceed twelve inches (12") into the required side or rear yard, and roof eaves projecting not to exceed thirty-six inches (36") into the required side or rear yard. Air conditioning compressors and similar equipment are permitted in the side or rear yard. Open porches extending into a side or rear yard shall not be enclosed. A canopy or awning may project into a required side or rear yard provided it is not enclosed, and provided it is at least five feet (5') from the property line. The minimum separation between buildings shall be maintained, per the City's Building Code.
- C. Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front, side, or rear yard shall be measured from the future right-of-way line.

2.2204 Special Height Regulations.

A. In any zoning district, water stand pipes and tanks, church steeples, domes and spires, ornamental cupolas, uninhabited (or one-man overseer's penthouse not exceeding fifty square feet in size) utility or industrial structures, and City or School District buildings may be erected to exceed the height limit, as specified in the particular zoning district, provided that two (2) additional feet shall be added to the width and depth of front, side, and rear yards for each foot such structures exceed the district height limit.

2.2205 Temporary Portable Storage Containers.

- A. Temporary Portable Storage Containers are temporary containers or structures used for the storage of items on a property or the moving and/or transfer of personal property to another property or location ("Container").
- B. No more than one (1) Container shall be located on a single lot or parcel of land at any given time.
- C. The maximum Container size allowed is eight feet (8') in width, eight feet (8') in height, and sixteen feet (16') in length.
- D. No Container may be used as a garage, shed, permanent storage, residence or place of human habitation.
- E. A Container may remain on, at or about the same lot or parcel of land for up to thirty (30) days in residential zoning districts, two separate (2) times per calendar year. The City Manager, or their designee, may grant an extension of up to thirty (30) days each upon the request of the property owner and the establishment by the property owner of a time frame providing a maximum of up to three months for completion and removal of the Container.
- F. In non-residential zoning districts, a container may be used for construction purposes until a Certificate of Occupancy is obtained. At that time the container must be removed.
- G. Containers must be placed on an improved off-street surface.
- H. No Container shall obstruct the view and access of pedestrians or motor vehicles entering, crossing or using the street right-of-way.
- I. No Container may be placed in any public right-of-way or upon, over or across any easement.

In the event of a natural disaster (fire, flood, hail storm, hurricane, tornado, tropical storm, etc.) the City Administrator or designee may approve requests to allow a

Container to remain on, at or about the same lot or parcel of land for longer than the thirty (30) day limit set forth herein.”

**SECTION 2.** That an offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the ordinances of the City of Talty, Texas, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 3.** That all provisions of the ordinances of the City of Talty 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 of Talty not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 4.** 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 hereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

**SECTION 5.** That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Talty, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand (\$2,000.00) Dollars for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 6.** This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

**DULY PASSED** by the City Council of the City of Talty, Texas, on the \_\_\_\_day of \_\_\_\_\_, 2021.

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF TALTY, TEXAS, AMENDING ORDINANCE NO. 99-08 (THE COMPREHENSIVE ZONING ORDINANCE) TO AMEND ARTICLE 2 OF ORDINANCE NO. 99-08, THE CITY'S COMPREHENSIVE ZONING ORDINANCE, TO ESTABLISH ZONING DISTRICTS AND COMPREHENSIVE ZONING REGULATIONS PERTAINING TO ZONING DISTRICTS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND, PROVIDING AN EFFECTIVE DATE.**

**DULY PASSED** by the City Council of the City of Talty, Texas, on the \_\_\_\_day of \_\_\_\_\_, 2021.

APPROVED:

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MAYOR

ATTEST:

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CITY SECRETARY