

**AGENDA
CITY OF WINDCREST, TEXAS
SPECIAL JOINT CITY COUNCIL
AND PLANNING AND ZONING MEETING
AND PUBLIC HEARING
MARCH 18, 2010
6:00 p.m.**

NOTICE IS HEREBY GIVEN THAT A SPECIAL JOINT MEETING AND PUBLIC HEARING OF THE CITY COUNCIL AND PLANNING AND ZONING COMMISSION OF THE CITY OF WINDCREST WILL BE HELD AT WINDCREST CITY HALL, 8601 MIDCROWN, WINDCREST, TEXAS ON THE 18th DAY OF MARCH, 2010 AT 6:00 P.M. DURING THE MEETING THE FOLLOWING SUBJECTS WILL BE CONSIDERED.

I. Call to Order

II. Public Hearing

The Planning and Zoning Commission and City Council will conduct a public hearing to consider amendments to the Zoning Ordinance No. 58 of the City of Windcrest.

III. Adjournment

Agenda Notice

The City Council reserves the right to retire into executive session concerning any of the items listed on this Agenda, pursuant to and in accordance with Texas Government Code Section 551.071, to seek the advice of its attorney about pending or contemplated litigation, settlement offer or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflict with the Open Meetings Act and may invoke this right where the City Attorney, the Mayor or a majority of the Governing Body deems an executive session is necessary to allow privileged consultation between the City Attorney and the governing body, if considered necessary and legally justified under the Open Meetings Act. The City Attorney may appear in person, or appear in executive session by conference call in accordance with applicable state law.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the City Council of the City of Windcrest is a true and correct copy of said Notice and was posted on the bulletin board at City Hall of said City in a convenient place to the public and said Notice was posted more than seventy-two hours prior to March 18, 2010.

By: Tracy Freimarck City Secretary

In compliance with the Americans with Disabilities Act, the City of Windcrest Council Chambers are wheelchair accessible, and accessible parking spaces are available. The City of Windcrest will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 48 hours prior to the meetings. Please contact Tracy Freimarck, City Secretary, at 210-655-0022 ext. 2150 or Fax 210-655-8776.

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the ____ of March, 2010.

Title: _____

This Agenda has been reviewed and approved by City Council's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Local Government Code §551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

**CHAPTER 23
ZONING, PLANNING & ZONING COMMISSION, AND BOARD OF ADJUSTMENT**

SYNOPSIS

23.100	General Provisions	23.1400 "PDD" Planned Development District	
23.200	Title	23.1500 "FBZD" Form Based Zoning District	Deleted: 23.1200 "B-1" Neighborhood Business District¶
23.300	Purpose	23.1600 "GC" Gateway Corridor Overlay District	¶ 23.1300 "B-2" Business District¶
23.400	Statutory Authority	23.1700 Zoning Map	
23.500	Definitions	23.1800 Parks and Other Areas for Public Use	Deleted: 4
23.600	Special Regulations	23.1900 Additional Use, Height, Area Regulations and Exceptions	Deleted: 5
23.700	Planning and Zoning Commission	23.2000 Non-Conforming and Deleted Uses	Deleted: 16
23.800	Districts, General Zoning	23.2100 Community Unit Plan	Deleted: 17
23.900	"R-1" One Family Dwelling District	23.2200 Requests for Zoning Changes	Deleted: 18
23.1000	"R-2" Duplex and Apartment District	23.2300 Special Use Permits	Deleted: 19
23.1100	"O-1" Professional Office District	23.2400 Sexually Oriented Businesses	Deleted: 0
23.1200 "B-1" Neighborhood Business District		23.2500 Board of Adjustment	Deleted: 1
23.1300 "B-2" Business District		Appendix A Accepted Plant List	Deleted: ¶
		Appendix B "GC-1" Overlay Standards	Deleted: ¶
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Subchapt. 23.100 GENERAL PROVISIONS

1. Interpretation. The provisions of this Chapter, shall be interpreted and applied as the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this Chapter to interfere with or abrogate or annul any ordinance, rules, regulations, or permits previously adopted or issued and which are not in conflict with any of the provisions of this Chapter; or which shall be adopted or issued pursuant to law relating to the use of building on premises, and are not in conflict with its Ordinance. It is not intended by this Chapter to interfere with or abrogate or annul any easement, covenants or other agreements between parties; except that, if this Chapter imposes a greater restriction, this Chapter shall control.

2. Adoption. This Chapter shall be in full force and effect from and after its passage and publication as provided by law.

3. City Council's Authority. The City Council may from time to time amend, repeal or change by ordinance the boundaries of the districts or the regulations herein established. (Ord. No. 58, 8/14/67)

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Subchapt. 23.200 TITLE

This Chapter shall be known and may be cited as "The Zoning Ordinance of the City of Windcrest, Texas."

Subchapt. 23.300 PURPOSE

The purpose of this Chapter is to provide for the orderly, safe and healthful development of the areas within the City and to promote the health, safety, morals and general welfare of the community; and to prescribe an orderly process for future planning. (changed by Council Action, 2/14/01)

Subchapt. 23.400 STATUTORY AUTHORITY

This Chapter is adopted under the authority of the Constitution and laws of the State of Texas, particularly Title 7 et seq. of the Local Government Code, as heretofore and hereafter amended. (Ord. No. 311, 9/15/97)

Subchapt. 23.500 DEFINITIONS

For purposes of this Chapter, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural, the plural the singular. The word BUILDING shall include the word STRUCTURE, the word LOT shall include the word PLOT, and the word SHALL is mandatory and not merely permissive or directory.

1. ACCESSORY BUILDING AND USE: A lesser building or a portion of the main building, the use of which is incidental to that of the main building or to the main use of the premises. An accessory use is one which is incidental to the main use of the premises.

2. ALLEY: A subordinate public right-of-way dedicated or deeded to public use, not intended to provide the primary means of access to abutting lots. It is used primarily for vehicle access to the back or sides of properties fronting on a street. (Ord. No. 311, 9/15/97)

3. APARTMENT: A room or suite of rooms in a multiple dwelling, or in a building in which more than one living unit is established above or on the same floor as non-residential uses, which room or suite is intended or designed for use as a residence by one family and which includes culinary accommodations.

4. APARTMENT HOUSE: A building or portion thereof used or designed as a residence for three (3) or more families living independently of each other, and doing their own cooking in said building, including apartments and apartment hotels.

5. BUILDING: Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

6. BUILDING SETBACK LINE: The line within a property defining the minimum horizontal distance between a building and the adjacent street line.

7. CITY: The City of Windcrest, Texas.

8. CLINIC: An office or group of offices for one or more physicians, dentists, practitioners of veterinary medicine or other health care providers engaged in treating illness, injury, or dental disease to include preventive dentistry, but not including rooms for the housing of patients, with

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the exception of small animals. (changed by Council Action, 2/14/01)

9. CUL-DE-SAC: A street having but one outlet to another street, and terminated on the opposite end by a vehicular turn-around.

10. CURB-LEVEL: The level of the established curb in front of the building measured with the center of such front. Where no curb has been established, the City Building Permit Officer shall establish such curb or the equivalent for the purpose of this Chapter.

11. DEAD-END STREET: A street, other than a cul-de-sac, with only one outlet.

12. DELETED USE: Any building lawfully occupied by a permitted use at the time of passage of this Chapter or amendment thereto, which is subsequently deleted as an itemized permitted purpose (use) in either Subchapters 23.800, 23.900, 23.1000, or 23.1100 of this Chapter.

13. DISTRICT: A section or sections of the City of Windcrest, Texas, for which regulations governing the use of buildings and land, the height of buildings, the size of yards, and the intensity of use are uniform

14. DWELLING: Any building or portion thereof which is designed and used exclusively for residential purposes.

A. DWELLING, SINGLE FAMILY: A building having accommodations for and occupied exclusively by one (1) family.

B. DWELLING, TWO FAMILY OR DUPLEX: A building having accommodations for and occupied exclusively by two (2) families.

C. DWELLING, MULTIPLE: A building having accommodations for and occupied exclusively by more than two (2) families.

15. ENGINEER: A person duly authorized and properly registered under the provisions of the Texas Engineering Registration Act, as amended, to practice the profession of engineering.

16. FAMILY: One or more individuals living together as a single housekeeping unit, in which not more than two (2) individuals are unrelated by blood, marriage or adoption. (Ord. No. 58CCC, 12/14/92)

17. FAMILY HOME: Has the meaning set forth in Chapter 202, Texas Property Code, and Article 1011 of Tex. Rev. Civ. Stat. Ann. (Ord. No.311, 9/15/97)

18. FRONTAGE: All the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all the property abutting on one side between an intersecting street and the dead-end of the street.

19. GARAGE, PRIVATE: An accessory building or portion of the main use building, designed for or used for the housing of motor-driven vehicles which are the property of and for the private use of the occupants of the lot on which the private garage is located. Not more than one (1) of the vehicles may be a vehicle of not more than one and three-quarter (1-3/4) ton capacity.

20. GRADE:

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A. For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street.

B. For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the center of all walls adjoining the streets.

C. For buildings having no wall adjoining a street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

Any wall approximately parallel to and not more than five feet (5') from the street line shall be considered as adjoining the street. Where no sidewalk exists, the grade shall be established by the City Building Inspector.

21. HEIGHT OF BUILDING: The vertical distance from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or the mean height level between the eaves and ridge of a gable, hip or gambrel roof.

22. HOME OCCUPATION: Any business, profession, trade or occupation conducted within a dwelling or an accessory structure as defined and limited in Chapter 15, Business Registration and Miscellaneous Permits, Sec. 15.103 of the Code of Ordinances. (Ord. No. 311, 9/15/97; Changed by Council Action, 2/14/01)

23. LIVE/WORK UNITS: A building in which offices, studios, or other commercial uses are located on the first floor and a dwelling unit is located above the first floor.

24. LOT: A tract or parcel of land having frontage on a public street and which is, or in the future may be, offered for sale, conveyance, transfer or improvement; which is designated as a distinct and separate tract, and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed of record.

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25. LOT, CORNER: A lot abutting upon two (2) or more streets at their intersection.

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26. LOT, DEPTH OF: The mean horizontal distance between the front and rear lot lines.

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27. NON-CONFORMING USE: Any building or land lawfully occupied by a use at the time of passage of this Chapter or amendment to it, which does not conform after the passage of this Chapter or amendment to it with the use regulations of the district in which it is situated.

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28. PARKING SPACE: An open or enclosed area intended for the parking of vehicles and containing not less than one hundred eighty (180) square feet, exclusive of the driveways connecting said space with a street or alley. Said parking space and connecting driveways shall be durably surfaced and so arranged to permit satisfactory ingress and egress of a motor vehicle.

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29. PAVEMENT WIDTH: The portion of a street

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available for vehicular traffic; where curbs are laid, it is the portion between the face of curbs.

~~30.~~ PERSON: Any individual, entity, partnership, association, firm, corporation, governmental agency, or political subdivision.

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~~31.~~ PLAT: A complete and exact plan for the subdivision of a tract of land into lots for building purposes, which, if approved, may be submitted to the County Clerk for recording.

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~~32.~~ RESEARCH AND DEVELOPMENT: Facilities that are primarily office uses for scientific research. This use can include the design, development, and testing of electrical, information technology, magnetic, mechanical, and/or optical components in advance of product manufacturing. This use does not involve the fabrication, mass manufacture, or processing of the products.

~~33.~~ RESIDENTIAL USE: Property used for the housing of individuals or families. (Ord. No. 311, 9/15/97)

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~~33.~~ SEXUALLY ORIENTED BUSINESS: A sex parlor, nude studio, modeling studio, love parlor, adult bookstore, adult movie theater, adult video arcade, adult movie arcade, adult video store, adult motel, or other commercial enterprise the primary business of which is the offering of a service or the selling, renting, or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer.

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~~34.~~ STORY: That portion of a building, other than a basement included between the surface of any floor and the surface of the floor next above it; or if there be no floor above it then the space between the floor and the ceiling next above it.

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~~35.~~ STREET: A public right-of-way, however designated, which affords the principal means of vehicular access to abutting property.

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A. An "Arterial Street" is a street which primarily provides access, egress and vehicular traffic through the City. (added by Council Action, 2/14/01)

B. A "Secondary Street" primarily provides vehicular circulation to various sections of the City.

C. A "Collector Street" primarily provides circulation within neighborhoods, to carry traffic from minor streets to arterial streets, or to carry traffic through or adjacent to commercial or industrial areas.

D. A "Marginal Access Street" is a street which is parallel to and adjacent to an arterial street, which primarily provides access to abutting properties and protection from through traffic.

E. A "Minor Street" is one used primarily for access to abutting residential property.

~~36.~~ STRUCTURAL ALTERATIONS: Any change in the

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supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any complete rebuilding of the roof or exterior walls.

37. STRUCTURE: Anything constructed or erected, the use of which requires permanent or temporary location on the ground or attachment to something having a permanent or temporary location on the ground, including, but without limiting the general inclusiveness of the foregoing, advertising signs, billboards, poster boards, fences and pergolas.

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38. SUBDIVIDER: Any person or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. In any event, the term "subdivider" shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner, of land sought to be subdivided.

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39. SUBDIVISION: A division of any tract of land situated within the corporate limits of the City, into two (2) or more parts for the purpose of dividing the tract of land, or for laying out suburban lots, building lots or other lots, and streets, alleys, or other parts of the tract intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto. Subdivision includes re-subdivision, but does not include the division of land for agricultural purposes and parcels or tracts of five (5) acres or more and not involving any new street, alley or easement of access.

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40. SURVEYOR: A licensed State Land Surveyor or Registered Professional Land Surveyor, as authorized by the State statutes to practice the profession of surveying.

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41. UTILITY EASEMENT: An interest in land granted to the City, to the public generally, and/or to a private or public utility corporation for installing or maintaining utilities across, over and under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said utilities.

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42. WAREHOUSE: A fully enclosed building used for the storage of goods or merchandise.

43. WAREHOUSING: The storage of materials in a warehouse or terminal and where such materials may be combined, broken down or aggregated for trans-shipment or storage purposes where the original material is not chemically or physically changed.

44. WHOLESALING (COMMERCIAL): Wholesaling and storage of commercial goods and supplies within an enclosed building.

45. YARD: An open space on the same lot with a building which is not occupied or obstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard or the depth of a rear yard, the horizontal distance between the lot line and the main building shall be used.

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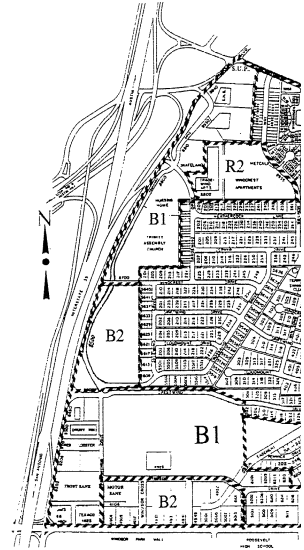
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A. YARD, FRONT: A yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street line and the main building or any projections thereof other than the projection of the usual steps, unenclosed balconies or open porch. On corner lots, the front yard shall be the street frontage determined by the Developer, as shown on a plat that has been approved by the City Council. (Ord. No. 216, 9/11/89)

B. YARD, REAR: A yard extending across the rear of a lot, measured between the side lot lines, and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projection other than steps or unenclosed porches. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of a lot from the front yard, as defined in Subparagraph 41 above. (Ord. No. 216, 9/11/89)

C. YARD, SIDE: A yard between the main building and the side line of the lot, and extending from the front lot line to the rear lot line.

Deleted: 42. ZONING MAP: The zoning district map is the map incorporated into this Chapter as a part hereof by reference. All lands within the corporate limits of the City of Windcrest are zoned R-1, One-Family District except as shown on the Zoning Map on this page.¶



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Subchapt.	23.600	SPECIAL REGULATIONS
Sec.	23.601	ENFORCEMENT

The City Council has the duty to enforce the provisions of this Chapter. The Council shall refuse to issue any permit for any building, or for use of any premises which would violate the provisions of this Chapter. If any building is erected, constructed, reconstructed, altered, repaired, or converted, or any building or land is used in violation of this Chapter, the City Attorney shall, when directed by the City Council, institute appropriate action in a court of competent jurisdiction to enforce the provisions of this Chapter or standards referred to herein with respect to any violation thereof which occurs within the City.

Sec. 23.602 PENALTY FOR VIOLATION

Any person violating any of the provisions of this Chapter or failing to comply therewith or with any of the requirements thereof or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in accordance with Section 1.301 of this Code. The owner or owners of any building or premises, or part thereof, in violation of this Chapter and any architect, engineer, builder, contractor, agent or person who may have assisted in the commission of any such violation shall be guilty of a separate offense and upon conviction thereof shall be fined as herein before provided.

Subchapt.	23.700	PLANNING AND ZONING COMMISSION
Sec.	23.701	POWERS

All the powers and authority granted to cities by any an all State Laws relating to planning and zoning regulations are hereby adopted. (Ord. No. 54, 10/9/67)

Sec. 23.702 CREATION

1. A Planning and Zoning Commission is hereby created and established for the City of Windcrest. The Commission shall be composed of seven (7) resident citizens who are taxpayers, real property owners and qualified voters of the City of Windcrest who shall hold no other position in City government with compensation for services set by the City Council. These members shall be appointed by the City Council upon recommendation from the Mayor. Appointments shall be for a three (3) year term with staggered annual dates of completion. The City Secretary and Mayor shall be ex-officio members of this Commission.

2. The Commission shall select from its membership a Chairman and Vice Chairman, and other Officers as deemed necessary by the Planning and Zoning Commission. The Chairman and Vice-Chairman shall serve for a period of one year, and thereafter until their successors are duly appointed by the Commission. (changed by Council Action, 2/14/01 and 11/19/01, Ord. No. 387) The Commission shall adopt rules for the transaction of business, and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record. ~~Meetings may be held from time to time upon the call of the chairman as required.~~ Vacancies occurring in the Commission shall

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be filled within thirty (30) days by the City Council for the unexpired term. (Ord. No. 54, 296; 10/9/67, 3/18/96; Ord No. 249 repealed 3/18/96) On occasion it may be necessary for the Planning and Zoning Commission to hold joint meetings with the City Council to provide for the expeditious handling of Planning and Zoning matters. When these joint meetings are held, the Mayor of the City of Windcrest will be in charge of the meeting, in accordance with Texas Law. (Ord. No. 311, 387; 9/15/97, 11/19/01)

Sec. 23.703 FUNCTIONS AND DUTIES

1. Plat Approval: All plats shall be forwarded to the Planning & Zoning Commission for approval. The Planning and Zoning Commission shall be the platting board of the municipality and shall control the platting or subdividing of land within the City.

2. Subdivision Regulations: The Commission shall recommend to City Council adoption of rules and regulations governing platting and subdividing of land.

3. Zoning Plan: The Commission shall recommend to the City Council for adoption a zoning plan, and recommend or disapprove proposed changes in such plan subject to the provisions of any existing ordinance covering zoning.

5. Other Duties. The Planning and Zoning Commission shall perform such other duties as the City Council shall from time to time prescribe that relate to land development and community planning. (Ord. No. 54, 10/9/67; Subchapter Renumbered and Changed by Council Action, 2/14/01)

Subchapt. 23.800 DISTRICTS, GENERAL ZONING

For the purpose of regulating and restricting the height and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, residence or other purposes, the City of Windcrest, Texas, is hereby divided into district of which there shall be seven (7) classes in number, and one (1) overlay district, and which shall be known as:

"R-1" One-Family Dwelling District

"R-2" Duplex and Apartment District

"O-1" Professional Office District

"B-1" Neighborhood Business District

"B-2" Business District

"PDD" Planned Development District

"FBZD" Form Based Zoning District

"GC-1" Walzem Road Gateway Corridor Overlay

District

Deleted: 1. LAND DEVELOPMENT PLANNING: It shall be a function and duty of the Commission to develop and recommend a comprehensive plan for the development of land within the City (hereinafter referred to as the "Land Development Plan") which, in the opinion of the Commission, bears a relation to the planning of the City and to recommend changes in, additions to, or extensions of such a plan. The Land Development Plan, with the accompanying maps, plats, charts, descriptive and explanatory matter, shall show the Commission's recommendations for the development of said land and may include the following information: general location, character and extent of streets, bridges, parks, waterways, and other public ways, grounds, places and spaces; the general location and extent of public utilities, whether publicly or privately owned, for water, light, sanitation, transportation, communication, power, heat, fuel and other purposes; and the removal, relocation, widening, extension, narrowing, vacating, abandonment or change of use of such existing or future public ways, grounds, places, spaces, buildings, property or utilities. The Land Development Plan shall also include a Zoning Plan. (Ord. No. 54, 10/9/67; changed by Council Action, 2/14/01)¶

¶ 2. LAND DEVELOPMENT PLAN, AUTHORITY TO ADOPT: The Commission may adopt the Land Development Plan as a whole by a single resolution, or may by successive resolutions adopt the successive parts of the Land Development Plan which correspond to major geographical sections of the City or to functional divisions of the subject matter of the Land Development Plan, and may adopt any amendment... [1]

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5. Building Plans: The Planning and Zoning Commission shall be responsible for reviewing and recommending approval or disapproval of all building plans... [2]

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Sec. 23.801 GENERAL REQUIREMENTS

1. Vacated Public Areas. Whenever any street, alley or other public way is lawfully vacated by the City of Windcrest, Texas, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacated area and thereafter all land included in said vacated area shall be subject to all applicable regulations of the extended districts.

2. Temporary "R-1" Zoning. After the effective date of this Chapter, all territory annexed to the City of Windcrest, Texas, shall be classified as "R-1" One-Family Dwelling District until permanently zoned by the governing body of the City of Windcrest, Texas. The Planning and Zoning Commission shall as soon as practicable, after annexation of any territory to the City of Windcrest, Texas, institute proceedings on its own motion to give the newly annexed territory permanent zoning, and the procedure to be followed shall be the same as is provided by law for adoption of original zoning regulations, except as provided in this Chapter.

3. Use Regulations. No building shall be erected, converted, enlarged, reconstructed, or structurally altered, and no building or land shall be used for any purpose that is not permitted in the district in which the building or land is situated.

4. Building Height Regulations. No building or structure shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which the building is situated.

5. Yard Regulations. The minimum yards and other open spaces, including lot area per family, required by this Chapter for each and every building existing at the time of the passage of this Chapter, or for any building hereafter erected, shall not be encroached upon or considered as yard or open space required for any other building. No lot area shall be reduced to an area less than the district requirements of this Chapter. The provisions of this Section shall not apply to any community unit plan processed in accordance with the provisions of Subchapter 23.1600 of this Chapter.

6. One Building for One Lot. Every building hereafter erected, converted, enlarged, reconstructed or structurally altered shall be on one lot. Each lot shall have been formally platted in the manner provided for subdivisions under Chapter 19 of this Code, and approved by the Planning and Zoning Commission. No more than one (1) main building shall be located on one (1) lot, except as otherwise provided in this Chapter.

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7. Masonry Requirement. No building (except for those detached accessory buildings located in R-1 Zoning Districts of the City of Windcrest specifically described in Chapter 5, Subchapter 5.1200, Section 5.1201), shall be erected, converted, enlarged, reconstructed, or structurally altered unless at least ninety percent (90%) of its first story exterior walls shall be of masonry construction. (Ord. No. 192, 3/9/87)

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8. Fence Height Regulation. No fence shall be erected, converted, enlarged, reconstructed, or structurally altered to an overall height of more than eight feet (8'), when constructed to separate or enclose garden homes or similar units having a sideline building setback of less than ten feet (10'), and in all other cases, no fence shall be erected, converted, enlarged, or reconstructed or structurally altered to an overall height of more than six feet (6') unless otherwise required by this Code. (Ord. No. 311, 9/15/97)

9. Golf Course. The golf course and golf club area presently situated within the corporate limits of the City of Windcrest, Texas, and being Block 111, Lot 1, Windcrest Unit 27, according to plat thereof recorded in Volume 7200, pages 161 and 162, Real Property Records of Bexar County, Texas, is hereby designated an area of cultural importance and significance, and no construction, alteration, reconstruction, or razing of buildings and other structures shall be made or permitted thereon without prior specific approval by the City Council of the City of Windcrest, Texas.

10. Additional Regulations. The applicable portions of Chapter 4, Signs, and Chapter 22, Yards (Fences, Pools, Sprinklers, Satellite Dish Antennas, Amateur Radio Antenna Towers, and Wireless Cable Television Antennas), shall apply to the placing and construction of signs, fences, pools, sprinklers, satellite dish antennas, Amateur Radio Antenna Towers, and wireless cable television antennas. (Ord. No. 213, 271, 11/14/88, 7/6/94)

Subchapt. 23.900 "R-1" ONE-FAMILY DWELLING DISTRICT

The following regulations shall apply to the "R-1" One-Family Dwelling District:

Sec. 23.901 USE REGULATIONS

A building or premises shall be used only for the following purposes:

1. Single-family dwellings. (Ord. No. 58, 8/14/67)

2. Church (except temporary revival) (Ord. No. 58, 8/14/67), to include normal functions such as schools, child care and bazaars. (Ord. No. 58RR, 8/13/82).

3. School, public or private, having a curriculum equal to a public elementary, high school, or institution of higher learning. (Ord. No. 58, 8/14/67)

4. Public parks, playgrounds, swimming pools (public or private), golf courses (except miniature golf) and golf clubs (public or private and related golf pro shops, residential tennis courts, tennis courts and clubs (public or private) and related tennis pro shops, arts and crafts shops and/or facilities (public or private), public recreation and community buildings. (Ord No. 58RR, 9/13/82)

5. Municipal buildings, non-profit libraries or museums, police and fire stations.

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6. Customary home occupations set forth in Subchapter 23.500-22 of this Chapter.

7. Country clubs. (Ord. No. 58RR, 9/13/82)

8. Water tanks and towers. (Ord. No. 58, 8/14/67)

9. Accessory buildings and accessory uses, customarily incident to the above uses when located on the same lot, including a private garage for one or more cars, and/or bona fide servant's quarters not for rent or used for commercial purposes. (Ord. No. 58, 8/14/67)

10. Signs authorized in accordance with Chapter, 4 of the Code.

Sec. 23.902 HEIGHT REGULATIONS

1. No building shall exceed two and one-half (2-1/2) stories or thirty-five feet (35') in height, except as provided in Sections 23.1404 and 23.1903 hereof. (Ord. No. 212, 11/14/88)

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2. A ground installed Amateur Radio Antenna Tower shall not exceed 65 feet in height. (Ord. No. 213, 11/14/88)

3. Wireless television cable system structures will not extend more than 10' above the highest roof line of a structure. (Ord. No. 271, 7/6/94)

Sec. 23.903 YARD REGULATIONS

1. Front Yard: There shall be a front yard along the front line of the lot. The minimum depth of such front yard shall be twenty-five feet (25').

2. Side Yard: There shall be a side yard on each side of a building of not less than ten percent (10%) of the width of the lot, but such side yard shall not be less than ten feet (10').

Sec. 23.904 INTENSITY OF USE

Every lot or tract of land shall have an area of not less than ten thousand (10,000) square feet and an average width of not less than ninety feet (90'), except that if a lot or tract should have less area or width than is herein required and its boundary lines along their entire length should touch lands under other ownership on the effective date of Ordinance No. 58 and shall not have been changed since said date, such parcel of land may be used for a single-family dwelling.

Sec. 23.905 ADDITIONAL REGULATIONS

Additional use, height, and area regulations and exceptions are found in Subchapter 23.1900 of this Chapter. (Ord. No. 58, 8/14/67)

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Sec. 23.906 PARKING REGULATIONS

ZONING

For purposes of this section, the terms motor vehicle, large motor vehicle, front yard, rear yard and side yard shall have the meaning stated in Section 20.1202 of the Windcrest Code of Ordinances. It shall be lawful to park one (1) motor vehicle twenty-two (22') or less in length and seven feet (7') or less in height for each licensed driver residing in a residence, plus one additional motor vehicle or boat. If the additional motor vehicle or boat is greater than twenty-two feet (22') in length or seven feet (7') in height, it must be parked in the rear yard of the residence. All motor vehicles and boats shall be parked on permanently maintained parking areas constructed of concrete, asphalt or gravel with barriers or permanent curbing to define the parking area. Rear yard parking areas must be constructed in the same areas in which accessory buildings are authorized.

The following exceptions to the limitations imposed on the parking of large motor vehicles in the preceding paragraph shall apply:

1. A resident may park a large motor vehicle in the front or side yard of a residence each week for the limited purposes of preparing, loading and unloading such vehicle for weekend use between the hours of noon on Friday and noon on the following Saturday and between the hours of noon on Sunday and noon on the following Monday, plus a resident may park a large motor vehicle in the front or side yard of a residence for the limited purposes of preparing, loading and unloading such vehicle for two (2) additional trips per calendar month, with the total preparation, loading and unloading time for each additional trip to be limited to forty-eight (48) hours for each trip. While such large motor vehicles are lawfully parked in front or side yards of a residence, normal preparation for the use of such vehicles is authorized, including cleaning and washing, changing fluids and minor repairs. (Ord. No. 332, 12/21/98)

2. A bonafide guest or visitor of a resident may park a large motor vehicle in the front or side yard of such residence for not more than seven (7) days during any calendar month.

3. The owner of a large motor vehicle parked in the front or side yard of a residence at the date of the adoption of this Chapter may continue to park such large motor vehicle in the same location until March 23, 1999. This exception shall expire upon the disposition of such large motor vehicle, the disposition of the residence by the owner of the large motor vehicle, or at the time the owner of the large motor vehicle vacates the residence, whichever event occurs first, provided that under no circumstances shall the exception continue after March 23, 1999.

It shall be unlawful for any person to park, or allow same to be parked, any motor vehicle or boat in a residential district of the City except as authorized in this section. It shall be unlawful to use a motor vehicle or boat in a residential district of the City for dwelling, sleeping, business or entertainment purposes, or to connect a motor vehicle or boat to sanitary sewer facilities. No motor vehicle or boat may be parked within five (5) feet of the front or side curb line of a residence.

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No major maintenance or repair work shall be performed on a large motor vehicle in a residential district of the City, such as but not limited to, replacement or modification of mechanical and interior components and any work which requires lifting or raising of the vehicle. (Ord. No. 332, 12/21/98)

Sec. 23.907 PARKING AREAS

A permanently maintained parking area which connects a garage or carport to a street or alley may not be wider than twenty feet (20') when adjacent to a two car garage or thirty feet (30') when adjacent to a three car garage. Permanently maintained parking areas wider than twenty feet (20') and constructed prior to the effective date of the Code of Ordinances, shall be exempt from the twenty feet (20') limitation set forth above. However, after the effective date of this Code of Ordinances, no building permit shall be issued by the City Building Permit Officer for the erection, siting, construction, alteration, reconstruction or enlargement of permanently maintained parking area in excess of twenty feet (20') for a two car garage or thirty feet (30') for a three car garage unless it is first approved by the City Council after a showing by the applicant of a special need for such greater width due to the size of or topography of the lot, the design of location of the residence, or other good reason approved by the City Council in its sole and absolute discretion. (Ord. No. 327, 9/21/98)

Subchapt. 23.1000 "R-2" DUPLEX AND APARTMENT DISTRICT

The following regulations shall apply to "R-2" Duplex and Apartment District:

Sec. 23.1001 USE REGULATIONS

A building or premises shall be used for the following purposes:

1. Two-Family or Duplex Dwellings. (Ord. No. 58, 8/14/67)

2. Apartment Houses or Multiple Family Dwellings (Ord. No. 58, 8/14/67), including condominiums, Chapter 82, Texas Property Code. (Ord. No 311, 9/15/97)

3. Private clubs, fraternities, sororities and lodges, excepting those the chief activity of which is a service customarily carried on as a business. (Ord. No. 58, 8/14/67)

4. Institution of a religious, educational or philanthropic nature.

5. Signs authorized in accordance with Chapter 4 of the Code.

Sec. 23.1002 HEIGHT REGULATIONS

No building or structure shall exceed two and one-half (2-1/2) stories or thirty-five feet (35') in height, except as provided in Section 23.1403 hereof.

Deleted: 1. Any use permitted in the "R-1" One-Family Dwelling District.

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Sec. 23.1003 YARD REGULATIONS

1. Front Yard: There shall be a front yard along the front line of the lot. The minimum depth of such front yard shall be twenty-five feet (25'). (Ord. No. 58, 8/14/67)

2. Side Yards: There shall be a side yard on each side of a building of not less than ten percent (10%) of the width of the lot, but such side yard shall not be less than ten feet (10').

Sec. 23.1004 INTENSITY OF USE

Except as hereinafter provided, all dwellings hereafter erected, enlarged, relocated, or reconstructed, shall be located on lots containing the following areas:

~~1. A lot on which there is erected a two-family dwelling shall contain an area of not less than ten thousand (10,000) square feet.~~

~~2. A lot on which there is erected an apartment house or multiple-family dwelling shall contain an area not less than one thousand eight hundred (1,800) square feet of land per dwelling unit.~~

Sec. 23.1005 PARKING REGULATIONS

The parking regulations and parking area requirements of the "R-1" District shall apply. Furthermore, whenever a structure is erected, converted, or structurally altered for a two-family or multiple-family dwelling, two (2) parking spaces shall be provided and maintained on the lot for each dwelling unit in the building. Such parking space shall be on the lot and so arranged as to permit satisfactory egress and ingress of an automobile, and such parking area shall be in addition to driveways. (Ord. No. 58G, 327; 10/11/71, 9/21/98)

Sec. 23.1006 ADDITIONAL REGULATIONS

Additional use and height and area regulations and exceptions are found in Subchapter 23.1400 herein. (Ord. No. 58, 8/14/67)

Subchapt. 23.1100 "O-1" PROFESSIONAL OFFICE DISTRICT

The following regulations shall apply to the "O-1" Professional Office District:

Sec. 23.1101 USE REGULATIONS

A building or premises shall be used only for the following purposes:

~~1. Offices for physicians, dentists, architects, insurance agents, attorneys, real estate appraisers, and other office uses having similar characteristics.~~

~~2. Signs authorized in accordance with Chapter 4 of the Code.~~

Deleted: 1. A lot on which there is erected a single-family dwelling shall contain an area of not less than ten thousand (10,000) square feet.¶

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Deleted: 4. Where a lot or tract has less area than herein required and its boundary lines along their entire length touched lands under other ownership on the effective date of this Chapter and have not since been changed, such parcel of land may be used for a single-family dwelling. (Ord. No. 58, 8/14/67)¶

Deleted: 1. Any use permitted in the "R-1" and "R-2" Districts.¶

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~~3.~~ No merchandise of any type may be displayed, leased, exchanged or sold. (Ord. No. 58TT, 6/13/83)

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~~4.~~ Disposal of infectious waste shall be in accordance with current guidelines required by the Occupational Safety and Health Administration and the Texas Natural Resource and Conservation Commission. (added by Council Action, 2/14/01)

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Sec. 23.1102 HEIGHT REGULATIONS

No building or structure shall exceed two and one-half (2-1/2) stories or thirty-five feet (35') in height, except as provided in Section 23.1403 hereof. (Ord. No. 58TT, 6/13/83)

Sec. 23.1103 YARD REGULATIONS

1. Front Yard: There shall be a front yard along the front line of the lot. The minimum depth of such front yard shall be twenty-five feet (25') from the front lot line. (Ord. No. 58TT, 6/13/83)

2. Side Yards:

~~For uses permitted in the "O-1" District, the side yard regulations shall be ten feet (10'). When abutting either an "R-1" or "R-2" Zone, the side yard regulation shall be twenty-five feet (25'). (Ord. No. 58TT, 6/13/83)~~

Deleted: a. For uses permitted in the "R-1" District, the side yard regulation for that District shall apply.¶

¶
b. For uses permitted in the "R-2" District, the side yard regulations for that District shall apply.¶

¶
c.

Sec. 23.1104 INTENSITY OF USE

~~1.~~ For uses permitted in the "O-1" District, the minimum lot area shall be eighteen thousand (18,000) square feet and the minimum lot width shall be one hundred fifty feet (150'). (Ord. No. 58TT, 6/13/83)

Deleted: additional

Sec. 23.1105 PARKING REGULATIONS

~~1.~~ For the uses permitted in the "O-1" District, one parking space for each three hundred (300) square feet or a portion thereof of gross floor area. (Ord. No. 58TT, 6/13/83)

Deleted: 1. For uses permitted in the "R-1" and "R-2" Districts, the applicable minimum lot area and minimum lot width for such District based on permitted use shall apply. (Ord. No. 58TT, 6/13/83)¶

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Sec. 23.1106 ADDITIONAL REGULATIONS

Additional use, height and area regulations and exceptions are found in Subchapter 23.1900 herein. (Ord. No. 58TT, 6/13/83)

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1. The parking regulations for uses permitted in the "R-1" and "R-2" Districts shall be the same as those in the "R-2" District. (Ord. No. 58TT, 6/13/83)¶

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Sec. 23.1107 SCREENING OF REFUSE STORAGE AREAS

All offices shall screen areas wherein garbage containers and other refuse are stored with a permanent type masonry or wooden enclosure on all sides exposed to public view with a concrete base and apron. (Ord. No. 58TT 6/13/83)

Sec. 23.1108 PLATTED LOTS

Platted lots used for office purposes may contain one (1) or more buildings provided the buildings are

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situated in substantial compliance with the comprehensive plan created by this Chapter. (Ord. No. 58TT, 6/13/83)

Sec. 23.1109 SCREENING OF AIR CONDITIONING ELEMENTS

All offices shall screen air conditioning elements with a permanent type masonry, metal or wooden screen on all sides which are open to public view. (Ord. No. 58TT, 6/13/83)

Sec. 23.1110 GREEN BELT

A minimum of ten feet (10') of landscaped green belt area must be dedicated and maintained as a buffer zone between the "O-1" District and either the "R-1" or "R-2" Districts wherever the Districts' lines are adjacent. This ten feet (10') may be part of the twenty-five (25) foot side yard mentioned in Section 23.1003-2C. (Ord. No. 58TT, 6/13/83)

Subchapt. 23.1200 "B-1" NEIGHBORHOOD BUSINESS DISTRICT

The following regulations shall apply to "B-1" Neighborhood Business District:

Sec. 23.1201 USE REGULATIONS

A building or premises shall be used only for the following purposes:

1. Any use permitted in "O-1" Professional Office District. (Ord. No. 58, 8/14/67)

2. Signs authorized in accordance with Chapter 4 of the Code.

3. Automobile parking lots. (Ord. No. 58, 8/14/67)

4. Bakery, employing not more than five (5) persons. (Ord. No. 58, 8/14/67)

5. Bank. (Ord. No. 58, 8/14/67)

6. Beauty Parlor. (Ord. No. 58, 8/14/67)

7. Barber Shop. (Ord. No. 58, 8/14/67)

8. Cleaning, pressing, and dyeing plants employing not more than five (5) persons each.

9. Clinic. (Ord. No. 58, 8/14/67)

10. Grocery Stores.

11. Hotels and motels. (Ord. No. 58UU, 9/12/83)

12. Laundries, employing not more than five (5) persons on the premises.

13. Laundries, self-service. (Ord. No. 58, 9/12/83)

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8/14/67)

14. Job printing, provided total mechanical power use in operation of such printing plant shall not exceed five (5) horsepower. (Ord. No 58, 8/14/67)

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15. Lodge halls. (Ord. No. 58, 8/14/67)

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16. Offices. (Ord. No. 58, 8/14/67)

Deleted: 5

17. Radio repair and sale shops. (Ord. No. 58, 8/14/67)

Deleted: 6

18. Radio studios. (Ord. No. 58, 8/14/67)

Deleted: 7

19. Restaurant, cafes and cafeterias. (Ord. No. 58, 8/14/67)

Deleted: 18

20. Stores and shops for sale of products at retail only, but not to include second hand clothing stores, flea markets and similar establishments, public saloons, taverns or bars. The storage and/or sale of motor vehicle fuel at wholesale or retail is prohibited unless a special use permit for such use is approved.

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If a permit has first been obtained from the City, the business which currently occupies the permanent structure on the premises from which the business is conducted may display and sell goods, wares and merchandise outside its permanent structure which are customarily displayed and sold by it inside its permanent structure. The outdoor display and sale of such merchandise shall be classified as temporary (thirty [30] days or less) or permanent (more than thirty [30] days).

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A temporary permit may be issued by the City for the display and sale of goods, wares and merchandise upon a showing by a business that the outdoor display and sale of such merchandise will not interfere with parking and access and that such activity will be safe and compatible with adjoining businesses and the neighborhood.

A permanent permit may be issued by the City for the display and sale of goods, wares and merchandise upon a showing by a business that the outdoor display and sale of such merchandise will not occur in parking areas, driveways and required landscape areas, and that such activity will be safe and compatible with the adjoining businesses and the neighborhood. (Ord. No. 311, 9/15/97)

21. Studio (art, photo, music). (Ord. No. 58, 8/14/67)

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22. Recreation and entertainment facilities, (theaters, bowling alleys, billiard parlors, skating halls, gymnasiums and health or exercise centers and similar activities) excepting public saloons, taverns, or bars. (Ord. No. 58W, 213, 4/12/76, 12/12/88)

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Sec. 23.1202 HEIGHT REGULATIONS

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No building or structure shall exceed two and one-half (2-1/2) stories or thirty-five feet (35') in height except for antennas in 23.80 and certain signs in Chapter 4. (Ord. No. 58, 8/14/67)

Sec. 23.1203 YARD REGULATIONS

1. Front Yard: There shall be a front yard along the front line of the lot. The minimum depth of such front yard shall be twenty feet (20'). (Ord. No. 58, 8/14/67)

2. Side Yards: For uses permitted in the "B-1" District, no side yards are required except that on a corner lot the side yard on the street side shall be twenty feet (20'). Where a lot is used for any of the commercial purposes permitted in this District and abutting on the side of a lot in an "R-1" or "R-2" District, there shall be a side yard not less than twenty-five feet (25').

Deleted: uses permitted in the "R-2" District, the side yard regulations for that District shall apply. For additional

Sec. 23.1204 INTENSITY OF USE

There are no minimum lot area or lot width requirements for uses permitted in the "B-1" District.

Deleted: For uses permitted in the "R-2" District, the minimum lot area and minimum width regulations for that District shall apply.

Sec. 23.1205 PARKING REGULATIONS

1. Where any structure is erected, reconstructed or converted for any of the business or commercial uses permitted in this Subchapter, off-street parking spaces shall be provided, whether on the same lot with structure or on an area within three hundred feet (300') thereof, in such number as the Director of Building Services shall deem adequate, based on such factors as the nature of proposed business use, expected customer density and rate of customer turn-over. Generally, parking space requirements shall be based on the gross floor area of the structure to be served and shall conform to the respective requirements set forth in the Table of Off-Street Parking Requirements contained in Section 35-526, of the City of San Antonio Unified Development Code, which Table is, by this reference, hereby expressly adopted for the City of Windcrest as a planning guide only. The Director of Building Services may require more parking spaces for any specific business structure than are indicated in said adopted Table, but no plan providing for less than the number of parking spaces therein indicated shall be approved, in the absence of clear and convincing evidence that the number of parking spaces indicated in the Table will not reasonably be required by the proposed business use. Two or more building owners may join together in providing a common parking area, but the total number of parking spaces therein shall be sufficient to satisfy the combined individual use parking space requirements herein stated for all structures that are proposed to be open for business at the same time. The minimum size for a parking space will be 9' x 18'.

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Deleted: (Ord. No. 58, 8/14/67)

Deleted: 1. The parking regulations for dwelling are the same as those in the "R-2" District. (Ord. No. 58, 8/14/67)¶

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Deleted: (Ord. No. 243, 4/8/91)

TABLE OF OFF-STREET PARKING REQUIREMENTS

USES	PARKING REQUIREMENTS
Churches, Theaters, Gymnasiums seats	One space for each four
Clinics	One space for each 200

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	sq. ft. gross floor area	
General business, commercial & personal service establishments	One space for each 200 sq. ft. of gross retail/sales service area and one space per 800 sq. ft. gross storage area, or one space per 400 sq. ft. of combined retail sales/service area with no dedicated warehousing area.	
General office	One space for each 300 sq. ft. of gross floor area	
Hotels, Motels	One space for each guest room or trailer space and one space for each two employees (associated commercial or retail areas require additional spaces)	
Nursing, rehabilitation and assisted living facilities	One space for each four beds	
Clubs, lodges	One space for ea. 300 sq. ft. of gross floor area	
Restaurants, cafeterias	One space for ea. 100 sq. ft. of gross floor area	Deleted: ¶ Multi-family dwellings . . . Two spaces for each family dwelling unit¶
Schools, elementary	Two spaces for each classroom plus two spaces for each office	
Schools, junior	Three spaces for each classroom plus three spaces for each office	
Schools, secondary	Six spaces for each classroom plus six spaces for each office	
Skating rinks and commercial amusement	One space for each 100 sq. ft. gross floor area. For uses not requiring a building, one space for each 800 sq. ft. of ground area shall be provided	Deleted: Single-family dwellings . . . Two spaces for each dwelling unit¶

ZONING

Sec. 23.1206 ADDITIONAL REGULATIONS

Additional use, height, and area regulations and exceptions are found in Section 23.1900 of this Chapter. (Ord. No. 58, 8/14/67)

Deleted: (Table changed by Council Action, 2/14/01)

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Sec. 23.1207 SCREENING OF REFUSE STORAGE AREAS

All commercial establishments shall screen areas wherein garbage containers and other refuse are stored with a permanent type masonry or wooden enclosure on all sides exposed to public view with a concrete base and apron. (Ord. No. 58Q, 4/8/74)

Sec. 23.1208 PLATTED LOTS

Platted lots used for commercial purposes may contain on (1) or more main buildings provided the buildings are situated in substantial compliance with the comprehensive plan created by this Chapter. (Ord. No. 58I, 1/8/73)

Sec. 23.1209 SCREENING OF AIR CONDITIONING ELEMENTS

All commercial establishments shall screen air conditioning elements with a permanent type masonry, metal or wooden screen on all sides open to public view. (Ord. No. 58Q, 4/8/74)

Sec. 23.1210 LANDSCAPING

1. Landscaping and appropriate irrigation systems are required when B-1 and B-2 properties are developed.

2. Where B-1 and B-2 property abuts tracts zoned (for residential use (R-1, R-2), the required width of the landscape area shall be a minimum of fifteen (15) feet and require privacy screening of 8' masonry fencing in combination with shrubs and trees.

3. Landscaping within a triangular area formed by intersecting street lines shall comply with the requirements of section 23.1103.2.

4. An eight-foot wide landscape area must be provided along the entire length of each property line bordering streets. Not more than fifty (50) percent of each landscape area shall receive impervious cover. Where a sidewalk is in place, the landscape area will not be less than four (4) feet between sidewalk and parking.

5. Landscaping shall not obstruct the view between the street and the access drives and parking aisles near the front yard entries and exits, nor shall any landscaping which creates an obstruction of view be located within the radius of any curb return. (Sec. 23.1404, 5c)

Subchapt. 23.1300 "B-2" BUSINESS DISTRICT

The following regulations shall apply to the "B-2" Business District:

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Sec. 23.1301 USE REGULATIONS

A building or premises shall be used only for the following purposes:

1. Any use permitted in "B-1" Neighborhood Business District; Outdoor sales are restricted as in Sec. 23.1101.

2. Automobile sales and service facilities including sales, service, and installation of automobile parts, components and accessories, provided that such service and installation shall be performed completely indoors, within the retail sales establishment which has sold those items. Storage or sale of motor vehicle fuel is prohibited unless authorized by a special use permit.

3. Grocery Stores.

Sec. 23.1302 HEIGHT REGULATIONS

No building or structure shall exceed two and one-half (2 1/2) stories or thirty-five feet (35') in height.

Sec. 23.1303 YARD REGULATIONS

1. Front Yard: There shall be a front yard along the front line of the lot. The minimum depth of such front yard shall be twenty feet (20')

2. Side Yard: For uses permitted in the "O-1" and "B 1" Districts, the side yard regulations for that District shall apply. For additional uses permitted in the "B-2" District, the side yard regulations for the "B-1" District shall apply.

Sec. 23.1304 INTENSITY OF USE

There are no minimum lot area or lot width requirements for uses permitted in the "B-2" District.

Sec. 23.1305 PARKING REGULATIONS

1. For parking regulations in the "O-1" and "B-1" Districts, parking regulations for such Districts based on permitted use shall apply.

2. For parking regulations in the "B-2" District, the parking regulations and table of off-street parking requirements for the "B-1" District shall apply.

Sec. 23.1306 ADDITIONAL REGULATIONS

Additional use, height, and area regulations and exceptions are found in Section 23.1900 of this Chapter.

Sec. 23.1307 SCREENING OF REFUSE STORAGE AREAS

All commercial establishments shall screen areas wherein garbage containers and other refuse are stored with a permanent type masonry or wooden enclosure on all sides exposed to

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Deleted: For uses permitted in the "R-2" District, the minimum lot area and minimum width regulations for that District shall apply.

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ZONING

public view with a concrete base and apron.

Sec. 23.1308 PLATTED LOTS

Platted lots used for commercial purposes may contain on (1) or more main buildings provided the buildings are situated in substantial compliance with the comprehensive plan created by this Chapter.

Sec. 23.1309 SCREENING OF AIR CONDITIONING ELEMENTS

All commercial establishments shall screen air conditioning elements with a permanent type masonry, metal or wooden screen on all sides open to public view. (Ord. No. 205, 8/8/88)

Sec. 23.1310 LANDSCAPING

Landscaping requirements are the same as in 23.1210.

Subchapt. 23.1400 Planned Development District

The "PDD" district is meant to promote quality development by fostering maximum flexibility in development function and design.

The following regulations shall apply to PDD Planned Development District:

Sec. 23.1401 Use Regulations

A building or premises shall be used for the following purposes:

1. Any use permitted in the "R-1," "R-2," "O-1," "B-1," or "B-2" Districts;
2. Uses may be combined vertically, in the same building, or horizontally in multiple buildings, or through a combination of the two;
3. Additional uses allowed: live/work units; research and development; warehousing; wholesaling (commercial);
4. Light manufacturing may be allowed if authorized by a special use permit;

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Sec. 23.1402 Site Plan

Simultaneous with the request for "PDD" zoning, a "PDD" site plan shall also be filed. An application for

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rezoning to a "PDD" shall not be deemed complete unless accompanied by a proposed "PDD" site plan. The plan must identify: the location, size (square footage and height), orientation, architectural design standards, and use (residential, office, commercial, mixed) of each building; location and size of all parking areas and accessory structures; location and size of open space/preserved natural features. It shall also include a landscape concept plan that includes the basic location and general design approach of major landscape features.

The Plan must demonstrate facilitation of the following criteria:

1. Consideration of adjacent land uses

The Plan should facilitate vehicular and pedestrian access to adjacent office and commercial parcels and must demonstrate adequate buffering of adjacent neighborhoods through significant landscape features and/or the siting of lower intensity uses closer to residential properties.

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2. Provision/Protection of public and open space

The Plan should, to the extent possible, cluster buildings so as to minimize the level of impervious cover and maximize open space. Whenever possible, open spaces should serve to preserve existing natural landscape features and/or include a plaza, green, or other publicly accessible area. Urban design features such as drinking fountains, ornamental fountains, trellises, or beds of native plants shall be incorporated into the public open spaces when possible.

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3. Pedestrian Orientation

The Plan should, to the extent possible, be pedestrian oriented with sidewalks and walkways connecting buildings, plazas, and parking.

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4. Parking Structures

To the extent possible, parking shall be accommodated in parking structures.

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5. General Principles

The Plan must demonstrate overall conformity with the City of Windcrest Master Plan. The Plan must be consistent with the intent and purposes of this Subchapter to promote public health, safety, morals, and general welfare.

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Sec. 23.1403 Size

A "PDD" must consist of at least 5 contiguous acres.

Sec. 23.1404 Height Regulations

Flexible; to be determined by site plan.

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Sec. 23.1405 Yard Regulations

Flexible; to be determined by site plan.

Sec. 23.1406 Intensity of Use

Lot area and width requirements are flexible; to be determined by site plan.

Sec. 23.1407 Parking Regulations

Parking shall meet the requirements listed in 23.1205, unless the applicant provides an alternative parking plan, which shall be approved by the Director of Building Services.

Sec. 23.1408 Screening of Refuse Storage Regulations/Screening of Air Conditioning Elements

Screening of these elements shall meet the requirements listed in 23.1307 and 23.1309 and shall also require the approval of the Director of Building Services.

Sec. 23.1409 Platted Lots

Platted lots may contain one or more main buildings.

Sec. 23.1410 Landscaping

Landscaping shall generally follow the requirements of 23.1210. However, some provisions in 23.1210 may be waived in order to allow the plan maximum flexibility and to fulfill the criteria listed above. Landscaping is limited to the plants listed in Appendix A of this Chapter and shall require the approval of the Director of Building Services.

Sec. 23.1411 Other Regulations

Office uses must comply with 23.1101(5).

Sec. 23.1412 Request for Approval

The request for PDD zoning shall follow the procedure outlined in section 23.1800, with the additional requirement of concurrent submission of the PDD plan. The Planning and Zoning Commission and the City Council shall consider, among other matters, whether the plan fulfills the criteria listed above, in determining whether to approve the request.

Sec. 23.1413 Plan Amendment

Any of the following changes shall be considered a major amendment to the PDD plan, and will trigger the approval process anew:

- 10 % or greater increase in total residential units

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- 10 % or greater increase in total commercial acreage
- 10 % or greater decrease in total open space acreage
- 10 % or greater decrease in perimeter buffer acreage
- Change in use from residential to any other use, where property abuts single-family residential parcels

Any other change shall be considered a minor amendment and shall not require additional review. The Director of Building Services shall make the final determination as to whether the amendment is major or minor.

Subchapt. 23.1500 "FBZD" Form Based Zoning District

The Form Based Zoning District (FBZD) promotes the fundamental elements of traditional urbanism—the neighborhood, the district, and the corridor—through transect-based designs that foster walkability, compactness, and diversity. All FBZD development must demonstrate overall conformity with the City of Windcrest Master Plan, and demonstrate consistency with the intent and purposes of this Subchapter to promote public health, safety, morals, and general welfare.

The purpose of this district is to enable, encourage and qualify the implementation of the following:

The Community

- a. That Neighborhoods should be compact, pedestrian oriented and mixed-use.
- b. That the location and intensity of development respect and correlate with the preservation and restoration of natural features.
- c. That Neighborhoods should be the preferred pattern of development.
- d. That ordinary activities of daily living should occur within walking distance of most dwellings, allowing independence to those who do not drive.
- e. That interconnected networks of thoroughfares should be designed to disperse and reduce the length of automobile trips.
- f. That within Neighborhoods, a range of housing types and price levels should be provided to accommodate diverse ages and incomes.
- g. That appropriate building densities and land uses should be provided within walking distance of transit stops.
- g. That Civic, Institutional, and Commercial activity should not be isolated in remote single-use complexes.
- h. That schools should be sized and located to enable children to walk or bicycle to them.
- i. That a range of open space including parks, squares, and playgrounds should be distributed within Neighborhoods and urban center zones.

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The Block and the Building

- a. That buildings and landscaping should contribute to the physical definition of Thoroughfares as Civic places.
- b. That development should adequately accommodate automobiles while respecting the pedestrian and the spatial form of public space.
- c. That the design of streets and buildings should reinforce safe environments, but not at the expense of accessibility.
- d. That architecture and landscape design should grow from local climate, topography, history, and building practice.
- e. That buildings should provide their inhabitants with a clear sense of geography and climate through energy efficient methods.
- f. That Civic Buildings and public gathering places should be provided locations that reinforce community identity and support self-government.
- g. That Civic Buildings should be distinctive and appropriate to a role more important than the other buildings that constitute the fabric of the city.
- h. That the preservation and renewal of historic buildings should be facilitated to affirm the continuity and evolution of society.
- i. That the harmonious and orderly evolution of urban areas should be secured through graphic codes that serve as guides for change.

Transect Zones Applicable to FBZD District:

T3 SUB-URBAN Zone consists of a variety of low density suburban residential areas. Planting is naturalistic and setbacks relatively deep. Blocks may be large and the roads irregular to accommodate natural conditions.

T4 GENERAL URBAN Zone consists of a mixed-use but primarily residential urban fabric. It may include a wide range of building types: single, sideyard, and rowhouses. Setbacks and landscaping are variable. Streets define medium-sized blocks.

T5 URBAN CENTER Zone consists of higher density mixed-use building types that accommodate retail, offices, rowhouses and apartments. It has a tight network of streets, with wide sidewalks, balanced street tree planting and buildings set close to the frontages.

General Transect Zone Descriptions:

T-3 Sub-Urban

General Character: Lawns, and landscaped yards surrounding detached single-family houses; some pedestrian use.

Building Placement: Large and variable front and side yard setbacks.

Frontage Types: Porches, fences, naturalistic tree planting.

Typical Building Height: 1 to 2 story with some 3 story.

Type of Civic Space: Parks, greenways.

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T-4 General Urban

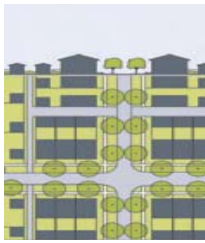
General Character: Mix of houses, townhouses and small apartment buildings, with scattered commercial activity; balance between landscape and buildings; presence of pedestrians.

Building Placement: Shallow to medium front and side yard setbacks

Frontage Types: Porches, fences, dooryards.

Typical Building Height: 2 to 3-story with a few taller mixed use buildings

Type of Civic Space: Squares, greens



T-5 Urban Center

General Character: Shops mixed with townhouses, larger apartment houses, offices, workplace, and civic buildings; predominantly attached buildings; trees within the public right-of-way; substantial pedestrian activity.

Building Placement: Shallow or no setbacks; buildings oriented to street defining a streetwall.

Frontage Types: Stoops, shopfronts, galleries.

Typical Building Height: 3 to 5-story with some variation.

Type of Civic Space: Parks, plazas and squares.



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Sec. 23.1501 Applicability

In matters of urban structure and aesthetics, the provisions of the FBZD shall take precedence over local codes, regulations, and ordinances. In matters of health and safety, local codes, regulations, and ordinances shall take precedence over the provisions of the FBZD.

Sec. 23.1502 Uses

The FBZD may include residential, commercial, industrial, and civic uses as permitted by 23.1508 Urban Standards.

Sec. 23.1503 Size

A FBZD must consist of a minimum of 15 acres.

Sec. 23.1504 Procedure

The request for FBZD zoning shall follow the procedure outlined in section 23.2200, with the additional requirement of concurrent submission of the Regulating Preliminary Site Plan. Before final construction approval is granted, as per Chapter 5 of the Windcrest Code of Ordinances, a Final Site Plan must be approved by the Planning and Zoning Commission and City Council. The Final Site Plan may be approved concurrently with the final plat, as outlined in Chapter 19 of the Windcrest Code of Ordinances.

Sec. 23.1505 Regulating Preliminary Site Plan

The Regulating Preliminary Site Plan is a map that outlines and details the various transect-based zoning categories with precision. The Transect Zones impose the discipline of the distribution of densities and building types throughout the Plan. The Plan shall include the following:

- Legal description and exhibit of the property at appropriate scale showing the boundaries of the area to be zoned FBZD.
- Location of Transect Zones, with a table including acreage notation for each Zone
- Location, types, and trajectories of all streets
- Location and Form of all Civic Spaces
- Within each Transect Zone, the Plan shall also show, in compliance with 23.1508 Urban Standards and 23.xx9 Urban Standards--Tables,:
 - Building Disposition
 - Building Configuration
 - Building Function and Density
 - Parking Standards

Sec. 23.1506 Reserved

Sec. 23.1507 Final Site Plan

A Final Site Plan shall also show the following, in compliance with the Transect-based standards described in 23.1508 Urban Standards, 23.1509 Urban Standards--Tables and 23.1510 Thoroughfare Assemblies and Standards:

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- Architectural Standards
- Environmental Standards
- Landscape Standards
- Signage Standards
- Ambient Standards
- Visitability Standards
- Thoroughfare Assemblies and Standards

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Sec. 23.1508 Urban Standards

1.1 These Standards include a series of prescriptions, some of which are mandatory and others which are only recommended. The mandatory prescriptions are indicated by the verb *shall*. The recommended ones are indicated by the verb *should*. Options that are allowed but neither recommended nor discouraged are indicated by the verb *may*.

2.1 The requirements described in this section shall control the disposition, configuration and function of lots and buildings, as well as their architectural, landscape, parking, signage, ambient and visitability standards. These requirements apply to the particular Transect Zones designated in the Regulating Preliminary Site Plan.

2.2 [Reserved]

2.3 Specific to Suburban Neighborhood Zones (T3)

2.3.1 BUILDING DISPOSITION - T3

- a. Newly platted lots shall be dimensioned according to Table T3.
- b. Buildings shall be disposed in relation to the boundaries of their lots according to Table T3.
- c. One Principal Building at the Frontage, and one Outbuilding, may be built on each lot as shown in Table T3C.
- d. Lot coverage by building shall not exceed that shown in Table T3.A.4.
- e. Facades shall be built parallel to a rectilinear Principal Frontage Line or parallel to the tangent of a curved Principal Frontage Line.
- f. Setbacks for Principal Buildings shall be as shown in Table T3.B. In the case of an Infill lot, Setbacks shall match one or the other of the existing adjacent Setbacks. Setbacks may otherwise be adjusted by Warrant.
- g. Rear Setbacks for Outbuildings shall be a minimum of 15 feet measured from the centerline of the Rear Alley or Lane easement. In the absence of Rear Alley or Lane, the rear Setback shall be as shown in Table T3.C.
- h. Building Types shall be as shown in 23.xx9 Table 13.

2.3.2 BUILDING CONFIGURATIONS - T3

- a. Private Frontage types shall conform to and be allocated in accordance with Table 1 and Table T3.F.
- b. Building Heights shall conform to Table 2 and be as shown in Table T3.G.
- c. All specified Building Heights may be increased by the base

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elevations required by applicable FEMA standards.

2.3.3 BUILDING FUNCTION & DENSITY - T3

- a. Buildings in each Transect Zone shall conform to the Functions described in 23.xx9 Tables 4 and 6 and in Table T3. Functions that do not conform to the requirements of Tables 4 and 6 shall require approval by Warrant.
- b. The Actual Parking available to meet the Required Parking shown on 23.xx9 Table 5 shall constitute the Base Density. Functions shall be limited by the Base Density, subject to upward adjustment in accordance with paragraph 2.3.3c.
- c. The Base Density may be adjusted upward by adding the Actual Parking available for each of two Functions within any pair of adjacent Blocks, and the resulting sum then multiplied by the corresponding Sharing Factor (Table 5.A). The result shall be the Effective Parking available for calculating an Adjusted Density. Conversely: the Effective Parking required is the sum of the Required Parking divided by the Sharing Factor.

2.3.4 PARKING STANDARDS - T3

- a. Vehicular parking shall be required as shown in Table 5.
- b. On-street parking available along the Frontage Lines that correspond to each lot shall be counted toward the parking requirement of the building on the lot.
- c. Maximum parking ratios may be established by the Director of Building Services.
- d. Parking shall be accessed by the Rear Alley or Lane, when such are available on the Regulating Plan.
- e. Parking lots shall be masked from the Frontage by a Liner Building or Street Screen as specified in Section 2.3.5b.
- f. Open parking areas shall be located at the First, Second and Third Layers, as shown in Table 12D.
- g. For buildings on Secondary Grids (S-Grids), parking lots may be allowed on the Frontage by warrant.

2.3.5 ARCHITECTURAL STANDARDS - T3

- a. Building wall materials may be combined on each Facade only horizontally, with the heavier below the lighter.
- b. Streetwalls should be between 3.5 and 6 feet in height and constructed of a material matching the adjacent building Facade. The Streetwall may be replaced by a hedge or fence by Warrant. Streetwalls shall have openings no larger than necessary to allow automobile and pedestrian access.
- c. All openings, including porches and windows, shall be square or vertical in proportion.
- d. Openings above the first Story shall not exceed 50% of the total building wall area, with each Facade calculated independently.
- e. Doors and windows that operate as sliders are prohibited along Frontages.
- f. Pitched roofs, if provided, shall be symmetrically sloped no less than 5:12, except that porches

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and attached sheds may be no less than 2:12.

g. Flat roofs shall be enclosed by parapets a minimum of 42 inches high, or as required to conceal mechanical equipment.

h. The exterior finish material on all Facades shall be limited to brick, wood siding, cementitious siding, metal panels, and/or stucco.

i. Balconies and porches shall be made of painted or stained wood or anodized metal.

j. Fences, if provided at the First Layer, shall be painted or stained. Fences at Lot Lines may be of wood board.

2.3.6 ENVIRONMENTAL STANDARDS - T3

a. Transect Zones manifest a range of responses to natural and urban conditions. In case of conflict, to the extent not inconsistent with applicable state or federal law, the natural infrastructure shall have priority in T3 and the urban infrastructure shall have priority in the more urban zones (T4-T5).

b. The landscape installed shall consist primarily of native species requiring minimal irrigation, fertilization and maintenance.

c. Impermeable surface by building shall be minimized and confined to the ratio of lot coverage by building shown in Table T3.A4.

d. To the extent not inconsistent with applicable state or federal law, the management of storm water shall be primarily through retention and percolation on the individual lot or through swales in the Public Frontage.

2.3.7 LANDSCAPE STANDARDS - T3

a. A minimum of one tree to match the species of street trees on the Public Frontage shall be planted within the First Layer for each 30 feet of Frontage Line as illustrated in Table 12D. Lawn shall be permitted.

b. Trees shall be various species, naturalistically clustered .

c. All trees shall be of indigenous species selected from Chapter 23, Appendix A (except within courtyards).

2.3.8 SIGNAGE STANDARDS - T3

a. One address number no more than 6 inches measured vertically shall be attached to the

building in proximity to the principal entrance or at a mailbox. b. One blade sign for each business may be permanently installed perpendicular to the Facade.

Such a sign shall not exceed a total of 4 square feet.

c. There shall be no signage permitted additional to that specified in this section, unless approved by the Director of Building Services.

d. Signage shall not be internally lit.

2.3.9 AMBIENT STANDARDS - T3

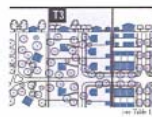
a. Sound levels measured at the building Frontage shall not exceed 65 decibels from sunrise

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- to sunset and 55 decibels from sunset to sunrise.
- b. Average lighting levels measured at the building Frontage shall not exceed 1.0 fc (foot-candles), except where superseded by state law.
- c. Outdoor storage shall be screened from view from any Frontage by a Street Screen in conformance with Section 2.3.5b.

2.3.10 VISITABILITY STANDARDS - T3

- a. There shall be provided one zero-step entrance to each public building from an accessible path at the front, side, or rear of each building.



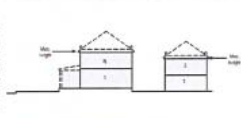
Graphics are illustrative only.

TABLE T3 Form-Based Code Graphics.

A. LOT OCCUPATION	
1. Lot Area	5,000 s.d. min.
2. Lot Width	20 ft. min.
3. Lot Depth	100 ft. min.
4. Lot Coverage	40% max.
B. BUILDING SETBACK	
1. Front	20 ft. min.
2. Side	12 ft. min., 20% lot width total min.
3. Rear	24 ft. min.
4. Frontage at Setback	40 % min.
C. OUTBUILDING SETBACK	
1. Front	20 ft. min. + 80% setback
2. Side	3 ft. min.
3. Rear	3 ft. min.
D. ENCRoACHMENT	
1. Front	0 ft. min.
2. Side	3 ft. min.
3. Rear	3 ft. min.
E. BUILDING DISPOSITION	
1. Eaveyard	permitted
2. Sideyard	permitted
3. Rearyard	permitted
4. Courtyard	permitted
F. PRIVATE FRONTAGE TYPE	
1. Carport/Lawn	permitted
2. Porch & Fence	permitted
3. Terrace or L.C.	permitted
4. Firecourt	permitted
5. Stairs	permitted
6. Stairs & Railing	permitted
7. Gallery	permitted
8. Arcade	permitted
G. BUILDING HEIGHT	
1. Principal Building	2.5 stories max.
2. Outbuilding	2 stories max.
H. BUILDING FUNCTION	
1. Residential	permitted
2. Working	restricted
3. Office	restricted
4. Retail	restricted
5. Industrial	permitted

BUILDING CONFIGURATION

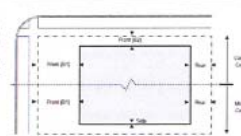
1. Building height shall be measured to finished floor, including attic and raised basements.
2. Stairs may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor commercial function which must be a minimum of 12 ft with no exceptions.
3. Height shall be measured to the eave or roof deck.



14' limits for any stairs above those shown up to the maximum. Refer to section for exact maximum and measurement.

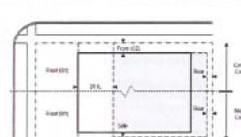
SETBACKS-PRINCIPAL BLDG.

1. The Facades and Elevations of Principal Buildings shall be dimensioned from the lot lines as shown.
2. Facades shall be built along the Principal Frontage in the minimum specified width in the Table.



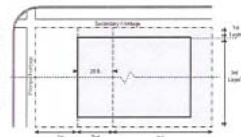
SETBACKS-OUTBUILDING

1. The Elevation of the Outbuilding shall be dimensioned from the lot lines as shown.



PARKING PLACEMENT

1. Uncovered parking spaces may be provided within the 2nd and 3rd Layers as shown in the diagram (see Table T3d).
2. Canopies shall be located at the 2nd Layer except that solar or solar energy signs may be allowed in the 2nd or 3rd Layer by variance.
3. Trash containers shall be stored within the 3rd Layer.



2.4 Specific to General Urban Zones (T4)

2.4.1 BUILDING DISPOSITION - T4

- a. Newly platted lots shall be dimensioned according to Table T4.
- b. Buildings shall be disposed in relation to the boundaries of their lots according to Table T4.
- c. One Principal Building at the Frontage, and one Outbuilding to the rear of the Principal Building, may be built on each lot as shown in Table T4.C.
- d. Lot coverage by building shall not exceed that shown in Table T4.A4.
- e. Facades shall be built parallel to a rectilinear Principal Frontage Line or parallel to the tangent of a curved Principal Frontage Line.
- f. Setbacks for Principal Buildings shall be as shown in Table T4.B. In the case of an Infill lot,

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Setbacks shall match one or the other of the existing adjacent Setbacks. Setbacks may otherwise be adjusted by Warrant.

g. Rear Setbacks for Outbuildings shall be a minimum of 15 feet measured from the centerline of the Rear Alley or Lane. In the absence of Rear Alley or Lane, the rear Setback shall be as shown in Table T4.C.

h. Building Types shall be as shown in 23.1509 Table 13.

2.4.2 BUILDING CONFIGURATION - T4

a. Private Frontage types shall conform to and be allocated in accordance with Table 1 and Table T4.F.

b. Stoops may encroach 100% of the depth of a Setback. Balconies and bay windows may encroach up to 25% of the depth of the Setback.

c. Loading and service areas shall be permitted on Frontages only by Warrant.

d. Building Heights shall conform to 23.1509 Table 2 and be as shown in Table T4.G.

e. All specified Building Heights may be increased by the base elevations required by applicable FEMA standards.

2.4.3 BUILDING FUNCTION & DENSITY - T4

a. Buildings in each Transect Zone shall conform to the Functions described in 23.1509 Tables 4 and 6 and in Table T4. Functions that do not conform to the requirements of Tables 4 and 6 shall require approval by Warrant.

b. The Actual Parking available to meet the Required Parking shown on 23.1509 Table 5 shall constitute the Base Density. Functions shall be limited by the Base Density, subject to upward adjustment in accordance with paragraphs 2.4.3 c and 2.4.3d.

c. The Base Density may be adjusted upward by adding the Actual Parking available for each of two Functions within any pair of adjacent Blocks, and the resulting sum then multiplied by the corresponding Sharing Factor (Table 5.A). The result shall be the Effective Parking available for calculating an Adjusted Density. Conversely, the Effective Parking required is the sum of the Required Parking divided by the Sharing Factor.

d. Accessory uses of Limited Lodging or Limited Office shall be permitted within an Outbuilding.

2.4.4 PARKING STANDARDS - T4

a. Vehicular parking shall be required as shown in Table 5.

b. On-street parking available along the Frontage Lines that correspond to each lot shall be counted toward the parking requirement of the building on the lot.

c. Maximum Parking ratios may be established by the Director of Building Services.

d. Parking shall be accessed by the Rear Alley or Lane, when such are available on the Regulating Plan.

e. Parking lots shall be masked from the Frontage by a Liner Building or Street Screen as specified in Section 2.4.5b.

f. All parking areas except for Driveways shall be located as illustrated in Table 12D.

g. The required parking may be provided within one-quarter mile of the site that it serves, subject to approval by Variance.

h. A minimum of one bicycle rack place shall be provided within the Public or Private Frontage for every ten vehicular parking spaces.

i. For buildings on Secondary Grids (S-Grids), parking lots may be

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allowed on the Frontage by Warrant.

2.4.5 ARCHITECTURAL STANDARDS - T4

- a. Building wall materials may be combined on each Facade only horizontally, with the heavier below the lighter.
- b. Streetwalls should be between 3.5 and 6 feet in height and constructed of a material matching the adjacent building Facade. The Streetwall may be replaced by a hedge or fence by Warrant. Streetwalls shall have openings no larger than necessary to allow automobile and pedestrian access.
- c. All openings, including porches and windows, with the exception of storefronts, shall be square or vertical in proportion.
- d. Openings above the first Story shall not exceed 50% of the total building wall area, with each Facade calculated independently.
- e. Doors and windows that operate as sliders are prohibited along Frontages.
- f. Pitched roofs, if provided, shall be symmetrically sloped no less than 5:12, except that porches and attached sheds may be no less than 2:12.
- g. Flat roofs shall be enclosed by parapets a minimum of 42 inches high, or as required to conceal mechanical equipment.
- h. The exterior finish material on all facades shall be limited to brick, wood siding, cementitious siding, metal panels and/or stucco.
- i. Balconies and porches shall be made of painted or stained wood or anodized metal.
- j. Fences, if provided within the First Lot Layer shall be painted or stained.

2.4.6 ENVIRONMENTAL STANDARDS - T4

- a. Transect Zones manifest a range of responses to natural and urban conditions. In case of conflict, to the extent not inconsistent with applicable state or federal law, the natural infrastructure shall have priority in T3 and the urban infrastructure shall have priority in the more urban zones (T4-T5).
- b. The species of landscape installed shall consist primarily of native durable species tolerant of soil compaction.
- c. Impermeable surface shall be confined to the ratio of lot coverage by building, as shown in Table T4.A4.
- d. To the extent not inconsistent with applicable state or federal law, management of storm water shall be primarily off-site through underground storm drainage and there shall be no retention or detention required on the individual lot.

2.4.7 LANDSCAPE STANDARDS - T4

- a. A minimum of one tree to match the species of street trees on the Public Frontage shall be planted within the First Layer for each 30 feet of Frontage Line as illustrated in Table 12D.
- b. All trees shall be of indigenous species selected from Chapter 23, Appendix A (except within courtyards).

2.4.8 SIGNAGE STANDARDS - T4

- a. One address number no more than 6 inches measured vertically shall be attached to the building in proximity to the principal entrance or at a mailbox.
- b. One blade sign for each business may be permanently installed perpendicular to the Facade.
Such a sign shall not exceed a total of 4 square feet .
- c. There shall be no signage permitted additional to that specified

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in this section, unless approved by the Director of Building Services.

d. Signage shall not be internally lit.

2.4.9 AMBIENT STANDARDS - T4

a. Sound levels measured at the building Frontage shall not exceed 65 decibels from sunrise to sunset and 55 decibels from sunset to sunrise.

b. Average lighting levels measured at the building Frontage shall not exceed 2.0 fc (footcandles).

c. Outdoor storage shall be screened from view from any Frontage by a Street Screen in conformance with Section 2.4.5b.

2.4.10 VISITABILITY STANDARDS - T4

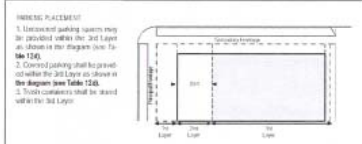
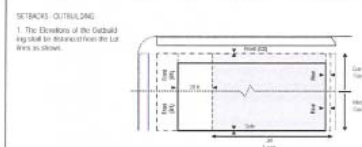
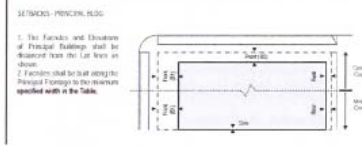
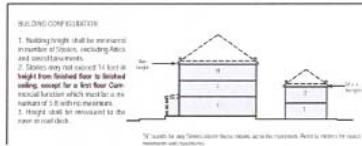
a. There shall be provided one zero-step entrance to each commercial and public building from an accessible path at the front, side, or rear of each building.



Complexes are illustrative only.

TABLE T4: Form-Based Code Graphics.

A. LOT OCCUPATION	
1. Lot Area	1,000 sq. ft. min.
2. Lot Width	18'-0" min.
3. Lot Depth	60'-0" min.
4. Lot Coverage	75% max.
B. BUILDING SETBACK	
1. Front	4'-0" min.
2. Side	0'-0" min.
3. Rear	12'-0" min.
4. Frontage of lotback	50% min.
C. OUTBUILDING SETBACK	
1. Front	20'-0" min. from Building Front Setback
2. Side	0'-0" min.
3. Rear	10'-0" min.
D. ENCROACHMENT	
1. Front	0'-0" min.
2. Side	3'-0" min., 8'-0" max. for sidewalk
3. Rear	Unlimited
E. BUILDING DISPOSITION	
1. Edgeyard	permitted
2. Sideyard	permitted
3. Rearyard	permitted
4. Courtyard	permitted
F. PRIVATE FRONTAGE TYPE	
1. Common Lot	permitted
2. Porch & Fence	permitted
3. Terrace or L.C.	permitted
4. Facade	permitted
5. Sign	permitted
6. Shopfront & Awning	permitted
7. Gallery	permitted
8. Arcade	permitted
G. BUILDING HEIGHT	
1. Principal Building	3 stories max.
2. Outbuilding	2 stories max.
H. BUILDING FUNCTION	
1. Residential	limited use
2. Lodging	limited use
3. Office	limited use
4. Retail	limited use
5. Industrial	prohibited use



2.5 Specific to Urban Center Zones (T5)

2.5.1 BUILDING DISPOSITION - T5

a. Newly platted lots shall be dimensioned according to Table T5.

b. Buildings shall be disposed in relation to the boundaries of their lots according to Table T5.

c. One principal building at the Frontage, and one outbuilding to the rear of the principal building, may be built on each lot as shown in Table T5C.

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d. Lot coverage by building shall not exceed that shown in Table T5.A4.

e. Facades shall be built parallel to the Principal Frontage Line along a minimum of 70% of its length on the Setback shown in Table T5. In the absence of a building along the remainder of the Frontage Line, a Street Screen shall be built co-planar with the Facade.

f. Setbacks for Principal Buildings shall be as shown in Table T5.B. In the case of an Infill lot, Setbacks shall match one or the other of the existing adjacent Setbacks. Setbacks may otherwise be adjusted by Warrant.

g. Rear Setbacks for Outbuildings shall be a minimum of 15 feet measured from the centerline of the Rear Alley or Lane easement. In the absence of Rear Alley or Lane, the rear Setback shall be as shown in Table T5.C.

h. Building Types shall be as shown in Table 13.

i. Buildings shall have their principal pedestrian entrances on a Frontage Line.

2.5.2 BUILDING CONFIGURATION - T5

a. Private Frontage types shall conform to and be allocated in accordance with Table 1 and Table T5.F.

b. Awnings may encroach the public sidewalk without limit. Stoops may encroach 100% of the depth of a Setback. Balconies and bay windows may encroach as shown in Table T5.D.

c. Loading docks and service areas shall be permitted on Frontages only by Warrant.

d. Building Heights shall conform to 23.xx9 Table 2 and be as shown in Table T5.G.

e. A first level Residential or Lodging Function shall be raised a minimum of 2 feet from average sidewalk grade.

f. All specified Building Heights may be increased by the base elevations required by applicable FEMA standards.

2.5.3 BUILDING FUNCTION & DENSITY - T5

a. Buildings in each Transect Zone shall conform to the Functions described in 23.xx9 Tables 4 and 6 and Table T5. Functions that do not conform to the requirements of Tables 4 and 6 shall require approval by Warrant.

b. The Actual Parking available to meet the Required Parking shown on Table 5 shall constitute the Base Density. Functions shall be limited by the Base Density, subject to upward adjustment in accordance with paragraphs 2.5.3c and 2.5.3d.

c. The Base Density may be adjusted upward by adding the Actual Parking available for each of two Functions within any pair of adjacent Blocks, and the resulting sum then multiplied by the corresponding Sharing Factor (Table 5.A). The result shall be the Effective Parking available for calculating an Adjusted Density. Conversely, the Effective Parking required is the sum of the Required Parking divided by the Sharing Factor.

d. Accessory uses of Limited Lodging or Limited Office shall be permitted within an outbuilding.

e. First story Commercial shall be permitted throughout and shall be required at Mandatory Shopfront Frontages

2.5.4 PARKING STANDARDS - T5

a. Vehicular parking shall be required as shown in Table 5.

b. On-street parking available along the Frontage Lines that correspond to each lot shall be counted toward the parking

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requirement of the building on the lot.

c. Maximum Parking ratios may be established by the Director of Building Services.

d. Parking shall be accessed by the Rear Alley or Lane when available.

e. Parking lots shall be masked from the Frontage by a Liner Building or Street Screen as specified in Section 2.5.5b.

f. All parking areas shall be located at the Third Lot Layer .

g. The required parking may be provided within one-quarter mile of the site that it serves, subject to approval by Variance.

h. The vehicular entrance of a parking lot on a Frontage shall be no wider than 24 feet.

i. Pedestrian entrances to all parking lots and parking structures shall be directly from a Frontage Line.

j. A minimum of one bicycle rack place shall be provided within the Public or Private Frontage for every ten vehicular parking spaces.

k. For buildings on Secondary Grids (S-Grids), parking lots may be allowed on the Frontage by Warrant.

2.5.5 ARCHITECTURAL STANDARDS - T5

a. Building wall materials may be combined on each Facade only horizontally, with the heavier below the lighter.

b. Streetwalls should be between 3.5 and 6 feet in height and constructed of a material matching the adjacent building Facade. The Streetwall may be replaced by a hedge or fence by Warrant. Streetwalls shall have openings no larger than necessary to allow automobile and pedestrian access.

c. All openings, including galleries, arcades and windows, with the exception of storefronts, shall be square or vertical in proportion.

d. Openings above the first Story shall not exceed 50% of the total building wall area, with each Facade calculated independently.

e. The Facades on Retail Frontages shall be detailed as storefronts and glazed with clear glass no less than 70% of the sidewalk-level story.

f. Doors and windows that operate as sliders are prohibited along Frontages.

g. Pitched roofs shall be symmetrically sloped no less than 5:12, except that porches and attached sheds may be no less than 2:12.

h. Flat roofs shall be enclosed by parapets a minimum of 42 inches high, or as required to conceal mechanical equipment.

i. The exterior finish materials on all Facades shall be limited to stone, brick, metal panels and/ or stucco.

j. Balconies, galleries and arcades shall be made of concrete, painted or stained wood or anodized metal.

k. Street Screens shall be located coplanar with the building Facade line as shown in Table

12E.

2.5.6 ENVIRONMENTAL STANDARDS - T5

a. Transect Zones manifest a range of responses to natural and urban conditions. In case of conflict, to the extent not inconsistent with applicable state or federal law, the natural infrastructure shall have priority in T3 and the urban infrastructure shall have priority in the more urban zones (T4-T5).

b. The landscape installed shall consist primarily of native durable species tolerant of soil compaction.

c. Impermeable surface by building shall be confined to the ratio of lot coverage as shown in

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Table T5.A4.

d. To the extent not inconsistent with applicable state or federal law, management of storm water shall be primarily off-site through underground storm drainage, and there shall be no retention or detention required on the individual lot.

2.5.7 LANDSCAPE STANDARDS - T5

a. The First Layer as shown in Table 12D shall be landscaped or paved to match the Public Frontage.

b. Trees shall be a species with shade canopies that, at maturity, begin higher than the top of the first Story of buildings.

c. All trees shall be of indigenous species selected from Chapter 23, Appendix A (except within courtyards).

2.5.8 SIGNAGE STANDARDS - T5

a. One address number no more than 6 inches measured vertically shall be attached to the building in proximity to the principal entrance or at a mailbox.

b. Blade signs, not to exceed 6 square ft. for each separate business entrance, may be attached perpendicular to the Facade.

c. A single external sign band may be applied to the Facade of each building, providing that such sign not exceed 3 feet in height by any length.

d. Signage may be externally lit, and signage within the shopfront glazing may be neon lit.

2.5.9 AMBIENT STANDARDS - T5

a. Sound levels measured at the building Frontage shall not exceed 70 decibels from sunrise to midnight and 60 decibels from midnight to sunrise.

b. Average lighting levels measured at the building Frontage shall not exceed 5.0 fc (footcandles).

c. Outdoor storage shall be screened from view from any Frontage by a Street Screen in conformance with Section 2.5.5b.

2.5.10 VISITABILITY STANDARDS - T5

a. There shall be provided one zero-step entrance to each commercial and /or public building from an accessible path at the front, side, or rear of each building.

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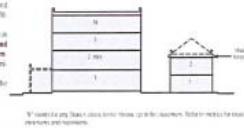
Graphics are illustrative only.

TABLE TS: Form-Based Code Graphics.

A. LOT ACQUISITION	
1. Lot Area	1,000 S.F. min.
2. Lot Width	15 - 150 ft.
3. Lot Depth	30 - 150 ft.
4. Lot Coverage	80% max.
B. BUILDING SETBACK	
1. Front	0 S.F.
2. Side	0 S.F.
3. Rear	0 ft. min.
4. Frontage of Setback	80% min.
C. OUTBUILDING SETBACK	
1. Front	40 ft. min. from rear prop.
2. Side	0 ft. min.
3. Rear	0 ft. min.
D. ENCROACHMENT	
1. Front	5 ft. max.
2. Side	3 ft. max.
3. Rear	Unlimited
E. BUILDING DISPOSITION	
1. Edge yard	prohibited
2. Sideyard	permitted
3. Rear yard	permitted
4. Courtyard	permitted
F. PRINATE FRONTAGE TYPE	
1. Common/Low	prohibited
2. Porch & Fence	prohibited
3. Terrace or L.C.	permitted
4. Fencelast	permitted
5. Shop	permitted
6. Shopfront & Awning	permitted
7. Gallery	permitted
8. Arcade	permitted
G. BUILDING HEIGHT	
a. Principal Building	2 stories max., 3 stories max.
b. Outbuilding	2 stories max.
H. BUILDING FUNCTION	
1. Residential	open use
2. Lodging	open use
3. Office	open use
4. Retail	open use
5. Industrial	permitted use

BUILDING CONFIGURATION

1. Building height shall be measured in number of stories, including all roof and raised basements.
2. Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor commercial function which may be a maximum of 18 feet in height.
3. Height shall be measured to the roof or roof deck.



SETBACKS - PRINCIPAL BUILDING

1. The Facades and Elevations of Principal Buildings shall be setback from the Lot Lines as shown.
2. Facades shall be built along the Principal Frontage to the minimum specified width in the table.



SETBACKS - OUTBUILDING

1. The Elevations of the Outbuilding shall be setback from the Lot Lines as shown.



PARKING PLACEMENT

1. Uncovered parking spaces may be provided within the 3rd Layer as shown in the diagram (see Table 10).
2. Covered parking shall be provided within the 3rd Layer as shown in the diagram (see Table 10).
3. Truck containers shall be placed within the 3rd Layer.



2.6 General to Civic

2.6.1 GENERAL

- a. The Regulating Preliminary Site Plan shall designate, or allow by Variance, Civic Space (CS) and Civic Building (CB).
- b. Parking for Civic Functions shall be determined by Warrant.

2.6.2 CIVIC SPACE - CS

- a. Civic Spaces may be approved by Warrant in any Transect Zone.
- b. Civic Spaces shall be generally designed as described in Table 7.

2.6.3 CIVIC BUILDINGS - CB

- a. Civic Buildings shall be approved by Variance or Warrant in any Transect Zone, on sites reserved for them.
- b. Civic Buildings shall not be subject to the Requirements of the Building Scale Code. The particulars of their design shall be determined by Variance.

Sec. 23.1509 Urban Standards—Tables

ZONING

TABLE 1 - FRONTAGES TYPES

Frontage is the privately held layer between the facade of a building and the lot line. The variables of frontage are the dimensional depth of the front yard and the combination of architectural elements such as fences, stoops, porches, and colonnades. The combination of the private frontage, the public streetscape and the types of thoroughfare defines the character of the majority of the public realm. The combination of elements constitutes the layer between the private realm of buildings. It ranges in character from urban to rural as a function of the composition of their elements. These elements influence social behavior.

Frontage definition: Property Line or Base Building Line Abutting a public space, such as a Thoroughfare, whether at the front, rear, or side of a lot.

Frontage, Principal: That Frontage facing the public space such as a Thoroughfare of higher pedestrian importance.

Frontage, Private: The layer between the Frontage Line and the principal Building Facade. The structures and landscaping within the Private Frontage may be held to specific standards regarding the depth of the setback and the combination of architectural elements such as fences, stoops, porches and galleries.

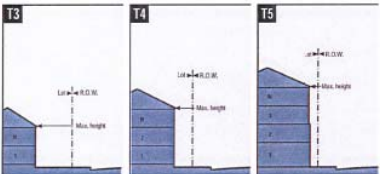
Frontage, Public: The area between the curb of the vehicular lanes and the Frontage Line. Elements of the Public Frontage include the curb, sidewalk, planter, street tree, streetlight, street furniture, etc.

	SECTION	PLAN	
	LOT LINE PRIVATE FRONTAGE	LOT LINE PUBLIC FRONTAGE	
a. Common Yard: a frontage wherein the facade is set back substantially from the frontage line. The front yard created remains unfenced and is visually continuous with adjacent yards, supporting a common landscape. The setback can be densely landscaped to buffer from higher speed thoroughfares.			T3 T4
b. Porch & Fence: a frontage wherein the facade is set back from the frontage line with an attached porch permitted to encroach. A fence at the frontage line maintains the demarcation of the yard while not blocking view into the front yard.			T3 T4
c. Terrace or Light Court: a frontage wherein the facade is set back from the frontage line by an elevated terrace or a sunken light court. This type buffers residential use from urban sidewalks and removes the private yard from public encroachment. The raised terrace is suitable for outdoor cafes.			T4
d. Forecourt: a frontage wherein a portion of the facade is close to the frontage line with a portion set back. The forecourt with a large tree offers visual and environmental variety to the urban streetscape. The forecourt may accommodate a vehicular drop off.			T4 T5
e. Stoop: a frontage wherein the facade is aligned close to the frontage line with the first story elevated from the sidewalk sufficiently to secure privacy for the windows. The entrance is usually an exterior stair and landing. This type is recommended for ground-floor residential use.			T4 T5
f. Shopfront and Awning: a frontage wherein the facade is aligned close to the frontage line with the building entrance at sidewalk grade. This type is conventional for retail use. It has substantial glazing at the sidewalk level and an awning that may overhang the sidewalk.			T5
g. Gallery: a frontage wherein the facade is aligned close to the frontage line with an attached cantilevered or a lightweight colonnade overlapping the sidewalk. This type is conventional for retail use. The gallery shall be no less than 15 feet wide and may overlap the whole width of the sidewalk to within 2 feet of the curb. Permitted by Special Area Plan.			T5
h. Arcade: a frontage wherein the facade includes a colonnade that overlaps the sidewalk, while the facade at sidewalk level remains at the frontage line. This type is conventional for retail use. The arcade shall be no less than 15 feet wide and may overlap the whole width of the sidewalk to within 2 feet of the curb. Permitted by Special Area Plan.			T5

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TABLE 2: BUILDING CONFIGURATION

This table shows the Configurations for different building heights for each Transit Zone. The vertical extent of a building shall be measured in numbers of stories, not including a raised basement or an inhabited attic with dormers. The use of stories rather than distance in setting height limits is a key tool in creating a community with a varied skyline and high-quality interiors. Building height shall be measured from the average grade of the adjoining sidewalk. All specified building heights may be increased by the base elevations required by applicable FEMA standards. Attics qualify as such if the floor sits a maximum of 2 ft. below the roof eave. To encourage architectural embellishment, height limits do not apply to structures or portions of structures with a lot coverage of less of 400 square feet including towers, masts, belltowers, chimneys, water tanks, elevator bulbheads, and the like.



T3: Limits for any building above those shown, up to the maximum floor or roof, for each building and structure.

TABLE 3: BUILDING DISPOSITION

This table approximates the location of the building relative to the boundaries of each individual Lot. Each of these very general types is intrinsically more or less urban, depending on the extent that it completes the Frontage.

a. Edgeyard: Specific Types - single family house, cottage, villa, estate house, urban villa. A building that occupies the corner of its Lot with Setbacks on all sides. This is the least urban of types in the front yard sets it back from the Frontage, while the side yards weaken the spatial definition of the public Thoroughfare space. The front yard is intended to be visually continuous with the yards of adjacent buildings. The rear yard can be secured for privacy by fences and a well-placed Backbuilding and/or Outbuilding.		T2 T3 T4
b. Sideyard: Specific Types - Charleston single house, double house, zero-lot-line house, town. A building that occupies one side of the Lot with the Setback to the other side. A half-lot Frontage Setback defines a more urban condition. If the adjacent building is similar with a blank side wall, the yard can be quite private. This type permits systematic climatic orientation in response to the sun or the breeze. If a Sideyard House abuts a neighboring Sideyard House, the type is known as a town or double house. Energy costs, and sometimes noise, are reduced by sharing a party wall in this Disposition.		T4 T5
c. Rearyard: Specific Types - Townhouse, Rowhouse, Live-Work unit, loft building, Apartment House, Mixed Use Block, Flex Building, perimeter Block. A building that occupies the full Frontage, leaving the rear of the Lot on the side yard. This is a very urban type as the continuous Facade steadily defines the public Thoroughfare. The rear Elevations may be articulated for functional purposes. In its Residential form, this type is the Rowhouse. For its Commercial form, the rear yard can accommodate substantial parking.		T4 T5
d. Courtyard: Specific Types - patio House. A building that occupies the boundaries of its Lot while internally defining one or more private patios. This is the most urban of types, as it is able to shield the private realm from all sides while strongly defining the public Thoroughfare. Because of its ability to accommodate incompatible activities, marking them from all sides, it is recommended for workshops, lodging and schools. The high security provided by the continuous enclosure is useful for crime-prone areas.		T5
e. Specialized: A building that is not subject to categorization. Buildings dedicated to manufacturing and transportation are often dictated by the trajectories of machinery. Civic buildings, which may express the original uses of institutions, may be included.		SD

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TABLE 4: BUILDING FUNCTION GENERAL

TND zoning categories enable a broad range of activity throughout the urban fabric. This is in contrast to more conventional Zoning Codes that assign different uses to sectors, at the minimum separating dwellings from shopping and from workplaces. While this is justified for certain categories of noxious activities, the allocation of this technique is usually unwarranted.

Mixed-use, while permeating the TND, is subtly varied. This is in response to desired lifestyles ranging from isolated socialized, all of which should be accommodated within the neighborhood structure. Accordingly, a TND use code must incorporate a system for grading the intensity of mixed use. This is proposed under the categories of Restricted, Limited, and Open. Within each of these, a calibrated measure of mixed use is permitted. These three categories are applicable to buildings and lots held in private ownership.

- **Restricted:** premises available for long-term human habitation by means of ownership and rental, but excluding short-term letting of less than a month's duration.
- **Lodging:** premises available for short-term human habitation, including daily and weekly letting.
- **Office:** premises available for the transaction of general business, but excluding retail sales and manufacturing.
- **Retail:** premises available for the commercial sale of merchandise and prepared foods, but excluding manufacturing.
- **Civic:** premises available for not-for-profit organizations dedicated to religion, arts and culture, education, government, social service, transit, and the like.

TABLE 4: BUILDING FUNCTION

	T3	T4	T5
a. RESIDENTIAL	Restricted Residential: The number of dwellings on each lot is limited by the requirement of 1.5 parking places for each dwelling, a rate which may be reduced according to the shared parking standards.	Limited Residential: The number of dwellings on each lot is limited by the requirement of 1.5 parking places for each dwelling, a rate which may be reduced according to the shared parking standards.	Open Residential: The number of dwellings on each lot is limited by the requirement of 1.0 parking places for each dwelling, a rate which may be reduced according to the shared parking standards.
b. LODGING	Restricted Lodging: The number of bedrooms available on each lot for lodging is limited by the requirement of 1.0 assigned parking place for each bedroom, up to five, in addition to the parking requirement for the dwelling. Food service may be provided in the a.m. only.	Limited Lodging: The number of bedrooms available on each lot for lodging is limited by the requirement of 1.0 assigned parking place for each bedroom, up to five, in addition to the parking requirement for the dwelling. Food service may be provided in the a.m. only.	Open Lodging: The number of bedrooms available on each lot for lodging is limited by the requirement of 1.0 assigned parking place for each bedroom, up to five, in addition to the parking requirement for the dwelling. Food service may be provided at all times.
c. OFFICE	Not allowed, except for home office. Limited by the requirement for minimum of one parking space in addition to the parking required for dwelling unit. Home Office shall only occupy a maximum of 25% of the total square feet of the dwelling units.	Limited Office: The building area available for office use on each lot is limited to the first story of the principal building and/or the ancillary building, and by the requirement of 3.0 assigned parking places per 1000 square feet of net office space in addition to the parking requirement for each dwelling.	Open Office: The building area available for office use on each lot is limited by the requirement of 2.0 assigned parking places per 1000 square feet of net office space.
d. RETAIL	Not allowed	Limited Retail: The building area available for retail use is limited to the first story of buildings at corner locations, not more than one per block, and by the requirement of 4.0 assigned parking places per 1000 square feet of net retail space in addition to the parking requirement for each dwelling. The specific use shall be further limited to neighborhood store, or food service seating no more than 40.	Open Retail: The building area available for retail use is limited by the requirement of 2.0 assigned parking places per 1000 square feet of net retail space.
e. CIVIC	See Table 6	See Table 6	See Table 6
f. OTHER	See Table 6	See Table 6	See Table 6

TABLE 5: PARKING STANDARDS

The Shared Parking Standards Table is a summary of the parking requirements that appear in Table 3, along with the associated sharing factors. The effective parking required for any two functions whose density is already determined is the sum of the Required Parking divided by the sharing factor. The sharing factor shall be applicable only to the two functions of greatest floor area. For uses not indicated in this chart on a mixed-use site, a sharing factor of 1.1 shall be allowed. Additional sharing is allowed by Warrant.

TABLE 5: PARKING STANDARDS

	REQUIRED PARKING (See Table 4)		
	T3	T4	T5
RESIDENTIAL	2.0 / dwelling	1.5 / dwelling	1.0 / dwelling
LODGING	1.0 / bedroom	1.0 / bedroom	1.0 / bedroom
OFFICE	1.0 / home office	3.0 / 1000 sq. ft.	2.0 / 1000 sq. ft.
RETAIL	Not allowed	4.0 / 1000 sq. ft.	3.0 / 1000 sq. ft.
CIVIC	To be determined by Warrant		
OTHER	To be determined by Warrant		

TABLE 5A: SHARED PARKING

SHARED PARKING FACTOR		
Function	with	Function
RESIDENTIAL		RESIDENTIAL
LODGING		LODGING
OFFICE		OFFICE
RETAIL		RETAIL

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TABLE 6: SPECIFIC FUNCTION AND USE

This table expands the building function categories of Table 4 to delegate specific functions within Transect Zones.

F BY RIGHT

G BY WARRANT

	T3	T4	T5
A. RESIDENTIAL			
Apartment Building			F
Row House		F	F
Live-Work Unit		F	F
Sideyard House		F	G
Courtyard House		F	F
Cottage		F	
Carriage House		F	
House	F	F	
Mansion	F		
Accessory Unit	F	F	F
Temporary Tent	G	G	G
B. LODGING			
Hotel (no room limit)			F
Inn (up to 12 rooms)		F	F
Inn (up to 5 rooms)	F	F	
S.R.O. Hostel	G	G	
School Dormitory	G	G	
C. OFFICE			
Office Building		F	F
Live-Work Unit		F	F
Home Office	F	F	
D. RETAIL			
Open-Market Building	F	F	F
Retail Building		F	F
Display Gallery		F	
Restaurant		G	F
Push Cart/Kiosk			G
Liquor Selling Establishment			G
E. CIVIC			
Bus Shelter	F	F	F
Conference Center			F
Exhibition Center			F
Fountain or Public Art	F	F	F
Library		G	F
Live Theater			F
Movie Theater			F
Museum			F
Outdoor Auditorium	F	F	F
Parking Structure		G	F
Passenger Terminal			G
Playground	F	F	F
Surface Parking Lot		G	G
Rodriguez Assembly		F	F

	T3	T4	T5
F. OTHER: AGRICULTURE			
Greenhouse	G		
Stable	G		
Ranch	G	G	G
J. OTHER: AUTOMOTIVE			
Catalina			G
Automotive Service			G
Truck Maintenance			G
Drive Through Facility			G
Billboard			G
F. CIVIL SUPPORT			
Fire Station	F	F	F
Police Station		F	F
Cemetery	G	G	
Funeral Home		F	F
Hospital			G
Medical Clinic		G	F
F. EDUCATION			
College			G
High School		G	G
Trade School		G	G
Elementary School	F	F	F
Other Children's Center	F	F	F
F. INDUSTRIAL			
Light Manufacturing Facility			G
Electric Substation	G	G	G
Wastewater Treatment	G		

ZONING

TABLE 7: CIVIC SPACE

The intended types of Civic Space are diagrammed and described in this table. The diagrams are only illustrative; specific designs would be prepared in accordance to the verbal descriptions on this table.

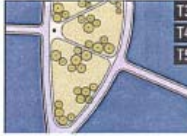
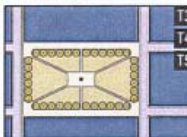
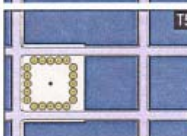
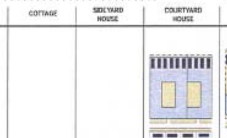
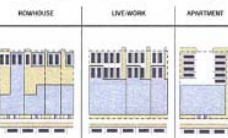
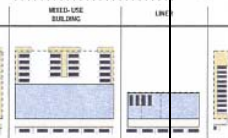
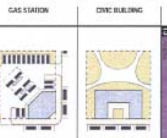
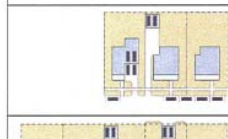
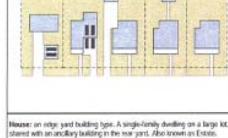
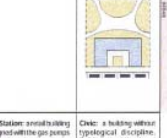
a. Park: A natural preserve available for unstructured recreation. A park may be independent of surrounding building Frontages. Its landscape shall consist of Paths and trails, meadows, waterbodies, woodland and open shelters, all naturalistically disposed. Parks may be linear, following the trajectories of natural corridors. The minimum size shall be 8 acres. Larger parks may be approved by <i>Wharfedale</i> as Special Orders in all zones.	
b. Green: An Open Space, available for unstructured recreation. A Green may be spatially defined by landscaping rather than building Frontages. Its landscape shall consist of lawn and trees, naturalistically disposed. The minimum size shall be 1/2 acre and the maximum shall be 6 acres.	
c. Square: An Open Space available for unstructured recreation and Civic purposes. A Square is spatially defined by building Frontages. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important Thoroughfares. The minimum size shall be 1/2 acre and the maximum shall be 5 acres.	
d. Plaza: An Open Space available for Civic purposes and Commercial activities. A Plaza shall be spatially defined by building Frontages. Its landscape shall consist primarily of government, Trees, and open spaces. Plazas should be located at the intersection of important streets. The minimum size shall be 1/2 acre and the maximum shall be 2 acres.	
e. Playground: An Open Space designed and equipped for the recreation of children. A playground should be located and may include an open shelter. Playgrounds shall be interspersed within Residential areas and may be placed within a Block. Playgrounds may be included within parks and greens. There shall be no minimum or maximum size.	

TABLE 13: ILLUSTRATED TYPOLOGIES

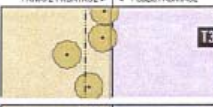
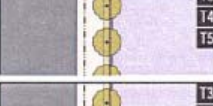
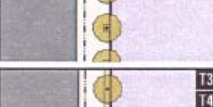
URBAN										SUBURBAN										RURAL												
HOUSE	COTTAGE	SIDEYARD HOUSE	COURTYARD HOUSE	ROWHOUSE	LIVE/WORK	APARTMENT	MIXED-USE BUILDING	LINEAR	GAS STATION	CIVIC BUILDING	HOUSE	COTTAGE	SIDEYARD HOUSE	COURTYARD HOUSE	ROWHOUSE	LIVE/WORK	APARTMENT	MIXED-USE BUILDING	LINEAR	GAS STATION	CIVIC BUILDING	HOUSE	COTTAGE	SIDEYARD HOUSE	COURTYARD HOUSE	ROWHOUSE	LIVE/WORK	APARTMENT	MIXED-USE BUILDING	LINEAR	GAS STATION	CIVIC BUILDING
																																
House: an edge yard building type. A single-family dwelling on a large lot, shared with an auxiliary building in the rear yard. Also known as Enclave.	Cottage: an edge yard building type. A single-family dwelling on a large lot, shared with an auxiliary building in the rear yard.	Sideyard House: a courtyard building type, a single-family dwelling which occupies one side of the lot, with the primary yard to the other side, shared with an auxiliary building in the rear yard.	Courtyard House: a courtyard building type, a single-family dwelling which occupies one side of the lot, with the primary yard to the other side, shared with an auxiliary building in the rear yard.	Rowhouse: a rowyard building type. A single-family dwelling with common walls on the side lot lines, the facade forming a continuous thoroughfare. Rowhouses are the highest density type allowed in residential zones.	Live/Work: a rowyard building type, a single-family dwelling with a common wall on the side lot line, the facade forming a continuous thoroughfare. Live/Work buildings are the highest density type allowed in residential zones.	Apartment: a rowyard building type, a multi-family dwelling with a common wall on the side lot line, the facade forming a continuous thoroughfare. Apartments are the highest density type allowed in residential zones.	Mixed-Use Building: a rowyard building type, a multi-family dwelling with a common wall on the side lot line, the facade forming a continuous thoroughfare. Mixed-Use buildings are the highest density type allowed in residential zones.	Linear Building: a rowyard building type, a multi-family dwelling with a common wall on the side lot line, the facade forming a continuous thoroughfare. Linear buildings are the highest density type allowed in residential zones.	Gas Station: a rowyard building type, a single-family dwelling with a common wall on the side lot line, the facade forming a continuous thoroughfare. Gas Stations are the highest density type allowed in residential zones.	Civic Building: a rowyard building type, a single-family dwelling with a common wall on the side lot line, the facade forming a continuous thoroughfare. Civic buildings are the highest density type allowed in residential zones.	House: an edge yard building type. A single-family dwelling on a large lot, shared with an auxiliary building in the rear yard. Also known as Enclave.	Cottage: an edge yard building type. A single-family dwelling on a large lot, shared with an auxiliary building in the rear yard.	Sideyard House: a courtyard building type, a single-family dwelling which occupies one side of the lot, with the primary yard to the other side, shared with an auxiliary building in the rear yard.	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ZONING, PLANNING & ZONING COMMISSION, AND BOARD OF ADJUSTMENT

Sec. 23.1510 Thoroughfare Assemblies and Standards

TABLE 8: PUBLIC FRONTAGES

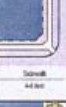
The public frontage is the area between the private lot line and the edge of the vehicular lanes.

		PLAN	
		LOT	R.O.W.
		PRIVATE FRONTAGE	PUBLIC FRONTAGE
a. (HW) For Highway: This Frontage has open Swales drained by percolation, Bicycle and Pedestrian Trails and no parking. The landscaping consists of the natural condition or multiple species arrayed in naturalistic clusters. Buildings are buffered by distance or berms.			T3
b. (RD) For Road: This Frontage has open Swales drained by percolation and a walking Path or Bicycle Trail along one or both sides and Yield parking. The landscaping consists of multiple species arrayed in naturalistic clusters.			T3
c. (ST) For Street: This Frontage has raised Curbs drained by inlets and Sidewalks separated from the vehicular lanes by individual or continuous Planters, with parking on one or both sides. The landscaping consists of street trees of a single or alternating species aligned in a regularly spaced Alley, with the exception that Streets with a right-of-way (R.O.W.) width of 40 feet or less are exempt from tree requirements.			T3 T4 T5
d. (DR) For Drive: This Frontage has raised Curbs drained by inlets and a wide Sidewalk or paved Path along one side, related to a Greenway or waterfront. It is separated from the vehicular lanes by individual or continuous Planters. The landscaping consists of street trees of a single or alternating species aligned in a regularly spaced Alley.			T3 T4 T5
e. (AV) For Avenue: This Frontage has raised Curbs drained by inlets and wide Sidewalks separated from the vehicular lanes by a narrow continuous Planter with parking on both sides. The landscaping consists of a single tree species aligned in a regularly spaced Alley.			T3 T4 T5
f. (CS) (AV) For Commercial Street or Avenue: This Frontage has raised Curbs drained by inlets and very wide Sidewalks along both sides separated from the vehicular lanes by separate tree wells with grates and parking on both sides. The landscaping consists of a single tree species aligned with regular spacing where possible, but clears the storefront entrances.			T5
g. (BV) For Boulevard: This Frontage has Slip Roads on both sides. It consists of raised Curbs drained by inlets and Sidewalks along both sides, separated from the vehicular lanes by Planters. The landscaping consists of double rows of a single tree species aligned in a regularly spaced Alley.			T3 T4 T5

ZONING

TABLE 9: PUBLIC FRONTAGES SPECIFIC

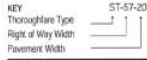
This table assembles precise technical prescriptions and dimensions for the Public Frontage elements - curbs, walkways and planters - relative to Transect Zones. The top section of the table assembles all of the elements below. Locally appropriate planting species may be specified here.

	R U R A L		T R A N S E C T				U R B A N
TRANSECT ZONE	T3	T3	T3 T4	T4 T5	T5	T5	T5
PUBLIC FRONTAGE TYPE	HW & RD	RD & ST	ST-DR-AV	ST-DR-AV-BV	CS-DR-AV-BV	CS-DR-AV-BV	CS-DR-AV-BV
a. Assembly: The principal variables are the type and dimensions of curbs, walkways, planters and landscape.							
Typical	14-21 feet	12-21 feet	12-18 feet	12-18 feet	16-24 feet	16-24 feet	16-24 feet
b. Curb: The detailing of the edge of the vehicular pavement, incorporating drainage.							
Type	Flared Curb	Open Curb	Beveled Curb	Beveled Curb	Flared Curb	Flared Curb	Beveled Curb
Height	10-12 feet	10-12 feet	8-12 feet	8-12 feet	8-12 feet	8-12 feet	8-12 feet
c. Walkway: The pavement dedicated exclusively to pedestrian activity.							
Type	Full (Optional)	Full	Concrete	Concrete	Concrete	Concrete	Concrete
Width	10 feet	8 feet	8 feet	8 feet	12-20 feet	12-20 feet	12-20 feet
d. Planter: The layer which accommodates street trees and other landscape.							
Arrangement	Standard	Standard	Standard	Standard	Standard	Standard	Standard
Species	Standard	Standard	Standard	Standard	Standard	Standard	Standard
Planter Type	Concrete	Concrete	Concrete	Concrete	Concrete	Concrete	Concrete
Planter Width	8 feet 10 feet	8 feet 10 feet	8 feet 10 feet	8 feet 10 feet	8 feet 10 feet	8 feet 10 feet	8 feet 10 feet
e. Landscape: The recommended plant species. (See Table 11)							
f. Lighting: The recommended Public Lighting. (See Table 10)							

ZONING, PLANNING & ZONING COMMISSION, AND BOARD OF ADJUSTMENT

THOROUGHFARE ASSEMBLIES

These Thoroughfares are assembled from the elements that appear in Table 13 and incorporate the Fringe of Tables 2 and 12. The key gives the Thoroughfare type followed by the right-of-way width, followed by the pavement width, and in some instances followed by specialized transportation capability.

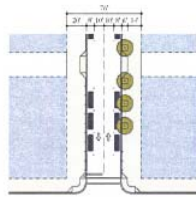


THOROUGHFARE TYPES

Parkway	PW
Boulevard	BV
Drive	DR
Avenue	AV
Commercial Street	CS
Street	ST
Road	RD
Rear Alley	RA
Rear Lane	RL
Pedestrian Passage	PS
Pedestrian Path	PP
TRANSPORTATION PROVISION	
Bicycle Trail	BT
Bicycle Lane	BL
Bicycle Route	BR
Transit Route	TR

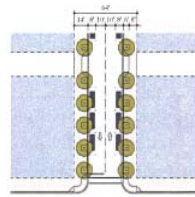
Thoroughfare Type	Commercial Street - CS
Transportation Provision	TS
Right-of-Way Width	76 feet
Pavement Width	36 feet
Movement	Slow
Design Speed	25 MPH
Pedestrian Crossing Time	12 seconds
Traffic Lanes	Two lanes, two ways
Parking Lanes	Both sides @ 22 feet marked
Curb Radius	10 feet
Franchise Type	SPRINK, SP, FC, CY, DYLUM
Walkway Type	20 foot sidewalk
Planer Type	3'-4" square tree well
Curb Type	Raised Curb
Landmark Type	Trees @ 22' c.s. Avg.
Transportation Provision	BT, BL
Notes	

Commercial Street: a thoroughfare appropriate for frontage of commercial buildings at Center and Core Zones. Trees are defined by individual planters, creating a sidewalk of maximum width, with areas accommodating street furniture. A single species of tree should be planted in opportunistic alignment planters. Clear trucks and high canopies are necessary to avoid interference with shopfronts, signage, and awnings. Streets are detailed with raised curbs and closed storm drainage.



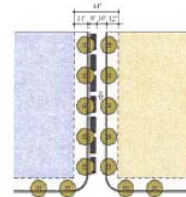
Thoroughfare Type	Commercial Street - CS
Transportation Provision	TS
Right-of-Way Width	64 feet
Pavement Width	36 feet
Movement	Slow
Design Speed	25 MPH
Pedestrian Crossing Time	10 seconds
Traffic Lanes	Two lanes, two ways
Parking Lanes	Both sides @ 22 feet marked
Curb Radius	10 feet
Franchise Type	SPRINK, SP, FC, CY, DYLUM
Walkway Type	14 foot sidewalk
Planer Type	3'-4" square tree well
Curb Type	Raised Curb
Landmark Type	Trees @ 22' c.s. Avg.
Transportation Provision	BT
Notes	

Commercial Street: a thoroughfare appropriate for frontage of commercial buildings at Center and Core Zones. Trees are defined by individual planters, creating a sidewalk of maximum width, with areas accommodating street furniture. A single species of tree should be planted in opportunistic alignment planters. Clear trucks and high canopies are necessary to avoid interference with shopfronts, signage, and awnings. Streets are detailed with raised curbs and closed storm drainage.



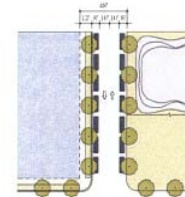
Thoroughfare Type	Square - SQ
Transportation Provision	TS, TA, TB
Right-of-Way Width	44 feet
Pavement Width	16 feet
Movement	Slow
Design Speed	25 MPH
Pedestrian Crossing Time	10 seconds
Traffic Lanes	One lane, one way
Parking Lanes	One side @ 22 feet marked
Curb Radius	10 feet
Franchise Type	SPRINK, SP, FC, CY, DYLUM, PE, CY
Walkway Type	14 foot sidewalk
Planer Type	3'-4" square tree well
Curb Type	Raised Curb
Landmark Type	Trees @ 22' c.s. Avg.
Transportation Provision	TS, BT
Notes	Private heritage sidewalk to match existing transportation

Square: a thoroughfare comprised of a one-way street that faces an open space, other than a park, on one side and private frontages on the other. It has raised curbs, raised sidewalks, and a raised curb on the side of the street.



Thoroughfare Type	Center - CR
Transportation Provision	TS, TA, TB
Right-of-Way Width	48 feet
Pavement Width	36 feet
Movement	Slow
Design Speed	25 MPH
Pedestrian Crossing Time	10 seconds
Traffic Lanes	Two lanes, two ways
Parking Lanes	Both sides @ 22 feet marked
Curb Radius	10 feet
Franchise Type	SPRINK, SP, FC, CY, DYLUM, PE, CY
Walkway Type	12 foot sidewalk
Planer Type	3'-4" square tree well
Curb Type	Raised Curb
Landmark Type	Trees @ 22' c.s. Avg.
Transportation Provision	TS, BT
Notes	Private heritage sidewalk to match existing transportation

Center: a thoroughfare consisting of two lanes with parallel parking on both sides. It faces an open space on one side and private frontages on the other. It has raised curbs, raised sidewalks, and a raised curb on the side of the street.



Thoroughfare Type	Center - CR
Transportation Provision	TS, TA, TB
Right-of-Way Width	48 feet
Pavement Width	36 feet
Movement	Slow
Design Speed	25 MPH
Pedestrian Crossing Time	10 seconds
Traffic Lanes	Two lanes, two ways
Parking Lanes	Both sides @ 22 feet marked
Curb Radius	10 feet
Franchise Type	SPRINK, SP, FC, CY, DYLUM, PE, CY
Walkway Type	12 foot sidewalk
Planer Type	3'-4" square tree well
Curb Type	Raised Curb
Landmark Type	Trees @ 22' c.s. Avg.
Transportation Provision	TS, BT
Notes	Private heritage sidewalk to match existing transportation

THOROUGHFARE ASSEMBLIES

These Thoroughfares are assembled from the elements that appear in Table 13 and incorporate the Fringe of Tables 2 and 12. The key gives the Thoroughfare type followed by the right-of-way width, followed by the pavement width, and in some instances followed by specialized transportation capability.

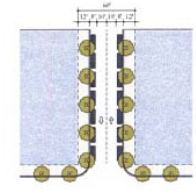


THOROUGHFARE TYPES

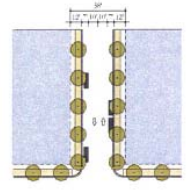
Parkway	PW
Boulevard	BV
Drive	DR
Avenue	AV
Commercial Street	CS
Street	ST
Road	RD
Rear Alley	RA
Rear Lane	RL
Pedestrian Passage	PS
Pedestrian Path	PP
TRANSPORTATION PROVISION	
Bicycle Trail	BT
Bicycle Lane	BL
Bicycle Route	BR
Transit Route	TR

Thoroughfare Type	Street - ST
Transportation Provision	TS, TA
Right-of-Way Width	60 feet
Pavement Width	36 feet
Movement	Slow
Design Speed	25 MPH
Pedestrian Crossing Time	10 seconds
Traffic Lanes	Two lanes, two ways
Parking Lanes	Both sides @ 22 feet marked
Curb Radius	10 feet
Franchise Type	SP, FC, DYLUM, PE, CY
Walkway Type	12 foot sidewalk
Planer Type	3'-4" tree well
Curb Type	Raised Curb
Landmark Type	Trees @ 22' c.s. Avg.
Transportation Provision	BT
Notes	

Street: a slow-movement thoroughfare suitable for General, Center, and Core Urban Zones. This street provides frontage for higher-density buildings such as offices, shops, apartment buildings, and rowhouses. A street is urban in character, with raised curbs, closed drainage, wide sidewalks, diagonal parking, and trees in individual planting areas. Character may vary somewhat, however, responding to the surrounding commercial and residential uses.

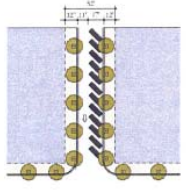


Street: a local, slow-movement thoroughfare suitable for General, Center, and Core Urban Zones. This street provides frontage for higher-density buildings such as offices, shops, apartment buildings, and rowhouses. A street is urban in character, with raised curbs, closed drainage, wide sidewalks, diagonal parking, and trees in individual planting areas. Character may vary somewhat, however, responding to the surrounding commercial and residential uses.



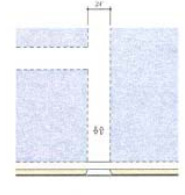
Thoroughfare Type	Street - ST
Transportation Provision	TS, TA
Right-of-Way Width	58 feet
Pavement Width	34 feet
Movement	Slow
Design Speed	20 MPH
Pedestrian Crossing Time	6 seconds
Traffic Lanes	Two lanes, two ways
Parking Lanes	Both sides @ 22 feet unmarked
Curb Radius	10 feet
Franchise Type	FC, DYLUM, PE, CY
Walkway Type	8 foot sidewalk
Planer Type	6 foot continuous planter
Curb Type	Raised Curb
Landmark Type	Trees @ 22' c.s. Avg.
Transportation Provision	BT
Notes	

Street: a local, slow-movement thoroughfare suitable for General, Center, and Core Urban Zones. This street provides frontage for civic buildings such as offices, shops, apartment buildings, and rowhouses. A street is urban in character, with raised curbs, closed drainage, wide sidewalks, diagonal parking, and trees in individual planting areas. Character may vary somewhat, however, responding to the surrounding uses.



Thoroughfare Type	Street - ST
Transportation Provision	TS, TA, TB
Right-of-Way Width	52 feet
Pavement Width	28 feet
Movement	Slow
Design Speed	20 MPH
Pedestrian Crossing Time	6 seconds
Traffic Lanes	One lane, one way
Parking Lanes	One side @ 22 feet marked
Curb Radius	10 feet
Franchise Type	FC, DYLUM, PE, CY
Walkway Type	12 foot sidewalk
Planer Type	3'-4" tree well
Curb Type	Raised Curb
Landmark Type	Trees @ 22' c.s. Avg.
Transportation Provision	BT
Notes	

Rear Alley: a narrow vehicular access way to the rear of more urban lots providing service areas, parking access, and utility easements. Alleys, as they are used by trucks and most accommodate dumpsters, should be paved from building face to building face, with drainage by inverted crown at the center.



Thoroughfare Type	Rear Alley - RA
Transportation Provision	TS, TA, TB
Right-of-Way Width	24 feet
Pavement Width	24 feet
Movement	Slow
Design Speed	10 MPH
Pedestrian Crossing Time	6 seconds
Traffic Lanes	One lane, one way
Parking Lanes	None
Curb Radius	None
Franchise Type	None
Walkway Type	None
Planer Type	None
Curb Type	None
Landmark Type	None
Transportation Provision	None
Notes	

ZONING

THOROUGHFARE ASSEMBLIES

These Thoroughfares are assembled from the elements that appear in Table 13 and incorporate the Frontages of Tables 2 and 12. The key gives the Thoroughfare type followed by the right-of-way width, followed by the pavement width, and, in some instances, followed by specialized transportation capability.

KEY
ST-57-20
Thoroughfare Type
Right of Way Width
Pavement Width

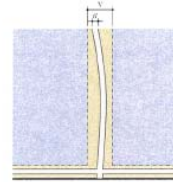
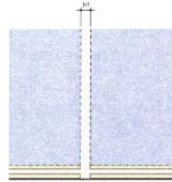
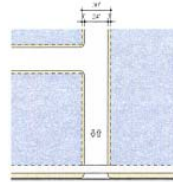
THOROUGHFARE TYPES

Parkway	PW
Boulevard	BV
Drive	DR
Avenue	AV
Commercial Street	CS
Street	ST
Road	RD
Rear Alley	RA
Rear Lane	RL
Pedestrian Passage	PS
Pedestrian Path	PP
TRANSPORTATION PROVISION	
Bicycle Trail	BT
Bicycle Lane	BL
Bicycle Route	BR
Transit Route	TR

Rear Lane: A vehicular driveway located to the rear of lots providing access to parking and substreets, and containing utility easements. Rear Lanes are intended for less intensive use (typically T4 and T3 zones). Rear Lanes may be paved lightly to driveway standards. The streetscape consists of gravel or landscaped edges, no raised curbs, and drainage by inboard curb or pervious.

Passage: a pedestrian connector passing between buildings. Passages provide shortcuts through long blocks and connect rear parking areas with street frontages. Passages may be roofed over and lined by storefronts.

Path: a pedestrian way traversing a park or the countryside. Paths shall connect directly with the sidewalk network.



	RL-30-24	PS-10-10	PP-V-6
Thoroughfare Type	Rear Lane - RL	Pedestrian Passage - PS	Pedestrian Path - PP
Transport Zone Assignment	T5, T4, T3	T5, T4, T3	T5, T4, T3
Right of Way Width	24 feet	10 feet min.	10 feet min.
Pavement Width	24 feet	N/A	6 feet min.
Movement	None	N/A	N/A
Design Speed	15 MPH	N/A	N/A
Pedestrian Crossing Time	6 seconds	N/A	N/A
Traffic Lanes	Two lanes, two ways	N/A	N/A
Parking Lanes	None	N/A	N/A
Curb Radius	10 feet	N/A	N/A
Frontage Type	N/A	N/A	N/A
Walkway Type	N/A	Sidewalk	Path
Planer Type	3 foot continuous planer	N/A	Continuous
Curb Type	N/A	N/A	N/A
Landscaping Type	N/A	N/A	Reared
Transportation Provision	N/A	N/A	BT
Notes			

TABLE 14: Vehicular Lane Dimensions. This table assigns lanes to Transport Zones based on lane width, which is the principal determinant of traffic design speed. Specific requirements for truck and transit bus routes and truck loading shall be decided by Warrant.

MOVEMENT TYPE	DESIGN SPEED	TRAVEL LANE WIDTH	T1 T2 T3 T4 T5					G by Reverse F by Right
			T1	T2	T3	T4	T5	
YIELD	20 mph or less	9 feet	F	F	F	F	G	
SLOW	20-25 mph	9 feet	F	F	F	F	F	
FREE	25-30 mph	10 feet	F	F	F	F	F	
SPEED	30-35 mph	11-12 feet	F	F	F	F	F	
HIGH SPEED	Above 35 mph	12 feet	F	F	F	F	F	

MOVEMENT TYPE	DESIGN SPEED	PARKING LANE WIDTH	T1 T2 T3 T4 T5				
			T1	T2	T3	T4	T5
YIELD	20 mph or less	(Parallel) 7 feet	F	F	F	F	F
YIELD SLOW	20-25 mph	(Parallel) 7 feet	F	F	F	F	F
SLOW FREE	25-30 mph	(Parallel) 7-8 feet	F	F	F	F	F
SLOW FREE	25-30 mph	(Angled) 17 feet	F	F	F	F	F
FREE, SPEED	25-35 mph	(Parallel) 8 feet	F	F	F	F	F

MOVEMENT TYPE	DESIGN SPEED	CURB RADIUS WITH PARKING*	T1 T2 T3 T4 T5				
			T1	T2	T3	T4	T5
YIELD	20 mph or less	15-10 feet	F	F	F	F	F
SLOW	20-25 mph	15-10 feet	F	F	F	F	F
FREE	25-30 mph	15-30 feet	F	F	F	F	F
SPEED	30-35 mph	25-30 feet	F	F	F	F	G

* Dimensions with parking on each leg of intersection. Both tangent sections adjacent to the curb return must be parked, or else curb radii must be evaluated using "design vehicle" and AutoTurn or turning templates.

Observation: Rear Alleys and Lanes shall not be submitted to the classification of this table. Rear Alleys and Lanes shall have a Design Speed posted at 10 mph and a 10 foot minimum travel lane width.

TABLE 15: Vehicular Lane/Parking Assemblies. The projected design speeds determine the dimensions of the vehicular lanes and turning radii according to grade thoroughfares.

A. NO PARKING	ONE WAY MOVEMENT		TWO WAY MOVEMENT	
	T1 T2 T3	T1 T2 T3	T1 T2 T3	T1 T2
Design 10' Right of Way Pavement 10' wide Pavement 10' wide	10' wide 10' wide 10' wide	10' wide 10' wide 10' wide	10' wide 10' wide 10' wide	10' wide 10' wide 10' wide
	10' wide 10' wide 10' wide	10' wide 10' wide 10' wide	10' wide 10' wide 10' wide	10' wide 10' wide 10' wide
B. YIELD PARKING	T3 T4	T3 T4	T3 T4	T3 T4
	10' wide 10' wide 10' wide	10' wide 10' wide 10' wide	10' wide 10' wide 10' wide	10' wide 10' wide 10' wide
C. PARKING ONE SIDE PARALLEL	T3 T4	T3 T4 T5	T4 T5	T5 T6
	10' wide 10' wide 10' wide	10' wide 10' wide 10' wide	10' wide 10' wide 10' wide	10' wide 10' wide 10' wide
D. PARKING BOTH SIDES PARALLEL	T4 T5	T4 T5 T6	T4 T5 T6	T5 T6
	10' wide 10' wide 10' wide	10' wide 10' wide 10' wide	10' wide 10' wide 10' wide	10' wide 10' wide 10' wide
E. PARKING BOTH SIDES DIAGONAL	T5 T6	T5 T6	T5 T6	T5 T6
	10' wide 10' wide 10' wide	10' wide 10' wide 10' wide	10' wide 10' wide 10' wide	10' wide 10' wide 10' wide
F. PARKING ACCESS	T3 T4	T3 T4	T3 T4	T3 T4
	10' wide 10' wide 10' wide	10' wide 10' wide 10' wide	10' wide 10' wide 10' wide	10' wide 10' wide 10' wide

Sec. 23.1511 Warrants and Variances

There shall be two levels of deviation from the FBZD requirements: Warrants and Variances.

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A Warrant is a ruling that would permit a practice that is not consistent with a specific provision of this Code, but is justified by its intent. The Director of Building Services shall have the sole authority administratively to approve or disapprove a request for a Warrant.

Variances shall be granted only in accordance with the procedure set out in Chapter 23, subchapter 2500. The request for a Variance shall not subject the entire application to public hearing, but only that portion necessary to rule on the issue under consideration.

Sec. 23.1512 Pre-Existing Conditions

Existing buildings that do not conform to the provisions of this Code may continue in use as they are until a Substantial Modification is requested, at which time the Director of Building Services shall determine the provisions of this section that shall apply.

Existing buildings that are renovated but have at any time received a certificate of occupancy shall not require upgrade to FBZD standards and may meet the standards of the zoning district under which they were originally permitted.

The modification of existing buildings is permitted by right if such changes result in greater conformance with the specifications of this section.

Where buildings exist on adjacent lots, the Planning and Zoning Commission may require that a proposed building match one or the other of the adjacent Setbacks and heights rather than the provisions of this Code.

Any addition to or modification of a Building of Value that has been designated as such by the Planning and Zoning Commission or is actually or potentially eligible for inclusion on a state, local or national historic register, including without limitation, the architectural harmony (similar materials, window proportions, color range, mass/void ratio, roof type and pitch) of such addition or modification, shall be subject to approval by the Director of Building Services.

The restoration or rehabilitation of an existing building shall not require the provision of (a) parking in addition to that existing or (b) on-site stormwater retention/detention in addition to that existing, except to the extent required by applicable state or federal law.

Sec. 23.1513 Amendments

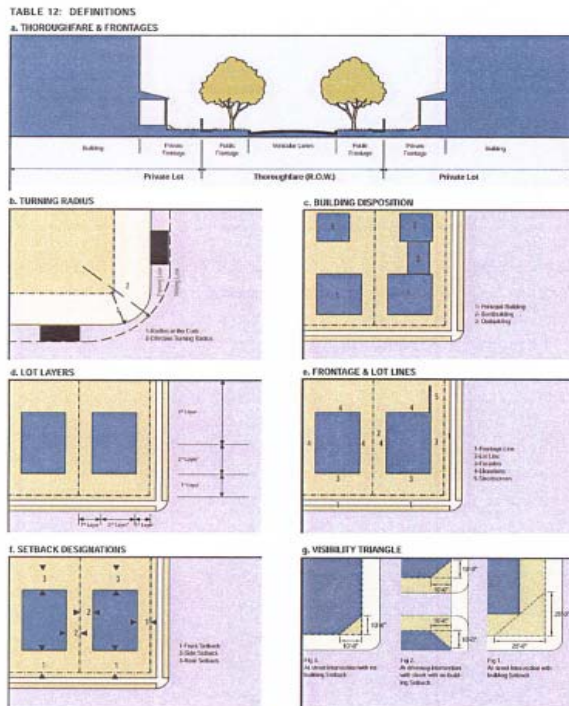
Revisions to a previously approved FBZD Regulating Preliminary Site Plan or Final Site Plan shall be classified as minor or major changes. The Director of Building Services shall make the final determination as to whether the amendment is major or minor. If it is determined that the proposed revision is a major change then the revision must be processed in the same manner as described in 23.1504, beginning with submission of the regulating plan and the preliminary site plan. The following shall be considered a major amendment to the Final Site Plan:

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- A deviation of 10 % or more in the size and/or location of a transect zone
- A deviation in the location of a street on the Final Site Plan of more than a maximum block length as defined for that transect zone

Any other change shall be considered a minor amendment and shall not require additional review.

Sec. 23.1514 Definitions



Adverse Impact: the negative consequences of a function on adjacent lots, usually as a result of noise, vibration, smell, pollution or anti-pedestrian quality. Consequences confined within the lot boundaries are not considered to create an adverse impact.

Affordable Housing: dwelling consisting of one of two types: rental units and for-sale units. Both shall be economically within the means of the equivalent of the starting salary of a local elementary school teacher.

Alley: a row of trees planted along Thoroughfare or Pedestrian Walkway.

Ancillary Unit: an apartment not greater than 600 square feet

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sharing ownership and utility connections with a principal building. An ancillary Unit may or may be within an outbuilding. Ancillary Units do not count toward maximum density calculations.

Apartment: a dwelling unit sharing a building and a lot with other dwellings and/or uses. Apartments may be for rent or for sale as condominiums.

Arcade: (see Table 1 Private Frontage Table).

Attic: the area within the slop of a roof. An inhabited attic of one story shall not be considered a story for purposes of determining maximum building height.

Back building: a single story structure connecting a principal building to an outbuilding.

Blade Sign: a sign located below a marquee or awning and attached to a wall, marquee, or awning with the exposed face of the sign in a plane perpendicular to the plane of the building wall.

Block: the aggregated of private lots, passages, lanes and alleys, circumscribed by major thoroughfares.

Block Face: the aggregate of all the building facades on one side of a block. The Block Face provides the context for establishing architectural harmony.

Building Disposition: the placement of a building on its lot.

Building Function: the uses accommodated by a building and its lot. Functions are categorized as Restricted, Limited, or Open according to the intensity of the use.

Building Height: the vertical extent of a building measured in stories, not including a raised basement or a habitable attic. Height limits do not apply to masts, belfries, clock towers, chimney flues, water tanks, elevator bulkheads and similar structures. Building Height shall be measures from the average grade of the enfronting thoroughfare (see Table 2).

Building Type: a structure defined by the combination of configuration, deposition and function.

By-right: a proposal for a building for a community plan made by an owner or developer that complies with this code and may thereby be processed administratively, without public hearing. See: Variance.

Civic: the term defining not-for-profit organizations dedicated to arts, culture, education, government, transit and municipal parking facilities.

Civic Building: Civic Building overlay zones are applicable to any Context Zone for buildings generally operated by not-for-profit organizations dedicated to culture, education, government, transit and municipal parking, or for a use approved by the [Legislative Body].

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Civic Parking Reserve: the estimate of parking spaces available for in a Community Plan.

Civic Spaces: an open area for public use, typically the community gatherings. Civic Space Types are defined but the combination of certain physical constants defined by the relationship between their intended use, their size, their landscaping and their enforcing buildings.

Commercial: the term collectively defining workplace, office and retail functions.

Common Yard: (see Table 1, Frontage Table).

Community Pattern: the form of a settlement. Variations are due to the particulars of the site, density, spatial definition program, transportation and implementation. Transect-based Community Patterns are socially functionally variegated; they are walkable and manifest a gradient from urban to rural.

Consolidated Review Committee (CRC): Usually a part of the Planning Office, a CRC is comprised of a representative from each of the various regulatory agencies that have jurisdiction over the permitting of a project, as well as a representative of the Urban Design Center (UDC: A component of the planning office assigned to advise on the use of this code and to aid in the design of the committees and building based on it) or DDC (Design and Development Center).

Context: the particular combination of elements that create specific habitat. A Context Zone is administratively similar to the land-use zones in conventional codes, except that in addition to specifying the building use, density, height and setback, all the relevant elements and characteristics of the private lot and building as well as those of the enforcing public streetscape. Their combination and the ratio of natural-urban intensity is determined by their location on the Transect scale.

Court Yard Building: a building that occupies the boundaries of its lot while internally defining one or more private patios. This is the most urban of types, as it is able to shield the private realm from all sides while strongly defining the public thoroughfare. Because of its ability to accommodate incompatible activities, masking them from all sides, it is recommended for workshops, lodging and schools. The high security provided by the continuous enclosure is useful for crime-prone areas.

Density: the number of dwelling units within a standard measure of land are, usually as units per acre.

Developable areas: those areas of a site that are not designated Open Space Preserve.

Driveway: a vehicular lane within a lot, usually leading to a garage. A Driveway may be used for parking providing that it is no more than 18 feet wide.

Edge Yard Building: a building that occupies the center of its lot with setbacks on all sides. This is the least urban of types

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as the front yard sets it back from the frontage, while the side yards weaken that special definition of the public thoroughfare space. The front yard is intended to be visually continuous with the yards of adjacent buildings. The rear yard can be secured for privacy by fences and a well-placed back building and/or outbuilding.

Elevation: an exterior wall of a building not along a frontage line. See Façade.

Encroachment: occurs when a building extends into a required setback with elements that may include balconies, stoops, chimneys, wall buttresses, planters, fountains, basins, and benches. Open porches may be encroached the front setbacks only in T-3 zones.

Enfront: the placement of an element along a frontage line, as in "porches enfront the street."

Entrance, Principal: the principal point of access of pedestrians to a building. In the support of pedestrian activity, the Principal Entrance should give to the frontage rather than to the parking.

Exceptions: permit a practice that is not consistent with a specific provision of this Code, nor the intent of this Code. The request for an Exception shall not subject the entire application to public hearing, but only the portion necessary to rule on the issue under consideration. See: Variance.

Façade: the exterior wall of a building that is set along a frontage line (see Elevation). Facades support the public realm and are subject to frontage requirements additional to those required of elevations.

Forecourt: (see Table 1 Frontage Table).

Frontage Line: a lot line that coincides with a public frontage line. One shall be designated as the Principal Frontage Line. Facades as long Frontage Lines define the public realm and are therefore more highly regulated than the elevations that coincide with other lot lines.

Gallery: (see Table 1, Frontage Table).

Independent Building: a building designed by a different architect from the adjacent buildings.

Infill: a project within existing urban fabric.

Layer: a range of depth of a lot within which certain elements are permitted.

Liner Building: a building specifically designed to mask a parking lot or a parking garage from a frontage. A liner building, if less than 30 feet deep, shall be exempt from parking requirements.

Live-Work: a dwelling unit that contains, to a varying but limited extent, a commercial component. A Live-Work Unit is fee-

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simple unit on a lot with the commercial component is limited by Table 4. (Syn: Flexhouse.) (See Work-Live).

Lodging: premises available for daily and weekly renting of bedrooms. The area allocated for food service shall be calculated and provided with parking accordingly to retail use.

Lot Line: the boundary that legally and geometrically demarcates a lot (see Frontage Line). Such lines appear graphically on Community and Site Plans. Codes reference lot lines as the baseline for measuring setbacks.

Lot Width: the length of the Principal Frontage Line.

Office: premises available for the transaction of general business but excluding retail, artisanal and manufacturing uses.

Open porch: open to the elements on at least one side.

Outbuilding: an ancillary building, usually located towards the rear of the same lot as the principal building. It is sometimes connected to the principal building by a back building. Outbuildings shall not exceed 600 square feet of habitable space; excluding garage.

Parking Structure: a building containing two or more stories of parking. The Parking Structures' propensity to create negative pedestrian experiences along their frontage shall be mitigated by the provision of a Liner Building at the first level.

Pedestrian Shed: an area defined by the average distance that may be traversed at an easy pace from its Edge to its Center. The distance is used to determine the size of a neighborhood. This dimension averages one quarter mile or 1400 feet. For a standard Pedestrian Shed this dimension may be adjusted by Warrant to accommodate site conditions. With transit available or proposed, the Pedestrian Shed increases to an average distance of a half mile or 2800 feet and becomes a Long Pedestrian Shed.

Planter: the layer of the streetscape which accommodates street trees. Planters may be continuous or individual.

Porch and Fence: (see Table 1, Frontage Table).

Primary-Secondary Grid: thoroughfare designations on the Regulating Plan. Buildings on the P-Grid are subject to of the provisions of this Code. Buildings on the S-Grid are exempt from certain provisions, allowing for necessary open parking lots, unlined parking decks, drive-throughs and hermetic building fronts.

Principal Building: the main building on a lot, always located toward the frontage.

Private Frontage: the privately held layer between that frontage line and the principal building façade. The structures and landscaping within are held to specific standards. The variables of Private Frontage are the depth of the setback and the combination of architecture elements such as fences, stoops, porches and galleries. These elements influence social behavior

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in the public realm. The Frontage layer may overlap the public streetscape in the case of awnings, galleries and arcades.

Rear Alley/Lane: a vehicular driveway located to the rear of lots providing access to service areas and parking, and containing utility easements. Alleys should be paved from building face to building face, with drainage by inverted crown at the center or with roll curbs at the edges.

Rear Yard Building: A building that occupies the full frontage, leaving the rear lot as the sole yard. This is a very urban type as the continuous façade steadily defines the public thoroughfare. The rear elevations may be articulated for functional purposes. In its residential form, this type is the rowhouse. For its commercial form, the rear yard can accommodate substantial parking.

Recess Line: a horizontal line, the full width of a façade, above which the façade sets back a minimum of 10 feet from the façade below (see Table 2).

Residential: premises available for long-term human dwelling.

Retail: premises available for the sale of merchandise and food service.

Retail Frontage Line: Frontage Lines designated on a Community Plan that require the provision of s Shopfront, making the ground level available for retail use.

Secondary Grid: see Primary and Secondary Grid.

Setback: the area of a lot measured from a lot line to a building façade or elevation that must be maintained clear of permanent structures excepting galleries, fences, garden walls, arcades, porches, stoops, balconies, bay windows, terraces and decks (that align with the first floor level) which are permitted to encroach into the Setback.

Shared Parking Policy: an accounting for parking spaces that are available to more than one function. The requirement is reduced by a factor, shown as a calculation. The Shared Parking ratio varies according to multiple functions in close proximity unlikely to require the spaces at the same time (see Table 5A).

Shopfront and Awning: (see Table 1, Frontage Table).

Side Yard Building: a building that occupies one side of the lot with the setback to the other side. The visual opening of the side street frontage causes this building type to appear freestanding.

A shallow frontage setback defines a more urban condition. If the adjacent building similar with a blank party wall, the yard can be quite private. This type permits systematic climate orientation in response to the sun or the breeze.

Sidewalk: the paved layer of public frontage dedicated to exclusively to pedestrian activity.

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Specialized Building: a building that is not subject to categorization. Buildings dedicated to manufacturing and transportation, such as factories or airports, are often distorted by the trajectories of machinery. Civic buildings, which may express the aspirations of institutions, may be included. Certain types, such as hospitals, may also be require exemption from disposition requirements.

Stoop:(see Table 1, Frontage Table).

Story: a habitable level within a building of no more than 14 feet in height from finished floor to finished ceiling, Attics and raised basements are not considered a story for the purposes of determining building height.

Streetwall: an opaque, freestanding wall built along the frontage line, or coplanar with the façade, often for the purpose of masking a parking lot from the street. Streetwalls shall be between 3.5 and 8 feet in height, and constructed of a material matching the adjacent building façade. The wall may be replaced by a hedge by Warrant. Streetwalls may have openings no larger than necessary to allow automobile and pedestrian access.

Substantial Modification: alterations to a building that are valued at more than 50% of the replacement cost of the entire building, if new.

Terminated Vista: a location at the axial conclusion of a thoroughfare. A building located at a Terminated Vista designed on a Community Plan is required to be designed in response to the vista.

Terrace or Light Court: see Tables 2, Frontage Table.

Thorough or Light Court: a vehicular way incorporating moving lanes and parking lanes within a right-of-way.

Tiers: a term of reference for designated areas on a Sector Plan. A Tier, as opposed to a Zone, implies only an approximate geographical boundary at the scale of sector parking. The exact boundaries shall be determined at the same time of preparation of a Community Plan.

Transect: a system classification deploying the conceptual range rural-to-urban to arrange in useful order the typical context groupings of natural and urban areas. The gradient, when rationalized and subdivided into zones, becomes the basis of this Form-Based Code District.

Transition Line: a horizontal line, the full width of a façade expressed by a material change or by a continuous horizontal articulation such as a cornice or a balcony.

Type: a building form determined by function and confirmed by culture. A building Type is physically defined by its function, its disposition on the lot and its configuration, including frontage and height.

Variance: to expedite the process and to free the Bay County from issues of greater importance, there shall be two levels of Variance: Warranted Variances (Warrants) and Exceptional

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Variances (Exceptions). Warrants and Exceptions shall be considered unique and shall not set precedents for others.

Warrants: permit a practice that is not consistent with a specific provision of this Code, but that is justified by its intent or by hardship. Warrants may be granted administratively by the Planning Department. See: Variance.

Work-Live: a dwelling unit that contains a commercial component. A Work-Live Unit is a fee-simple unit on a lot with the commercial component anywhere within the unit (syn: Live-With); (see Live-Work).

Subchapt. 23.1600 "GC" GATEWAY CORRIDOR OVERLAY DISTRICTS

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The overlay zoning districts address special use and compatibility issues which require use, design, and development regulations in addition to those found in the underlying zoning districts. If any regulation in an overlay zoning district requires lower densities, greater setbacks, or otherwise imposes greater standards than those required by the base zoning district, the more restrictive standard applies.

The zoning designation of all property located within an overlay district shall consist of the regular zone symbol and the overlay district symbol as a suffix. Such zoning designations shall be listed on the City of Windcrest Zoning Map found in Section 23.1700.

Sec. 23.1601 Purpose

Within the city there are roadway corridors and have been and will continue to be very significant to the City of Windcrest. These corridors are important because they serve as gateways to the City and/or because they shape the sense of what individual neighborhoods of the City are in their role as traditional commercial centers. These corridors are amenities and assets of great value to the City, its inhabitants, its visitors, and its economy. The City Council aims to preserve, enhance, and perpetuate the value of these roadway corridors and hereby authorizes the establishment of gateway corridor overlay zoning districts.

The purposes of these overlay districts are as follows:

- o To create a more aesthetically pleasing, consistent, safe, and inviting environment.
- o To create favorable impressions of the City of Windcrest to individuals visiting and citizens of the City.
- o To enhance the City of Windcrest's image as a scenic, livable, enterprising community.
- o To preserve and enhance the appearance and economic viability of areas of high visitor visibility and vehicular traffic.
- o To create an inviting and attractive area for motorists and pedestrians.

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- o To provide attractive viewing opportunities and limit distractions along public roadways.
- o To strengthen and increase property values within the corridors.
- o To protect existing and encourage new capital investments in new roadways and infrastructure in the area.

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Sec. 23.1602. Gateway Corridor Districts Established

This subchapter authorizes the establishment of gateway corridor overlay districts. For property to be included within the gateway corridor overlay district, such property must be rezoned by ordinance in accordance with the provisions of this Chapter. This subchapter also specifies the general purposes of the gateway corridor overlay districts and the scope of standards that the separate ordinances may include. In the event of a conflict between the provisions of a specific gateway corridor ordinance and other provisions of the City Code, the most restrictive provisions shall apply.

Sec. 23.1603. Designation Criteria

To be designated a gateway corridor overlay district, an area must meet one (1) or more of the following criteria:

- a. Serve as a primary entryway into the City from outside the City limits or the Bexar County line; or
- b. Have historically served as a regional or neighborhood commercial center; or
- c. Traverse commercial areas where commercial uses exist in areas along at least fifty (50) percent of the corridor frontage.

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Sec. 23.1604. Initiation Procedures and Zoning Classification

- a. Zoning Changes to establish specific gateway corridor districts shall be initiated by City Council Resolution.
- b. All property owners within the proposed gateway corridor district shall be notified of the proposed regulations and be afforded an opportunity to provide input to the City.
- c. The gateway corridor districts are established as overlays to the regular base zoning districts established by Chapter 23 of the City Code.
- d. The zoning designation for the gateway corridor district shall consist of a base zone symbol (e.g. B-1) and the overlay district symbol GC (Gateway Corridor) as a suffix. Gateway Corridor districts shall be numbered sequentially to distinguish among different districts, i.e. GC-1, GC-2, etc.

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Sec. 23.1605. Boundaries.

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Gateway corridor districts shall be designated on both sides of a street except when one side is not located within the City of Windcrest. The maximum width of a gateway corridor district along either side of the street right-of-way shall not exceed one thousand (1,000) feet; however, structures on lots within the overlay district but are not visible from the corridor street shall be exempt from the requirements of the individual corridor ordinances. The Director of Building Services shall make this determination based on information submitted by the individual wishing to be exempted from the requirements. The City Council may elect to rezone all or portions of property within the corridor area to reflect compatible land use relationships.

Sec. 23.1606. Development and Design Standards

Development and Design Standards established for the gateway corridor districts may only include the following elements and no others governing the physical characteristics and features of all property (public or private) within the proposed corridor district:

- a. Building size;
- b. Building materials;
- c. Lot coverage;
- d. Lot frontage;
- e. Floor area ratio;
- f. Front, side and rear setbacks;
- g. Parking and loading requirements;
- h. Driveway size;
- i. Sidewalks;
- j. Lighting requirements;
- k. Screening, fencing, walls, and retention structures;
- l. Landscaping and tree preservation;
- m. Open space, parkland, and natural areas;
- n. Noise levels;
- o. Trash receptacles;
- p. Utility boxes and hvac components;
- q. Satellite dishes and antennae;
- r. Solar panels;
- s. Signage;

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Sec. 23.1607. Gateway Corridor Administration

A site plan and building elevation rendering for all properties within a gateway corridor district shall be submitted in conjunction with an application for a building permit as required by Chapter 5 of the City Code (the "Building Code"). The site plan shall include the following information (as applicable):

- a. Street address, legal description, vicinity diagram, scale, perimeter boundaries and a north arrow;
- b. Location and dimensions of existing and/or proposed structures, easements, driveways, parking areas and all other impervious surfaces;
- c. Location and height of any required screening, fencing, or landscape;
- d. Locations and dimensions of all signs and appurtenances;
- e. Location and intensity of all lighting;

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The building elevation rendering shall include a description of the building materials and proposed use for the building.

No building permit or certificate of occupancy shall be issued by the City until the Director of Building Services approved the building elevation rendering and site plan for the property. If the site plan and/or building elevation rendering is not approved by the Director of Building Services, the applicant may appeal the decision to the Board of Adjustment in accordance with the procedures outlined in Subchapter 23.2100.

Sec. 23.1608. Existing and Non-Conforming Structures

Any structure existing on property at the time such property is included within a gateway corridor overlay district shall be deemed non-conforming and shall be exempt from the standards of the overlay district. However, should any non-conforming structure be remodeled, expanded, or otherwise changed beyond twenty-five (25) percent of its existing gross floor area, such structure will be required to comply with the overlay district standards. All new structures within an overlay district must comply with the requirements and standards of such overlay district. The Director of Building Services shall have the authority to extend the non-conforming status of any structure located within an overlay district.

Sec. 23.1609. Walzem Road Gateway Corridor Overlay District

The Walzem Road Gateway Corridor Overlay District is hereby established and shall be given the designation "GC-1." The standards imposed on any property within the "GC-1" zoning overlay district are found in Appendix B of this Chapter.

Subchapt. 23.1700 Zoning Map

{Insert updated zoning map here}

Subchapt. 23.1800 PARKS AND OTHER AREAS FOR PUBLIC USE

The public policy of the City of Windcrest is to encourage the dedicating of a reasonable percentage of the tract for use as a community playground and recreational area. Specific requirements for dedication of such areas shall be as provided in the Parks and other Public Use Areas Ordinance in effect, if any, at the time such dedication is made.

Subchapt. 23.1900 ADDITIONAL USE, HEIGHT, AND AREA REGULATIONS AND EXCEPTIONS

Sec. 23.1901 USE REGULATIONS

No accessory building shall be constructed upon a lot until the construction of the main use building has been actually commenced. No accessory building shall be used unless the main use building on the lot is also being used. This provision shall not apply to the "PDD" Planned Development District.

Sec. 23.1902 HOTELS AND MOTELS

1. Swimming Pools. Motels and Hotels

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Deleted: (Ord. No. 58, 8/14/67)

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maintaining and operating swimming pools shall post rules regulating behavior, and other rules necessary to ensure the safety of the patrons. All hotels and motels must conform to Ordinances of the City of Windcrest regulating the use of swimming pools and the requirements of the Public Health Statutes of the State of Texas. (Ord. No. 58UU, 9/12/83)

2. Smoke Detectors. Each hotel or motel must install and maintain in good working order a smoke detector, as that term is defined in Tex. Rev. Civ. Stat. Ann. Art. 4596d (Vernon), in each guest room, corridor, kitchen, business office, restaurant, mechanical room, and in any and all other common and/or public areas. The smoke detectors shall be installed, operated, and maintained so that they are at all times physically connected to a central fire alarm system which shall be physically located within the structure (hotel or motel) and which shall be monitored twenty-four (24) hours a day. The central fire alarm system shall include a manually operated alarm that, upon activation by the monitor of the system, emits an audible signal capable of being heard by all occupants of the structure instantaneously notifying them to immediately vacate the premises. These requirements are in addition to, and an expansion of, any and all requirements as found in the Life Safety Code, the Uniform Building Code, the Uniform Fire Code, and/or any other applicable Windcrest City Ordinance and/or State Law. In the event of a conflict between this Subsection and any such law, this subsection shall control. (Ord. No. 58YY, 2/11/85)

3. Fire Extinguishing System. All hotel and motel guest rooms, corridors, kitchens, business offices, restaurants, coffee shops, mechanical rooms, etc., and any and all other common and/or public areas, shall be protected by an automatic fire extinguishing system. Such an automatic fire extinguishing system shall be designed, installed, maintained, and serviced in accordance with current National Fire Protection Association Standards. In addition, the automatic fire extinguishing system shall be installed, operated, and thereafter, maintained so that it is at all times physically connected to the central fire alarm system. These requirements are in addition to, and an expansion of, any and all requirements as found in the Life Safety Code, the Uniform Building Code, the Uniform Fire Code, and/or any other applicable Windcrest City Ordinance and/or State Law. In the event of a conflict between this Subsection and any such code or law, this subsection will control. (Ord. No. 58YY, 2/11/85)

4. Vehicular Access. Hotels and motels shall have an unobstructed paved vehicular access lane around the outside perimeter of the main structure. (Ord. No. 58UU, 9/12/83)

Sec. 23.1903 HEIGHT REGULATIONS

Deleted: 5

1. Buildings. Public buildings, semi-public service buildings, institutions or schools and structures necessarily associated therewith, when permitted in a district, may be erected to a height not exceeding sixty feet (60'); and churches, temples and structures necessarily associated therewith, may be erected to a height not exceeding seventy-five feet (75'), if the building and/or structure is set back from each yard line at least one foot (1') for each two feet (2') additional height above

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the height limit otherwise provided in the District in which the building or structure is located. (Ord. No. 58, 8/14/67)

Sec. 23.1904 AREA AND DENSITY REGULATIONS

Deleted: 5

1. Commercial/Residential Combination Uses.

In a district in which commercial buildings are built with one (1) or more stories for residential purposes above the commercial uses, no side yards will be required for the residential portions of the building, provided that the part of the building intended for residential use is not more than two (2) rooms deep from front to rear.

2. Accessory Buildings, Ornamental Features.

No yard or other open space provided about any building for the purposes of complying with the provisions of these regulations shall again be used as a yard or an open space for another building. Every part of a required yard shall be open to the sky and unobstructed by buildings [except for accessory buildings in the rear yard and except the ordinary projections of skylights, sills, belt course, cornice, and other ornamental features which may project into such yards a distance of not more than two feet (2')]. (Ord. No. 58, 8/14/67)

3. Front Yard Restrictions. Open, unenclosed

porches, platforms, or landing places not covered by a roof or canopy may extend or project into the front yard for a distance not exceeding six feet (6').

4. Side Yard Restrictions. Terraces,

uncovered porches, platforms, and ornamental features which do not extend more than three feet (3') above the floor level of the ground (first) story may project into a required side yard provided these projects be distant at least two feet (2') from the adjacent side lot line.

5. Front Yard:

A. Where forty percent (40%) or more of

the frontage on one side of a street between two (2) intersecting streets is developed with buildings that have been built with (with a variation of five feet (5') or less) a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the front yard so established by the existing buildings.

B. Where forty percent (40%) or more of

the frontage on one side of a street between two (2) intersecting streets is developed with buildings that have not been built with a front yard as described above, then,

(1) Where a building is to be erected on a parcel of land that is within one hundred feet (100') of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent buildings on the two sides, or

(2) Where a building is to be erected on a parcel of land that is within one hundred feet (100') of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.

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(3) In determining such front yard depth, buildings located entirely on the rear one-half (1/2) of a lot shall not be counted. (Ord. No. 58, 8/14/67)

C. Vision Clearance. No wall, fence, sign or other structure, hedge, or shrub planting shall be permitted or maintained higher than two feet (2') above the curb level on any corner lot within a triangular area formed by the street curb lines and a line connecting them at points twenty-five feet (25') from the intersection of the curb lines extended. A corner lot containing a town or garden house the corner of which would project into the triangular area as above defined, the restricted area shall be defined as that triangular area formed by the street curb lines and a line tangent to the corner of said town or garden house, connecting the street curb lines at points equidistant from the intersection of the street curb lines extended. No tree shall be permitted or maintained within such triangular areas, as herein defined unless the foliage is maintained at sufficient height to prevent obstruction of sight lines across the restricted area at all normal vehicular height levels.

6. Side Yards:

A. The minimum width of a side yard of a corner lot in the "R-1" and "R-2" Districts shall be not less than ten feet (10'). If the street side line of a corner lot is in the same block frontage with a lot or lots, whose street line is a front of such lot and lots, the side yard shall extend to the average alignment of the buildings along the same side of the street, unless such buildings are more than twenty-five feet (25') back from the street line, in which case, the said yard need not be more than twenty-five feet (25'). (Ord. No. 58, 8/14/67)

B. A side yard of not less than twenty-five feet (25') on the side of the lot adjoining on an "R-1" or "R-2" District shall be provided for all schools, libraries, churches, community houses, clubs and other public or semi-public buildings hereafter erected or structurally altered.

C. Garages detached or attached to the main use building entering on the side street or a corner lot shall maintain a side yard of twenty feet (20') from the front of the garage to the curb and in no case less distance than the primary structure to the curb.

Subchapt. 23.2000	NON-CONFORMING AND DELETED USES
Sec. 23.2101	NON-CONFORMING USE OF BUILDINGS

Deleted: 16

Deleted: 16

Except as otherwise provided in this Section, the non-conforming use of a building existing at the time this Chapter becomes effective may be continued, and the use of a non-conforming building may be changed to another use of the same or more restricted classification. Where such use is changed to a more restricted classification, it shall not thereafter be changed back to a use of a less restricted classification. A non-conforming building which is or may hereafter become vacant and which shall remain unoccupied or its non-conforming use discarded for a continuous period of one (1 year shall not thereafter be

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occupied except by a use which conforms to regulations of the District in which it is located. A non-conforming building may be maintained or kept in good repair except as otherwise provided in this Section. No existing non-conforming building may be enlarged, extended, reconstructed or altered unless its use is changed to a use permitted in the District in which such building is located except in the event such enlargement, extension, reconstruction or alteration is required by court decision, law or ordinance. No non-conforming building shall be moved in whole or in part to any other location on the lot unless every portion of such building is made to conform to all the regulations of the District in which it is located. A non-conforming building which is damaged by fire, or the public enemy, earthquake, explosion, flood, wind, other calamity or act of God, to the extent of fifty percent (50%) or more of its reasonable value may not be restored except in conformity with the regulations of the District in which it is located. (Ord. No. 58, 8/14/67)

Sec. 23.2002 DELETED USES

Deleted: 16

1. Deleted Use of Land and Buildings. The use of land or a building may continue in such previously permitted use for a reasonable period of time to allow the owner or lessee, as appropriate, to recover its existing investment, as of the date the use is deleted, all under such terms and conditions as the City Council may determine from time to time. (Ord. No. 58SS, 1/24/83)

2. Maintenance, Enlargement, Reconstruction or Remodeling. Until terminated as provided in this Code, a deleted use building may be:

A. Maintained and kept in good repair,
or

B. Enlarged, reconstructed or remodeled under such terms and conditions as the City Council may require, provided such enlargement, reconstruction or remodeling is part of a city, state, regional and/or nationwide modernization or remodeling program of the deleted use building owner or lessee. (Ord. No. 58SS, 1/24/83)

3. Termination of Deleted Use. The City, upon reasonable notice to the owner and lessee, if any, of a deleted use building and/or land, may schedule a public hearing, the purpose of which is to set a future date by which such previously deleted use must be terminated. Upon the affirmative vote of a majority of the Council to terminate such deleted use, such deleted use will cease effective the date set in the Council's action. (Ord. No. 58SS, 1/24/83)

Subchapt. 23.2100 COMMUNITY UNIT PLAN

Deleted: 17

Sec. 23.2101 PLANS TO BE SUBMITTED TO COMMISSION

Deleted: 17

If an owner of any tract of land in the City of Windcrest, Texas, desires to develop the property as a residential community unit that does not conform in all respects to the district regulations of the district in which the property is located, then in conjunction with the submission of a preliminary plat in accordance with Chapter 19 of the Code, the owner shall submit to the City Planning and Zoning Commission for its study and report, a Community Unit Plan, specifically detailing therein how

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the Plan meets the requirements of this Subchapter. (Ord. No. 189, 12/08/86)

Sec. 23.2102 REQUIREMENTS FOR APPROVAL

Deleted: 17

The recommendations and report by the Planning & Zoning Commission shall contain specific evidence and facts showing whether or not the proposed project meets the following conditions:

1. The property adjacent to the area included in the plan will not be adversely affected. In this regard traffic and property values will be considered.

2. The plan is consistent with the intent and purposes of this Subchapter to promote public health, safety, morals, and general welfare. (Ord. No. 58, 8/14/67)

3. The buildings will be used only for purposes provided for in "R-1" and "R-2" Districts.

4. The area of the tract is to be of sufficient size to permit effective common or coordinated planning with respect to street design, building placement and grouping of green or open spaces, as distinguished from conventional, unrelated, single lot development. In the absence of special factors, any tract considered for community unit planning should be large enough to avoid creating an unreasonable number of widely diversified areas of residential development within the City or any portion thereof. (Ord. No. 58, 8/14/67)

5. If the City Council approves the plan in conjunction with the platting process set forth in Chapter 19, building permits may be issued even though the use of the land, the location of the buildings to be erected, and the yards and open spaces contemplated by the plan do not conform in all respects to the district regulations of the district in which it is located. (Ord. No. 189, 12/8/86)

Subchapt. 23.2200 REQUESTS FOR ZONING CHANGES

Deleted: 18

Sec. 23.2201 GENERAL REQUIREMENTS

Deleted: 18

The regulations, restrictions, and boundaries set forth in this Chapter may from time to time be amended, supplemented, changed, modified, or repealed by the City Council. The procedures, notices, and hearing established by Article 1011a et seq. of the Texas Revised Civil Statutes Ann., as hereafter amended, shall be followed.

Sec. 23.2202 PROCEDURE FOR INDIVIDUAL REQUESTS

Deleted: 18

Any individual(s) requesting a zoning change shall file an application in writing with the City Secretary. Such application shall specify in detail:

1. The regulation, restriction, and/or boundary set forth in this Chapter that the applicant desires to be changed, and

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2. The reason for such a change, and how such a change will better promote the health, safety, morals, and/or general welfare of the community.

Sec. 23.~~22~~03 FEES

Deleted: 18

No application for a zoning change shall be processed by the City Secretary unless the applicant has first paid to the City Secretary a fee in the amount of five hundred dollars (\$500.00).

Deleted: ; provided, however, one-half (\$250.00) of such fee shall be refunded the applicant if the application is denied or withdrawn prior to the City Council's final action.

Subchapt. 23.~~23~~00 SPECIAL USE PERMITS

Sec. 23.~~23~~01 GENERAL

Deleted: 19

Deleted: 19

The City Council may authorize the issuance of Special Use Permits in any zoning district of the City except residential zoning districts. Special Use Permits are amendments to the zoning code which authorize the establishment of one or more specified uses of particular property without changing the zoning of the property. A Special Use Permit may be issued when the City Council determines that the Special Use Permit will not adversely affect the character of the area or neighborhood in which it is located, that it will not substantially reduce the value of the adjacent and nearby property, that it will be in keeping with the spirit and intent of the zoning code, and that it will not adversely affect traffic, public health, public utilities, public safety or the general welfare of the City.

Sec. 23.~~23~~02 APPLICATION

Deleted: 19

Special Use Permit applications shall be submitted to the City Secretary with a proposed site plan and the same fees required for zoning changes. The proposed site plan should include at least the following:

1. Detailed explanation of the proposed use requiring the Special Use Permit.

2. Location of buildings and proposed uses of each.

3. Ingress and egress to all public streets.

4. Visual screening and/or fencing if applicable.

5. Landscape and irrigation designs.

6. Listing of all property ownership within 200' of the property upon which the Special Use Permit is requested.

7. Impact of on-site and off-site drainage.

8. Off-street parking and loading facilities as applicable.

Sec. 23.~~23~~03 REVIEW PROCEDURE

Deleted: 19

Special Use Permits shall be processed in the same manner as zoning changes. The Planning and Zoning

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Commission shall conduct a public hearing on the Special Use Permit application and make its recommendation to the City Council. Notices of the Planning and Zoning Commission public hearing and City Council public hearing shall be furnished as required by this zoning code and applicable state law.

The Planning and Zoning Commission and the City Council shall consider, among other matters, the following:

1. Location and design of ingress and egress to public streets;
2. Interior traffic circulation patterns;
3. Off-street parking and loading facilities;
4. Sidewalks;
5. Drainage;
6. Signage;
7. Lighting;
8. Landscaping and irrigation designs;
9. Fencing or other means of protective screening to protect adjacent and nearby property owners;
10. Protective measures to safeguard the use, value and desirability of adjacent or nearby property such as limits on noise, litter, lighting, hours of operation and provisions to insure continued proper maintenance.

Approval of Special Use Permit by the City Council shall be evidenced by an ordinance which shall include all special requirements to be included in the Special Use Permit and all agreements or other documents between the City and the applicant shall be incorporated in the ordinance by reference.

Sec. 23.2304 ISSUANCE OF SPECIAL USE PERMIT

Deleted: 19

After approval by the City Council, an applicant shall agree in writing, in such form as may be approved by the City Attorney, to be bound by and comply with the terms of the permit. Any conditions imposed upon the applicant must be complied with prior to issuance of the Certificate of Occupancy based upon the Special Use Permit.

Sec. 23.2305 AMENDMENT OF SPECIAL USE PERMIT

Deleted: 19

Any of the following shall necessitate an amendment of an existing Special Use Permit:

1. Any change in the Ownership of the property;
2. Structural alteration of any building/s on a lot/site for which a Special Use Permit has been previously granted;

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3. Any change to the location or design of ingress and/or egress to public street or alley;

4. Any change of site drainage;

5. Any change to interior traffic circulation patterns or off-street parking or loading facilities;

6. Any change in landscaping, fencing, or any type of buffering of adjacent properties;

Interior remodeling of structures existing under a Special Use Permit shall not require an amended Special Use Permit. If an amendment to a Special Use Permit is required, an applicant must follow all of the procedures provided in this subchapter for the possible issuance of a Special Use Permit.

Sec. 23.2306 TERMINATION OF SPECIAL USE PERMIT

Deleted: 19

Any change of use of property from that authorized in a Special Use Permit shall terminate the existing Special Use Permit. If no building permit has been applied for and the designated work not begun within one hundred eighty days (180 days) after the date of approval by the City Council of a Special Use Permit, the Special Use Permit shall automatically expire. The City Council may extend the termination date as long as the designated work shall not exceed three hundred sixty-five days (365 days) after the date of approval for the Special Use Permit. An application for an extension of time shall be accompanied by the fee required for such applications by the City Council.

Sec. 23.2307 BOARD OF ADJUSTMENT WITHOUT JURISDICTION

Deleted: 19

The Board of Adjustment shall have no jurisdiction with regard to Special Use Permits. (Ord. No. 268, 3/14/94)

Subchapt. 23.2400 SEXUALLY ORIENTED BUSINESSES

Deleted: 0

Sec. 23.2401 SEXUALLY ORIENTED BUSINESSES

Deleted: 0

Notwithstanding any other provision of the Zoning Code, no sexually oriented business, as defined in the Local Government Code, shall be established or maintained within 1500' of any school, regular place of religious worship or residence. Measurements shall be made in a straight line from the nearest boundary of the property used for a school, regular place of religious worship or residence to the nearest part of the building in which such sexually oriented business is conducted. (Ord. No. 269, 3/14/94)

Subchapt. 23.2500 BOARD OF ADJUSTMENT

Deleted: 1

Sec. 23.2501 ESTABLISHMENT

Deleted: 1

A Board of Adjustment is hereby established. (Ord. No. 58, 8/14/67)

Sec. 23.2502 ORGANIZATION

Deleted: 1

The Board of Adjustment shall consist of five (5) members who are property owners in the City of Windcrest,

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Texas, each to be appointed for a term of two (2) years by the City Council, and removable for cause by the City Council upon written charges and after public hearing. A vacancy on the Board shall be filled for the unexpired term. The City Council shall appoint two (2) alternate members of the Board of Adjustment who shall serve in the absence of one or more regular members. These alternate members, when appointed, shall serve for the same period as the regular members, and any vacancies shall be filled in the same manner, and shall be subject to removal as the regular members. Members of the City Council shall not be appointed to said Board.

Effective with the August 13, 1998 appointment of member to the Board of Adjustment the City Council shall appoint three (3) members and one (1) alternate for a term of three (3) years and two (2) members and one (1) alternate for a term of two (2) years. Thereafter each appointment shall be for a two (2) year term. (Ord. No. 311, 9/15/97)

The City Council shall select from the Board of Adjustment membership a chairman and vice-chairman and such other officers as it may deem necessary. Such election shall be for a period of one (1) year. (Ord. No. 233, 8/13/90)

Sec. 23.2503 MEETINGS AND RULES

Deleted: 1

Meetings of such board shall be held at the call of the Chairman and at such other times as the Board may determine. The Board shall keep records of its examinations and other official actions, all of which shall be filed in the office of the City Secretary and shall be a public record. All cases to be heard by the Board of Adjustment shall always be heard by a minimum number of four (4) members. The concurring vote of four (4) members of the Board shall be necessary to reverse any order requirement, decision, or determination of the City Building Permit Officer, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance. (Ord. No. 58, 8/14/67)

Sec. 23.2504 APPEALS TO THE BOARD

Deleted: 1

Appeals to the Board of Adjustment may be made by any person aggrieved or affected by a decision of an administrative official or by any officer, department or board of the City of Windcrest affected by the decision. Such appeal must be filed within a reasonable time by filing with the official from whom the appeal is taken and with the Board of Adjustment, a notice of appeal specifying the grounds thereof, and by paying a filing fee of ~~three-hundred dollars (\$300)~~ to the City of Windcrest, at the time the notice is filed. The fee shall be credited to the General Fund of the City of Windcrest, Texas. An administrative official shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the official from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by court of record on application. The Board of

Deleted: thirty-five dollars (\$35.00) for Residential ("R-1" or "R-2") District Lots or one hundred and fifty dollars (\$150.00) for Commercial ("O-1", "B-1" or "B-2") District Lots

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Adjustment shall fix a reasonable time for the hearing of the appeal, giving public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney. (Ord. No. 58 8/14/67)

Sec. 23.2505 POWERS OF THE BOARD

Deleted: 1

The Board of Adjustment shall have the following powers:

1. Hearing of Appeals. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the City Building Permit Officer in the enforcement of this Chapter.

2. Granting Variance for Hardship. The Board of Adjustment may approve a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the Board shall prescribe only conditions that it deems necessary to or desirable in the public interest. In making the required findings, the Board shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who own property within 200 feet of the property of which the variance is requested and the probable effect upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity. Provided, however, in no instance shall such variance authorize the operation of a use other than those uses specifically authorized for the District in which the property for which the variance is sought is located. No variance shall be granted unless the Board finds: (changed by Council Action, 2/14/01)

a. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of his land; and

b. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and

c. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and

d. That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this Chapter. (changed by Council Action, 2/14/01)

3. Granting Variance for Special Conditions. The Board may authorize a variance where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property of record at the time of the adoption of this Chapter or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of a provision of this Chapter would result in peculiar and exceptional practical difficulties and particular hardship upon the owner of property and amount to a practical confiscation of property as distinguished from a mere inconvenience to the owner, provided the variation can be granted without

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substantial detriment to the public good and without substantially impairing the general purpose and intent of the comprehensive plan as established by the regulations and provisions contained in this Chapter. (Ord No. 58, 8/14/67)

4. Such findings of the Board, together with the specific facts upon which such findings are based, shall be incorporated into the official Minutes of the Board meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this Chapter so that the public health, safety and welfare may be secured and substantial justice done. Pecuniary hardship to the sub-divider, standing alone, shall not be deemed to constitute unnecessary hardship. (added by Council Action, 2/14/01)

Sec. 23.2506 SPECIAL EXCEPTIONS

Deleted: 1

When in its judgment the public convenience and welfare will not be substantially or permanently injured, the Board of Adjustment may in a specific case, after notice and hearing and subject to appropriate conditions and safeguards, authorize special exceptions to the regulations herein established as follows:

1. To permit a transitional use between a business and a dwelling district where the side of a lot in a one-family district or a two-family district abuts a lot zoned for business or industrial purposes as follows:

a. On a lot in a single-family dwelling district which sides upon a lot zoned for business purposes, the Board may permit a two-family dwelling.

2. To permit the extension of a building or use into a more restricted district, immediately adjacent thereto, but not more than fifty feet (50') beyond the boundary line of the district in which such building or use is authorized.

3. To permit such modification of yard, open spaces, lot area or lot width regulations as may be necessary to secure an appropriate improvement of a parcel of land if such parcel is separately owned at the time of the original passage of this Chapter or subsequent annexation of the City and is of such restricted area that it cannot be appropriately improved without such modifications.

4. To determine in cases of uncertainty the classification of any use not specifically named in this Chapter.

5. To grant a permit for the extension of a use, height, or area regulation into an adjoining district, where the boundary line of the district divided a lot in a single ownership at the time of the adoption of this Chapter.

6. To permit as an accessory use a parking area for passenger automobiles on a lot or lots in a single-family, duplex, or apartment house district adjoining or across a street of not more than fifty feet (50') in width from an "R-1" or "R-2" District, subject, however, to the following provisions:

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a. The area shall be properly enclosed with a hedge, screen, fence, wall or other suitable enclosure having a height of not less than three feet (3') nor more than six feet (6'). Such fence or enclosure shall conform to the front yard regulations of the District in which it is located.

b. The area shall be paved.

c. No parking of vehicles shall be permitted, within six feet (6') of any adjoining lot on which is located a single-family residence duplex or multiple dwelling.

d. One sign, not exceeding two and one-half (2-1/2) square feet in area, may be erected identifying the lot.

e. No charges may be made for parking and no other business use may be made of the lot.

f. Any light used to illuminate said parking area shall be so arranged as to direct the light away from an adjoining premises used for residential purposes.

7. In any instance where a variance is sought to build or add to a structure to a height greater than thirty-five feet (35') or two and one-half (2-1/2) stories, the Board of Adjustment shall have the additional power of including, but is not limited to, requiring the installation of an automatic fire extinguishing (water) system in the structure. (Ord. No. 58UU, 9/12/83)

Sec. 23.2507 EXPIRATION OF VARIANCE OR APPEAL

Deleted: 1

All variances or appeals granted by the Board of Adjustment shall lapse and be of no further force or effect, unless the construction authorized by said variance or appeal is commenced within ninety (90) days from the day the variance or appeal was granted by the Board of Adjustment. In the event of a conflict with Chapter 5 of the Code, the time limits set forth herein shall control. (Ord. No. 58QQ, 8/9/82)

Sec. 23.2508 ASSIGNMENT PROHIBITED

Deleted: 1

A variance or appeal granted by the Board of Adjustment may not be assigned by the applicant without the prior written approval of the Board of Adjustment after a public hearing. The Board of Adjustment is not required to approve the assignment. (Ord. No. 58QQ, 8/9/82)

Sec. 23.2509 TIME LIMITATION FOR REFILEING OF APPEALS

Deleted: 1

Notwithstanding the above, it is further provided that the following time limitations shall be imposed so that no application for a variance or exception shall be received or filed with the Board of Adjustment:

1. If within the previous six (6) month period an application for a variance or exception was received, considered, and denied on the same lot, lots or blocks of land.

2. If within the previous six (6) month period an application for a variance or exception was withdrawn from

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consideration by the applicant or his representative before the Board of Adjustment.

The time limitations under this subsection may be waived only if new substantial evidence is presented to the Board of Adjustment and, then, only after the request for waiver has received four (4) affirmative votes in support thereof. If granted, a new application shall be filed in the Office of the City Building Permit Officer in accordance with the procedures outlined in Section 23.2104.

Sec. 23.2~~5~~10 AUTHORITY OF BOARD

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In exercising the aforementioned powers such Board may in conformance with the provisions of Article 1011a through 1011j, Revised Civil Statutes of Texas, 1925, as amended, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. (Ord. No. 58, 8/14/67)

Sec. 23.2~~5~~11 DUTY OF BOARD

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In considering all appeals and all proposed variances under this Chapter the Board shall, before making any finding, in a specific case, first determine that the proposed variance will not impair an adequate supply of light and air to adjacent property, or materially increase the congestion in public streets, or increase the public danger of fire and safety, or materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals and welfare of the City of Windcrest, Texas, or constitute any enlargement of the uses applying to the property affected as herein provided. (Ord. No. 58, 8/14/67)

ZONING

1. LAND DEVELOPMENT PLANNING: It shall be a function and duty of the Commission to develop and recommend a comprehensive plan for the development of land within the City (hereinafter referred to as the "Land Development Plan") which, in the opinion of the Commission, bears a relation to the planning of the City and to recommend changes in, additions to, or extensions of such a plan. The Land Development Plan, with the accompanying maps, plats, charts, descriptive and explanatory matter, shall show the Commission's recommendations for the development of said land and may include the following information: general location, character and extent of streets, bridges, parks, waterways, and other public ways, grounds, places and spaces; the general location and extent of public utilities, whether publicly or privately owned, for water, light, sanitation, transportation, communication, power, heat, fuel and other purposes; and the removal, relocation, widening, extension, narrowing, vacating, abandonment or change of use of such existing or future public ways, grounds, places, spaces, buildings, property or utilities. The Land Development Plan shall also include a Zoning Plan. (Ord. No. 54, 10/9/67; changed by Council Action, 2/14/01)

2. LAND DEVELOPMENT PLAN, AUTHORITY TO ADOPT: The Commission may adopt the Land Development Plan as a whole by a single resolution, or may by successive resolutions adopt the successive parts of the Land Development Plan which correspond to major geographical sections of the City or to functional divisions of the subject matter of the Land Development Plan, and may adopt any amendment or extensions thereof or addition thereto. Before the adoption of the Land Development Plan or any such part, amendment, extension, or addition, the Commission shall hold at least one public hearing thereon, after at least fifteen (15) days general public notice, which notice may be brief and informal but shall state the general purpose of the hearing. The adoption of the Land Development Plan, extension or addition, shall be by resolution carried by the affirmative vote of not less than a majority of the Planning and Zoning Commission. The resolution shall refer expressly to the maps, descriptive materials, and other matter intended by the Commission to form the whole or part of the Land Development Plan, and the action taken shall be recorded on the map, Land Development Plan and descriptive matter by the Chairman and the Secretary of the Planning and Zoning Commission. (Ord. No. 54, 10/9/67; changed by Council Action, 2/14/01)

3. COMMUNITY PLANNING:

A. It shall be the responsibility of the Planning and Zoning Commission to initiate planning which in the Commission's judgment can or will have impact on the City's future. In addition to the Commission's responsibility for development of a comprehensive plan for the development of land within the City, the Commission shall conduct an annual review (hereinafter referred to as the "Community Plan") pertaining to the following areas:

- (1) All elements which are, or can, impact community infrastructure;
- (2) External and internal social impacts on the community;
- (3) Safety and security of the community;
- (4) Environmental and cultural programs which can impact the quality of living in the community; and

(5) Elements which can impact the development of the business area and business environment.

B. The Commission shall also review annually the City's Long Range (or Five Year) Plan and recommend changes, as needed, to the City Council. Recommendations shall address three areas:

(1) Changes and improvements for the next budget year;

(2) Changes and improvements for the second through the fifth fiscal year; and

(3) Changes and improvements beyond five years

C. The Commission shall finalize and forward the above recommendations to the City Council by 1 April of each year to allow the Council and Commission to review the recommendations and include them in the budget planning process for the following fiscal years. (added by Council Action, 2/14/01)

Sec. 23.704 MISCELLANEOUS POWERS

1. The Planning and Zoning Commission shall have power:

A. To promote public interest in and understanding of the Land Development Plan and the Community Plan;

B. To consult with and advise public officials and agencies, public utilities, civic, educational, professional and other organizations and with citizens in relation to protecting or carrying out the Land Development Plan, Community Plan or of other special planning reports;

C. To request from any public officials, within a reasonable time, any available information as it may reasonably require for its work; and

D. To enter upon any land in the performance of its functions, and make examinations and surveys and place and maintain necessary monuments and marks thereon.

5. Building Plans: The Planning and Zoning Commission shall be responsible for reviewing and recommending approval or disapproval of all building plans for the erection, siting, construction, alteration, reconstruction, enlargement, or finish-out of a structure, building, or parking lot (area) in the "R-2", "B-1", "B-2" and "O-1" Zoning Districts. Such responsibility includes:

A. The review of all building plans, elevations and construction and materials specifications for compliance with reasonable, recognized and acceptable safety and construction standards;

B. Consideration of the general appearance and arrangement of the structure or structures and their overall compatibility with nearby existing or proposed structures;

C. Verification of compliance, where appropriate, of such plans with any restrictions, conditions or requirements which may have been engrossed by the City Council upon the approved plat or land use plan of the area wherein the building is to be erected or sited; and

No building permit may be issued for the erection, siting construction, alteration, reconstruction, enlargement, or finish-out of a structure, building, or parking lot (area) in the "R-2", "B-1", "B-2" and "O-1" Zoning Districts unless and until the plans have been reviewed by the Planning and Zoning Commission and approved by the City Council.

It shall not be necessary for the Planning and Zoning Commission to review building plans for the finish-out of a structure or building which do not alter the exterior appearance or the structural integrity of the building. Finish-outs which do not alter the exterior appearance of a structure or its structural integrity may be approved by the City Permits Officer.

6. Inspection of Building Construction: The Planning and Zoning Commission shall also have the responsibility for reviewing inspection reports of all building construction within said "R-2", "B-1", "B-2" and "O-1" Districts to assure compliance with all standards and specifications contained in the approved building plans pertaining thereto. (changed by Council Action, 2/14/01)

ORDINANCE NO. 610

**AN ORDINANCE AMENDING THE ZONING CODE OF
THE CITY OF WINDCREST BY REPEALING EXISTING
CHAPTER 23, ZONING, PLANNING AND ZONING
COMMISSION AND BOARD OF ADJUSTMENT AND BY
ADOPTING A NEW CHAPTER 23.**

WHEREAS, the Zoning Code of the City of Windcrest was enacted by Ordinance No. 58 on or about August 14, 1967; and

WHEREAS, various amendments of said Zoning Ordinance have been adopted since the original enactment of the Zoning Code; and

WHEREAS, a substantial area of land was added to the City in 2007 which will require further amendments to the Zoning Code; and

WHEREAS, the City Council desires to increase flexibility for development within the City not heretofore authorized in the Zoning Code; and

WHEREAS, the City Council desires to expand the development opportunities for roadway corridors of the City and to preserve, enhance and perpetuate the value of the roadway corridors and land adjacent to said roadway corridors; and

WHEREAS, after a thorough study of the most beneficial means of improving the City of Windcrest Zoning Code to accomplish the foregoing, the City Council, upon recommendation of the Planning and Zoning Commission of the City, and after a public hearing on the need for revision of the Zoning Code, desires to adopt the following provisions to enhance the public health, safety and welfare.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
WINDCREST, TEXAS**

That existing Chapter 23, Zoning, Planning and Zoning Commission and Board of Adjustment of the Code of Ordinances is hereby repealed and the new Chapter 23, entitled Zoning, Planning and Zoning Commission and Board of Adjustment set forth in the attached Exhibit "A" is hereby adopted as the new Zoning Code of the City of Windcrest.

PASSED AND APPROVED this 25th day of January, 2010.

Richard Bruns, Mayor

ATTEST:

Tracy Freimarck, City Secretary

APPROVED AS TO FORM:

Michael S. Brenan, City Attorney