

**Sec. 14-1, Comprehensive Zoning Ordinance**

**SECTION I: PURPOSE**

A. The City of Terrell Hills, Texas hereby adopts the following provisions of TITLE 7. REGULATION OF LAND USE, STRUCTURES, BUSINESSES, AND RELATED ACTIVITIES of the Texas Local Government Code as amended:

- 211 Municipal Zoning Authority
- 212 Municipal Regulation of Subdivisions and Property Development
- 213 Authority of Municipalities to Establish Building Lines
- 214 Municipal Regulation of Structures
- 215 Municipal Regulation of Miscellaneous Businesses and Other Activities
- 216 Regulation of Signs by Municipalities

B. The zoning map and zoning regulations herein provide a comprehensive plan designed to lessen congestion in the streets, secure safety from fire, panic, and other dangers, promote health and the general welfare, provide adequate light and air, prevent overcrowding of land, avoid undue concentration of population, and facilitate the adequate provision of transportation, water, sewers and other public requirements. They have been prepared with careful consideration for particular uses, the conservation of the value of both land and improvements and the encouragement of the most appropriate uses of property throughout the City of Terrell Hills.

**SECTION II: GENERAL**

A. Zoning regulations and districts as herein set forth are approved and established. The City of Terrell Hills is hereby divided into districts of which there shall be three designated as:

- A Residential
- B Semi-commercial
- C Commercial

B. The C Commercial District shall include:

1. The area at the northeast corner of the City between Rittiman Road and Eventide Drive and extending from Harry Wurzbach Highway west consisting of Lots 27, 30, 32 and 33 of Block 15, CB5848A.
2. The area at the northwest corner of the City at the intersection of North New Braunfels and Austin Highway consisting of lot 17A of Block 20, CB5742.

C. The B Semi-commercial District shall include:

1. The area between Rittiman Road and Eventide Drive extending east from Merrie Lane to the C Commercial District and consisting of lots 18A, 18B, 18D and 18E, Block 12, CB5848A.

2. An irregular strip of area bordering upon Harry Wurzbach Highway and extending the entire distance between Wiltshire Avenue and the southern boundary of the city coincident with existing property lines as follows:

- a. Lot 10 and the eastern 10 feet of Lot 9, Block 11, CB5848A
- b. Lots 9 and 10, the eastern 70 feet of lot 8 and the eastern 20 feet of lot 11, Block 8, CB5848A
- c. Lots 7, and 8, Block 7, CB5848A.
- d. Lots 19, 20, 21 and 39, CB5841
- e. Lots 16, 17 and 31, Block 4, CB5843
- f. Lots 12, 13, 22 and 23, Block 6, CB5845
- g. Lots 12, 13 and A1, Block 8, CB5847
- h. Lots B1, B2, B3, B4 and A, Block 2, CB5526
- i. Lots 17A, 18, 19, 36 and the eastern 10 feet of lot 35, Block 4, CB5526
- j. Lots 16 and 30, the eastern 15 feet of lot 15 and the eastern 48 feet of lot 29, Block 6, CB5526
- k. Lot 7, CB5899

3. The east two hundred feet bordering upon Harry Wurzbach Highway fronting on Eventide Drive consisting of Lot 11 and a wedge-shaped portion of Lot 21, Block 11, CB5848A.

D. The A Residential District shall include all of the city except the C Commercial and B Semi-commercial districts described in the two preceding paragraphs.

E. All districts are clearly shown upon the zoning map entitled "CITY OF TERRELL HILLS", produced by the Bexar Appraisal District for the City of Terrell Hills and dated November 13, 1995 which accompanies this ordinance and is hereby declared to be a part hereof. All notations, references and other information shown upon said zoning map are hereby made a part of this ordinance and shall be considered as much a part of same as if the matters and information set forth

by said map were fully described herein.

F. Except as hereinafter provided, no building shall be erected, reconstructed or structurally altered, nor shall any building or land be used for any purpose other than is permitted in the district in which such building or land is located. No building shall be erected, reconstructed or structurally altered to exceed the height or bulk limit established for the district in which such building is located. No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this Ordinance. The yard or open spaces provided about any building shall not be considered as providing a yard or open space for any other building. Every building hereafter erected shall be located on a lot as herein defined and in no case shall there be more than one building on one lot except as hereinafter provided. No house shall be moved from another location to a lot in the City of Terrell Hills.

**SECTION III. ZONE DISTRICT A, RESIDENTIAL DISTRICT**

A. In the A or Residential District, the intent is to create development standards that limit height and bulk to:

1. Assure that buildings are compatible in mass and scale with those of buildings seen traditionally in residential neighborhoods of Terrell Hills;
2. Maintain the traditional scale of buildings as seen along the street;
3. Minimize visual impacts of new construction of larger buildings and additions to existing structures on adjacent existing buildings and properties;
4. Promote access to light and air between adjacent properties;
5. Reduce the visual impacts of impervious surfaces in the front yard setback area;
6. Maintain the perception of the natural slope, promote stepping of building forms to follow site contours in areas with substantial topographic relief, and reduce the visual impact of cut and fill on adjacent properties; and
7. Preserve and enhance the existing mature tree canopy in front yards.

**SECTION IV. SCOPE OF REGULATIONS**

This ordinance shall apply to all private property located in the Residential A Zoning District within the jurisdiction of the City of Terrell Hills.

These regulations shall apply to any building project that is submitted for permitting after

August 13, 2007.

Any applicant that has filed an application with the City for a building permit, inclusive of all required plans and documents, prior to that date shall be exempt from these new provisions. In addition, any applicant who has filed with the City detailed drawings and final design plans prior to the effective date of the ordinance showing detailed elements including but not limited to 1) the correct sizes and shapes for rooms, 2) an outline of construction specifications 3) list of major materials to be used 4) the location of all building foundations, driveways and curb cuts 5) building setbacks 6) building heights, shall be exempted provided that no changes are made in the final design. To maintain these exemptions, such projects must initiate construction, defined as having passed the Ground Inspection on Foundation, within six months of the issuance of a building permit or the date of adoption of this ordinance, whichever comes first.

Existing structures that do not comply with the ordinance can be repaired as long as the building footprint, height or envelope are not increased or otherwise modified to be further out of compliance with the provisions of this ordinance. In addition, existing structures that do not comply with the ordinance that are damaged or destroyed by natural acts or by any means not resulting from the intentional or willful actions of the property owner can be rebuilt to their previous dimensions.

#### **SECTION V. ADMINISTRATION**

The provisions of this ordinance shall be implemented by City of Terrell Hills staff.

#### **SECTION VI: DIMENSIONAL STANDARDS FOR RESIDENTIAL ZONE DISTRICT A**

##### **(a) Residential Zone District A Purpose and Intent.**

This zone is intended to provide for neighborhood stability while allowing continued expansion and new construction in established residential neighborhoods. This zone is intended to provide for low-density single-family development within urban areas, as further defined by the dimensional standards below. Developments should be provided with complete urban services and facilities.

##### **(b) Permitted Uses.**

Detached one family dwelling, approved accessory structures and all uses allowed by right and meeting the standards for the applicable Residential Zone District A shall be reviewed by the City of Terrell Hills.

##### **(c) Development Standards: Dimensional Requirements.**

The dimensional requirements for new residential buildings and additions to existing residential buildings in Residential Zone District A are set forth on the following page in Figure A.

(1) Dimensional standards vary based on the width of the underlying parcel proposed for development.

<b>FIGURE A: SUMMARY OF DIMENSIONAL REQUIREMENTS</b>			
	<b>Lot Width</b>		
	<b>Under 80 feet</b>	<b>80 to 115 feet</b>	<b>Over 115 feet</b>
<b>Front setback</b> (min. feet from property line)	25 <sup>a</sup>	25 <sup>a</sup>	25 <sup>a</sup>
<b>Side setback</b> (min. feet from property line)			
Primary Structure	10 <sup>b</sup>	10 <sup>b</sup>	10 <sup>b</sup>
Corner Lot Side Yard (adjacent to side street)	20	20	25
Paved Surface	2	3	3
Accessory Structure: Over 15 feet bldg. height	10	10	10
Accessory Structure: 15 foot bldg. height or under	5	5	5
<b>Rear setback</b> (min. feet from property line)			
Primary Structure, no alley	20	20	20
Primary Structure, with alley	10	10	10
Accessory Structure, with or without alley	5	5	5
Primary and Accessory Structures for lots that extend from one street to another street located at the rear of the property	25 <sup>a</sup>	25 <sup>a</sup>	25 <sup>a</sup>
<b>Height of Primary Structure</b> (max. feet)			
Wall Plate Height at Side Yard Setback (See "Bulk Plane")	10 <sup>c</sup>	10 <sup>c</sup>	10
Ridge Line, Sloping Roof	28	35	35
Parapet, Flat Roof	25	25	25
<b>Height of Accessory Structure</b> (max. feet)			
Wall Plate Height at Side Yard Setback (See "Bulk Plane")	10	10	10
Ridge Line, Sloping Roof	28 <sup>d</sup>	28 <sup>d</sup>	35 <sup>d</sup>
Parapet, Flat Roof	25 <sup>d</sup>	25 <sup>d</sup>	25 <sup>d</sup>
<b>Floor Area Ratio</b>	.38 <sup>e</sup>	.38 <sup>e</sup>	.38 <sup>e</sup>
<b>Building Coverage: Primary Structure Only</b> (max. %)	35%	35%	35%
<b>Landscape Requirements</b>			
# of shade trees [planted in front yard] required for new construction, alterations to existing front wall plane and/or site/landscape improvements within the front setback	1	2	2
<b>Paving Area, Front Yard (max.)<sup>f</sup></b>			
Vehicular Use Area: driveway or parking	30%	30%	30%
Vehicular Use Area w/ 10 foot landscaped area Including a 36 inch visual buffer	40% <sup>g</sup>	40% <sup>g</sup>	40% <sup>g</sup>
Vehicular Use Area w/ 15 foot landscaped area Including a 36 inch visual buffer	50% <sup>g</sup>	50% <sup>g</sup>	50% <sup>g</sup>
<b>Curb Cuts</b>			
Maximum Driveway width within the front setback (feet)	12 <sup>h</sup>	14 <sup>h</sup>	16 <sup>h</sup>
Maximum number of curb cuts per lot w/ no alley access	1 <sup>i</sup>	2 <sup>j</sup>	2 <sup>j</sup>
Maximum number of curb cuts per lot w/ alley access	2 <sup>i</sup>	3 <sup>j</sup>	3 <sup>j</sup>
Maximum number of curb cuts per corner lot w/ no alley access	2 <sup>k</sup>	3 <sup>l</sup>	3 <sup>l</sup>
Maximum number of curb cuts per corner lot w/ alley access	3 <sup>k</sup>	4 <sup>l</sup>	4 <sup>l</sup>
Minimum distance at curb cut from side property line (feet)	3	3	3

a. Or not less than the existing range of front setbacks on the block or 20% of the depth of the lot, whichever is greater provided that no dwelling shall hereafter be erected or structurally altered, the front of the building, porch or terrace of which is nearer to the front property line than any existing dwelling in the same block and facing the same front street. No dwelling shall hereafter be erected unless it fronts and faces the street faced by an existing dwelling in the same block.

- b. The cumulative total of side setbacks for the primary structure must be a minimum of 20% of the lot width and not less 10 feet on either side (see also the special side yard setback minimum for corner lots)
- c. For lots 115 feet or less in width, an exception shall be made to raise the maximum permitted wall plate height at the minimum side setback to 20 feet for the first 40 feet to the rear of the front setback on one but not both sides of the lot. The maximum wall plate height at the minimum side setback will be 10 feet on all other portions of the lot. The side of the lot where this exception will apply shall be at the property owner's discretion. See Figure I in Section (4)(d)(2) "Bulk Plane" below.
- d. Provided the height to the roof ridge for a sloping roof on an accessory structure shall not exceed 1.5 times the height of the wall plate and the parapet for a flat roof shall not exceed a height greater than 5 feet above the height of the wall plate, see Figure D.
- e. For additions to structures at or above a .35 FAR that were pre-existing on the date of ordinance adoption, the Planning and Zoning Commission may recommend to City Council that an exception to allow the permitted maximum FAR to be increased to .40. For a new addition to qualify, the original pre-existing structure must account for at least 85% of the total floor area of the original structure and new addition. The maximum permitted FAR shall not exceed .40 on any site excepting excluded portion of detached rear garages. See Section (4)(d)(4)(i) "Attached Garages and Detached Accessory Structures" below.
- f. Between minimum required front setback and front property line
- g. The 36" tall buffer may include but is not limited to, a hedge, raised planter, low wall, flagstones, a berm planted with plants, shrubs or perennial flowers, or a combination thereof, with or without additional ground cover which provides a screen of not less than 36" in height. See Figure E and Section (4)(d)(5) "Vehicle Use Area" below.
- h. Excluding an apron designed to allow for turning movements. An apron may be constructed based on a radius which shall not exceed 6 feet or a flair which may not extend further than 3 feet from each side of the drive at the curb and must intersect the drive within 6 feet of the curb. See Figures B and C and Section (4)(d)(6) "Curb Cut Width and Location" below.
- i. For non-corner lots less than 80 feet in width, one curb cut is allowed along the primary street. Where an alley exists, an additional curb cut may be used to access the alley for a total of two curb cuts. See Section (4)(d)(6) "Curb Cut Width and Location" below.
- j. For non-corner lots 80 feet or more in width, two curb cuts are allowed along the primary street. Where an alley exists, an additional curb cut may be used to access the alley for a total of three curb cuts. See Section (4)(d)(6) "Curb Cut Width and Location" below.
- k. For corner lots less than 80 feet in width, one curb cut is allowed along the primary street (the street that is considered to be paralleling the front façade of the house) and one curb cut along the side street. Where an alley exists, an additional curb cut may be used to access the alley for a total of three curb cuts. See Section (4)(d)(6) "Curb Cut Width and Location" below.

1. For corner lots 80 feet or more in width, two curb cuts are allowed along the primary street (the street that is considered to be paralleling the front façade of the house) and one curb cut from the side street. Where an alley exists, an additional curb cut may be used to access the alley for a total of four curb cuts. See Section (4)(d)(6) “Curb Cut Width and Location” below.

*Note:* All illustrations in this document are not actual representations of any property and are intended to provide examples only.

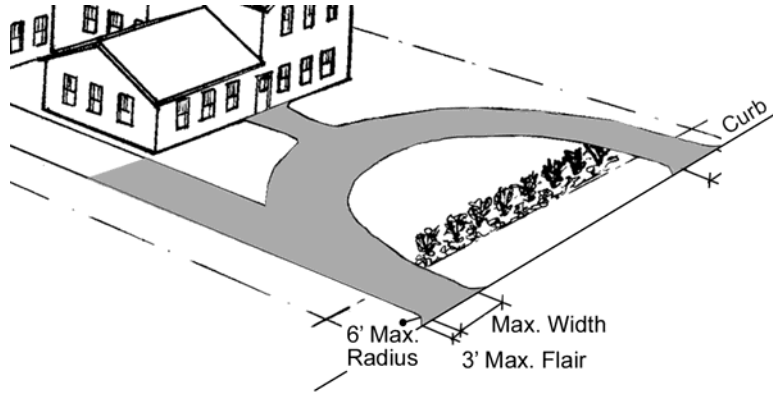


FIGURE B

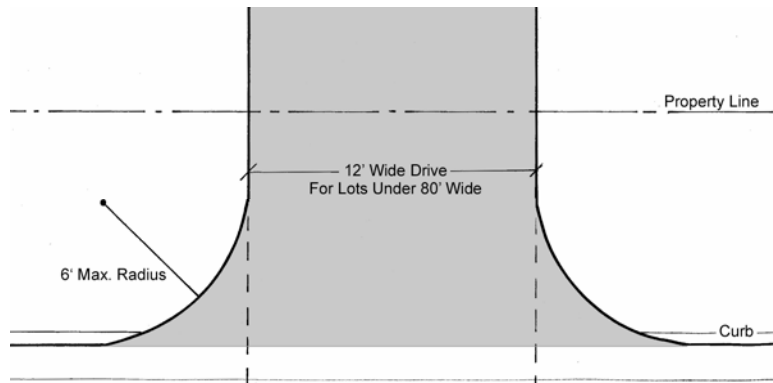


FIGURE C

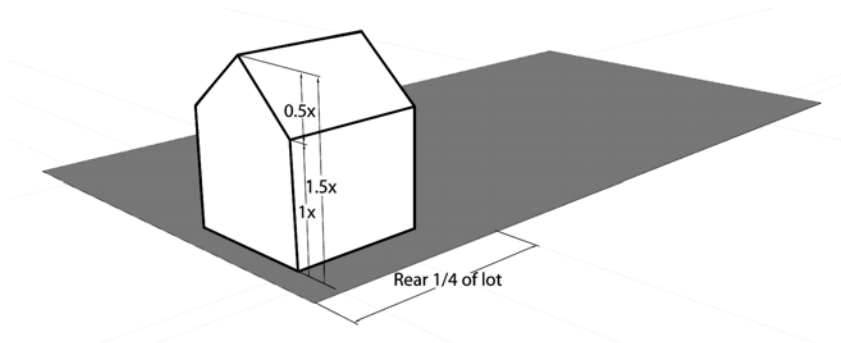


FIGURE D

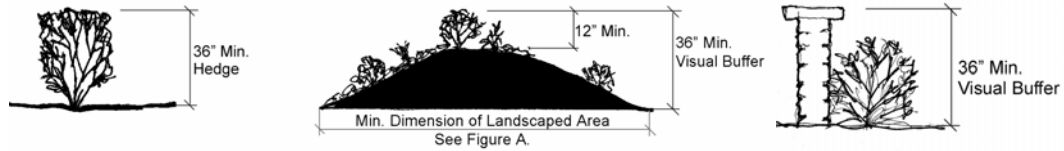


FIGURE E

**Additional Design Standards**

(1) **Applicability.** The applicability of additional design standards shall be determined by the extent and location of any proposed landscape and architectural improvements, as set out in the Table below:

FIGURE F

Standard	New Construction of Primary Structure	New Addition to Rear	New Addition Affecting Front Wall	New Accessory Structure	Front Setback Landscape/Paving Improvements
Bulk Plane	X	X		X	
Dormers	X	X	X	X	
Garages and Accessory Structures	X	X		X	
Vehicle Use Areas	X	X	X	X	X
Curb Cut Width	X	X		X	X
Front Yard Shade Tree	X		X		X
Fences and Walls	X	X	X	X	X
Cut and Fill	X	X	X	X	X
Wall Articulation	X	X	X	X	

(2) **Bulk Plane.** In order to minimize the impact of larger structures, the following standards shall apply:

(i) For all lots, a bulk plane shall begin at a point located at the maximum wall plate height at the minimum side yard setback. The bulk plane shall continue upward one foot for every foot it steps in toward the center of the site as shown in Figure G. This shall continue until it reaches the maximum allowed height for the site or it intersects the bulk plane as taken from the opposite side of the lot. The maximum permitted wall plate height shall rise one foot for every one foot that the wall steps toward the center of the site from the minimum side yard setback.

(ii) All buildings must fit within the bulk plane as shown in figure H with the

exception of the following architectural elements:

(a) The end of a gable roof may protrude through the bulk plane by a maximum of 8 feet as shown in Figure J.

(b) Dormers meeting the criteria set forth in Section (d)(3) are excepted from the bulk plane as shown in Figure K.

(iii) For lots 115 feet or less in width, an exception shall be made to raise the maximum permitted wall plate height at the minimum side setback to 20 feet for the first 40 feet to the rear of the front setback on one but not both sides of the lot as shown in Figure I. The maximum wall plate height at the minimum side setback will be 10 feet on all other portions of the lot. The side of the lot where this exception will apply shall be at the property owner's discretion.

(iv) A rear bulk plane shall apply in order to minimize the impact of looming structures on properties to the rear. The rear bulk plane shall begin at a wall plate height of 10 feet at the minimum rear yard setback and shall continue upward one foot for every foot it steps inward towards the front of the site. This shall continue until it reaches the maximum allowed height for the site as shown in Figure H and Figure I.

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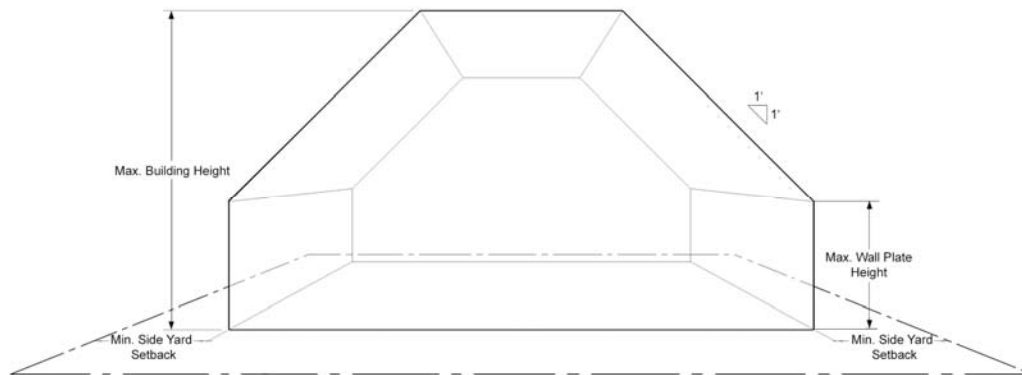


FIGURE G

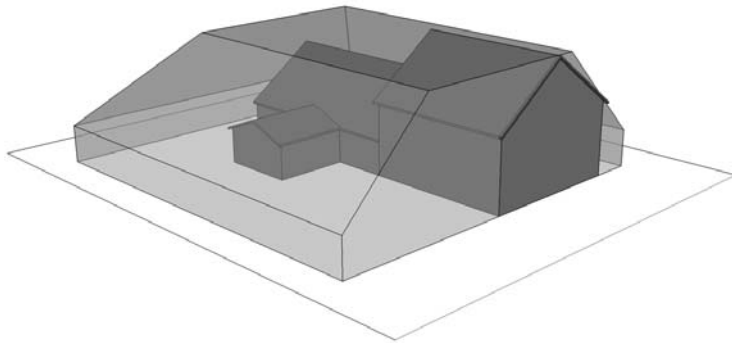


FIGURE H

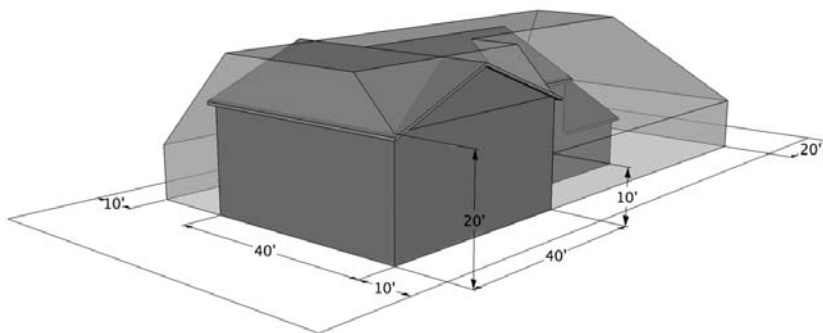


FIGURE I

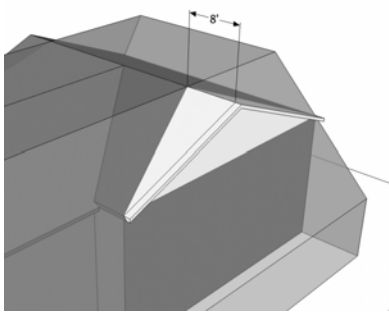


FIGURE J

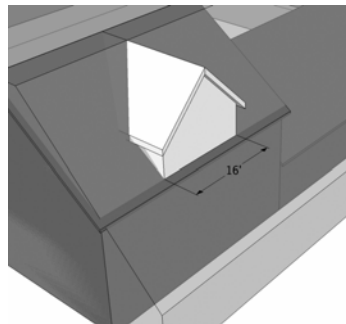


FIGURE K

(3) **Dormers.** Dormers may be placed on primary structures as shown in Figure L or on accessory structures. In order to minimize the impact of larger buildings on neighboring properties, the following standards shall apply:

- (i) A dormer ridge or roof line shall not extend above the primary roof ridge line of the structure.

(ii) A dormer face shall not exceed 16 feet or more than 40% of the wall plane length, whichever is less.

(iii) More than one dormer is acceptable on a wall plane, but the total combined dormer faces shall not exceed 40% of the wall plane length.

(iv) The space between dormers shall not be less than one-half the width of the adjoining dormer or the average of the two if they are different sizes, whichever is greater.

(v) A dormer shall be located a minimum of 3 feet from the wall plane that runs perpendicular to the dormer face.

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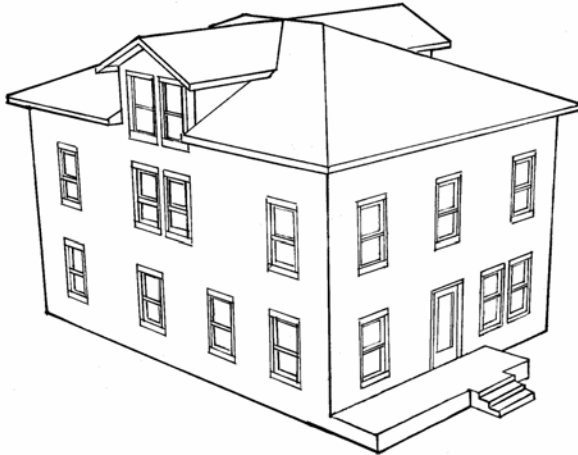


FIGURE L

(4) **Attached Garages and Detached Accessory Structures:** To assure that new buildings relate to the street in a manner that is similar to that seen traditionally in a neighborhood, the following standards shall apply:

(i) To encourage detached garages located in the rear 1/4 of the lot, a portion of the detached garage will not be counted toward the FAR.

(a) On lots less than 12,000 SF, up to 350 SF of a detached garage located in the rear 1/4 of the lot shall not count toward the FAR; and

(b) On lots 12,000 SF and larger, up to 500 SF of a detached

garage located in the rear 1/4 of the lot shall not count toward the FAR.

(ii) The following standards for detached accessory structures and garages shall apply:

(a) The height of all detached accessory structures and garages shall be below that of the ridge line or parapet of the primary dwelling.

(b) A detached accessory structure shall be located a minimum of 10 feet behind the front wall plane of the principal building

(iii) The following standards for attached garages shall apply:

(a) A garage door facing the street shall not be located forward of the front wall plane of the primary building.

(b) A garage door for an attached garage shall be oriented perpendicular to the street; or

(c) If an attached garage door facing the street is located flush with the front of the building, or less than 10 feet behind the front of the building, it shall not exceed 30% of width of the front wall plane.

(5) **Vehicle Use Area.** Paving of the front yard for vehicle access and parking shall be limited to 30% of the total square footage of the front yard as calculated by the total parcel width multiplied by the distance between the front property line and the required minimum setback line as shown in Figure M. In addition,

(i) If a circular drive or paved parking area, which is located in the front setback, exceeds 30% of the area of the front yard setback, it shall be paved with a high grade asphalt and include a decorative edger or shall be paved with a decorative paving material such as unit stone, or other modular pavers, scored and dyed concrete, or brick.

(ii) The amount of surface paving may increase to 40% if a 10-foot landscaped buffer containing a buffer of not less than 36-inches in height is located within, adjacent to, and parallel to the front property line as shown in Figure N.

(iii) The amount of surface paving may increase to 50% if a 15-foot landscaped buffer of not less than 36 inches in height is located within, adjacent to and parallel to the front property line.

(iv) The City may permit some landscape buffering in the right-of-way if the property owner agrees to maintain the landscaping.

(v) On a corner lot where a driveway runs parallel to a street it shall be shielded from the street by the use of a landscape buffer or fence as shown in Figure O.

(vi) For properties that contain a slope equal to or greater than 5% in the front yard and that also contain a paved drive and/or designated parking area, the landscape buffer should be located adjacent to the paved surface to mitigate the visual impact of the paved area from the public right-of-way as shown in Figure P.

(vii) Corner lots shall maintain vision triangle safety requirements. Landscaping and visual buffers within the vision triangle shall not impede visibility.

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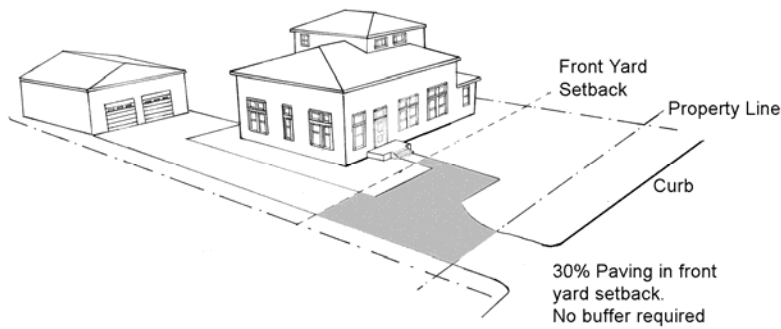


FIGURE M

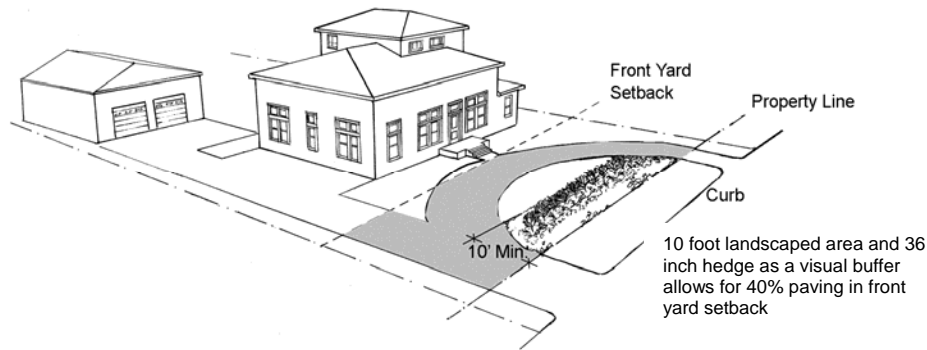


FIGURE N



FIGURE O

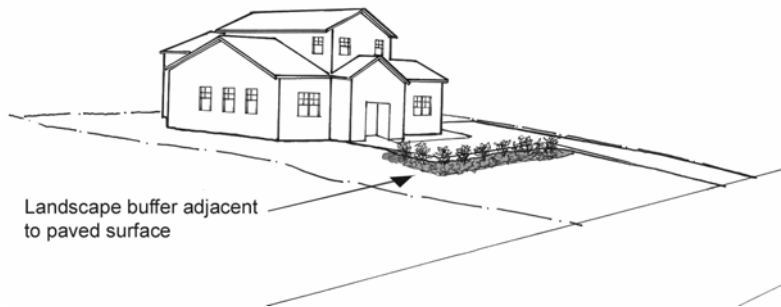


FIGURE P

(6) **Curb Cut Width and Location.** To assure that driveways relate to their lots in a manner that is similar to that seen traditionally in a neighborhood, the following standards shall apply:

(i) For lots less than 80 feet in width, no driveway or curb cut for driveway access shall be greater than 12 feet in width, exclusive of an apron designed to allow for turning movements.

(ii) For lots from 80 to 115 feet in width, no driveway or curb cut for driveway access shall be greater than 14 feet in width, exclusive of an apron designed to allow for turning movements.

(iii) For lots over 115 feet in width, no driveway or curb cut for driveway access shall be greater than 16 feet in width, exclusive of an apron designed to allow for turning movements.

(iv) For corner lots, 24 feet curb cuts, exclusive of aprons, are permitted along the street edge of the side yard for purposes of providing direct vehicle access from the side street to a garage and to allow for turning movements on private property as shown in Figure Q.

(v) For all lots, an apron designed to allow for turning movements may be constructed based on a radius which shall not exceed 6 feet or a flair which may not extend further than 3 feet from each side of the drive at the curb and must intersect the drive within 6 feet of the curb.

(vi) For all lots, any portion of a driveway or apron that extends across a right-of-way easement shall lie within the side property lines of the lot as though the property lines extended to the curb.

(vii) For non-corner lots less than 80 feet in width, one curb cut is allowed along the primary street. Where an alley exists, an additional curb cut may be used to access the alley for a total of two curb cuts.

(viii) For non-corner lots 80 feet or more in width, two curb cuts are allowed along the primary street. Where an alley exists, an additional curb cut may be used to access the alley for a total of three curb cuts.

(ix) For corner lots less than 80 feet in width, one curb cut is allowed along the primary street (the street that is considered to be paralleling the front façade of the house) and one curb cut along the side street. Where an alley exists, an additional curb cut may be used to access the alley for a total of three curb cuts.

(x) For corner lots 80 feet or more in width, two curb cuts are allowed along the primary street (the street that is considered to be paralleling the front façade of the house) and one curb cut from the side street. Where an alley exists, an additional curb cut may be used to access the alley for a total of four curb cuts.

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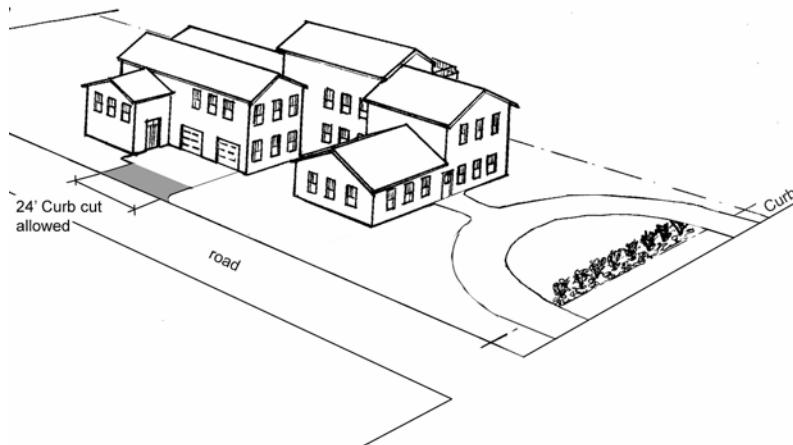


FIGURE Q

(7) **Front Yard Shade Tree.** For new construction, for new additions altering the existing front wall plane, and for new site/paving improvements within the front yard setback, shade trees shall be provided in the required front yard setback area. The number of required shade trees is dependent upon the width of the parcel. Parcels less than 80 feet in width shall be required to install one new shade tree prior to issuing building occupancy permit. Parcels measuring 80 feet or more shall be required to install two new shade trees prior to issuing building occupancy permit. The tree shall have a minimum size of 2.5-inch caliper at time of planting. A list of recommended tree species is available in the City planning office. Credit shall be provided for:

- (i) Existing shade trees in the required front setback, which are listed on the recommended species list and are at least 4-inch caliper;
- (ii) Existing evergreen trees in the required front setback that are at least six feet tall; and
- (iii) Existing trees planted within the public right-of-way.

(8) **Fences and Walls.** In order to assure that new fences and walls maintain views from the front property line to the front building façade, the following regulations shall apply:

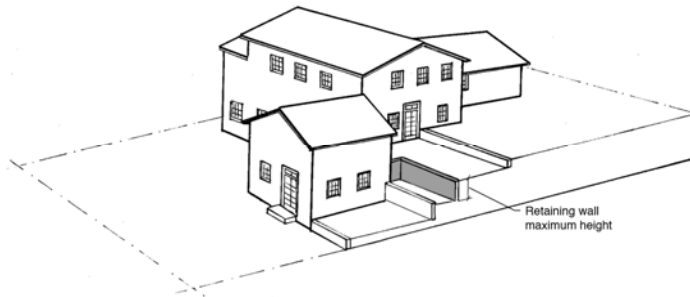
- (i) Fences and walls that are located within the front yard setback area shall not exceed four feet tall as measured from the highest finished grade within the front setback. The fence in the front yard setback shall not exceed six feet above finished grade at any point.
- (ii) No fence shall exceed six feet as measured from finished grade.

(9) **Cut and Fill.** In order to minimize the impact of cut and fill on sloped sites of 10% or more, the following regulations shall apply:

- (i) Develop a site plan that seeks to limit the amount of cut and fill required for site improvements.
- (ii) The maximum amount of unfinished exposed foundation shall not exceed four feet at any point, from natural or finished grade, whichever is the most restrictive.
- (iii) It is the intent of the City for new development to minimize the amount of cut and fill required for installation of a new or improved driveway. To the extent feasible, a new driveway shall follow existing topographic contours. Any resulting road cuts 18” or greater must integrate a combination of a finished retaining wall and plant material.
- (iv) Where a site retaining wall is necessary, it shall blend with the natural features of the landscape and convey a scale and texture similar to traditional materials found within

the neighborhood and complimenting the primary structure. Limit the height of a retaining wall to less than four feet. Where greater heights in a retaining wall must occur, use a series of terraced or stepped walls. The width of a retaining terrace shall not be less than three feet. The City may vary the retaining wall height and width requirements depending on site conditions (see paragraph (d)(8)(i) above).

*Note: All illustrations in this document are not actual representations of any property and are intended to provide examples only.*



**FIGURE R**

(10) **WALL ARTICULATION.** In order to eliminate large expanses of blank, unarticulated building façades on structures taller than one-story and to encourage architectural detailing on all sides of a new and/or renovated structure, the following regulations shall apply:

(i) Blank walls over 15 feet in height and 40 feet in length shall include the following architectural elements: perforations that impact the solid-to-void ratio such as doors or windows and a 2 foot offset for every 40 feet of façade.

## **SECTION VII. ORDINANCE REVIEW**

The City shall conduct a review of the effects of the ordinance 18 months after their adoption. Listed below are exceptions adopted by the City prior to August 13, 2007 that are not in conflict with the new provisions regulating Residential Zone District A. If any of the following exceptions are found to be inconsistent with the ordinance, the specific provision shall overrule a general provision.

a. **EXCEPTION 1:** On the following Auburn Place area lots, zero lot line dwellings will be permitted so long as such dwellings are located at least twenty-five feet (25') from the front property line and ten feet (10') from either the side street property line or the opposite property line, whichever is applicable, and provided that only one such dwelling shall be erected on a boundary line separating two lots, to wit:

Lots 1A through 14A (or any portions thereof), Block 20, CB5742, bounded on the north by a thoroughfare known as State Spur 368 ("Austin Highway"), as such lots presently exist or as they may be subsequently replatted.

All other setback requirements provided for in this Ordinance which are not inconsistent with this Exception shall be applicable to such lots; provided further, private garages, whether attached or detached from the main dwelling may be located as close as three feet (3') from the rear property line, notwithstanding any other provision contained in this Ordinance to the contrary.

b. EXCEPTION 2: On the following Auburn Place area lots, dwellings may be located as near as thirty-five feet (35') to the front property line (i.e., the minimum front building setback line for dwellings erected on such lots shall be thirty-five feet (35')) to wit:

Lots 1A through 3A, Block 21, CB5742, as such lots exist or as they may be subsequently replatted.

All other setback requirements provided for in this Ordinance which are not inconsistent with this Exception shall be applicable to such lots.

c. EXCEPTION 3: On the two (2) lots resulting from a replatting of Lot 16H, CB5526, the dwellings hereafter erected on such replatted Lots shall face each other. The front lot line for dwelling setback purposes shall be deemed to be the common boundary of such replatted lots.

d. EXCEPTION 4: On the four (4) lots resulting from replatting lots 19, 20, and 21, Block 22, County Block 5742, hereafter referred to as the "Waterford Villas lots", zero lot line dwellings will be permitted so long as such dwellings are located at least twenty (20') from the front property line and five feet (5') from either the side street property line or the opposite property line, whichever is applicable, and provided that only one such dwelling shall be erected on a boundary line separating two lots.

e. EXCEPTION 5: On the Waterford Villas lots, all dwellings will front to the south and will have rear entry garages from the north.\*

f. EXCEPTION 6: There is excepted from the set back requirements of the Comprehensive Zoning Ordinance pertaining to the Sheraton Court Subdivision, as amended, in Block 21, CB 5742, Terrell Hills, Bexar County, Texas, which is to amended to provide for three (3) building lots to be known as Lots 37 (formerly platted as Lot 33), Lot 38 (formerly platted as Lot 32) and Lot 35, and two private drives to be known as Lots 34 and 36, all in Block 21, CB 5742, Terrell Hills, Bexar County, Texas:

- 1. Each building on lots 37 and 38 shall be built with its west wall on the west line of such lot and built and maintained without windows, doors or other openings in such wall, except each building on lot 37 may have windows and garage door opening fronting on Lot 34 private drive. Each building on Lots 37 and 38 shall be set back a minimum of 5 feet from the east property line of such lot. Each building on Lots 37 and 38 shall be set back a minimum of 10 feet from the rear north property line of such lot. And each building on Lots 37 and 38 shall be set back a minimum of 0 feet from the south front property line.⊗ ♥ ♠

(Amended by Ord 1119, 10-14-02 & Ord. 1138, 04-14-03)

- 2. Each building on Lot 35 shall be set back a minimum of ten 10 feet from each side, east and west property line and shall be set back a minimum of 20 feet from the south property line.⊗

g. EXCEPTION 7: There is excepted from the setback and fronting and facing requirements of Section III.A.1., above, Lots 12A and 11A., Block 5, CB 5526, each to have a building setback from Dover Road right-of-way of 26.5 feet, with Lot 12A fronting and facing on Dover Road. Furthermore, the northern and southern boundary lines of Lot 12A shall be treated as side property lines for setback purposes.○

h. EXCEPTION 8: There is excepted from the set back requirements listed above in Section III, A. 1, pertaining to Garraty Hill Subdivision in Block 8, County Block 5890, Garraty Hill Subdivision, Terrell Hills, Bexar County, Texas:

- 1. The front yard depth, measured from front property line to front of building, porch or terrace, shall not be less than twenty-five feet (25') on each of the lots to be known as lots 16-25 inclusive.
- 2. The dwelling on each of the lots to be known as Lots 16-18, inclusive, and Lots 20-21, inclusive, may be located nearer to the front property line than the existing dwelling on Lot 19 in the same block and facing the same front street (Garraty Hill Drive).
- 3. The dwelling on each of the lots to be known as Lots 22-25, inclusive, may front and face Garraty Circle, rather than the street faced by the existing dwelling on Lot 19 in the same block (Garraty Hill Drive).\*

i. EXCEPTION 9: As an exception to the provisions of Section III.A.1., above, no dwelling shall be nearer than nine and six-tenths feet (9.6') from the rear property line on Lot 2, 700 Garraty Subdivision, County Block 5526, Terrell Hills, Bexar County, Texas.◆

- 2. No accessory building shall be commenced, constructed or occupied except as an

accessory to a dwelling already built or under actual construction. Rental of accessory buildings is prohibited.

3. Public park or playground.

B. Schools may not be constructed or operated in the A Residential District.

EXCEPTION: The existing St. David's School is authorized. Any remodeling or additions will be approved by the Planning and Zoning Commission.

**SECTION VIII: ZONE DISTRICT B, SEMI-COMMERCIAL DISTRICTS**

A. In the B or Semi-commercial Districts, no building or other premises shall be used and no building shall be erected or structurally altered which is arranged or designed to be used for other than one of the following uses:

1. Any use permitted in the A Residential District.

2. Multiple dwellings of semi-fireproof construction shall conform to the following:

a. Each single family apartment in such building shall have not less than 1200 square feet of floor area and shall be provided with an individual bathroom completely equipped, including bath and toilet.

b. There shall be at least a one-car covered garage or carport plus one-half open parking on the site or upon a contiguous lot or tract for each apartment.

c. No multiple dwelling shall exceed two stories in height.

3. Office use shall be permitted provided such space is not used for display or sale of merchandise on the premises.

a. EXCEPTION 1: Section IV.A.3 of the City of Terrell Hills code does not prohibit the sale of automobiles on a wholesale basis to dealers/wholesales which is incidental to the operation of the regional headquarters of a national rental car company, and any area used for such sales will be subject to completion of plans presented and approved by the Planning and Zoning Commission and the City Council of the City of Terrell Hills. (Ord. 979, 9-8-97)

B. No building or structure nor the enlargement of any building or structure shall be hereafter erected unless the following yard and lot areas are provided and maintained in connection with such building structure or enlargement:

1. The front yard depth measured from the front property line to front of building, porch, or covered terrace, shall be not less than 25 feet; provided, however, that no building shall hereafter be erected, the front, porch, or covered terrace of which is nearer to the front property line than any existing building in the same block and facing the same front street.

2. The rear yard depth shall not be less than 20 percent of the depth of the lot, but need not exceed twenty-five feet to the rear property line.

3. Side clearances shall be not less than twenty feet to side street property line nor less than ten feet to other side or near lot lines.

4. Non-occupied accessory buildings will be permitted, including detached garages and carports, storage and laundry buildings when located not less than 100 feet from the front lot line nor less than 20 feet from any other street line, nor less than three feet from any alley or five feet from any other property line; provided no such accessory building shall be commenced or constructed except as an accessory to a building already built or under actual construction. Accessory buildings will not exceed the size of the primary structure in either height or bulk.

C. Population density will not exceed twenty (20) families per acre.

**SECTION IX: ZONE DISTRICT C, COMMERCIAL DISTRICTS**

In the C Commercial Districts, no building or other premises shall be used and no building shall be erected or structurally altered which is arranged or designed to be used for other than one or more of the following uses:

A. Any use permitted in the Residential or Semi-Commercial Districts.

B. Service shops and restaurants, including drive-in types.

C. Banks and wholesale offices or sample rooms.

D. Commercial billboards or advertising signs

E. Bakeries employing less than six persons

F. Dyeing or cleaning works employing less than six persons on the premises; or laundries employing less than six persons on the premises.

G. Automobile service stations

H. Retail stores, other than for the sale or display of second-hand or salvage merchandise, but

allowing antique shops where all merchandise is kept inside of the building.

I. New and used car lots shall be permitted provided that there be no dismantling of vehicles or garage work. Vehicles shall be in operating condition, currently state inspected, and provided further that vehicles be kept within the lot lines of said property. Where a new or used car business abuts a residence or semi-commercial district being used for residential purposes, a six-foot high fence constructed in such a manner as to provide a visual barrier shall be required between the residential property and said new or used car business.

J. Child day nurseries and kindergartens may be established, provided each such institution is limited to thirty children.

K. Libraries and museums.

### **SECTION X: NONCONFORMING USES**

A. The lawful use of land existing at the time of the passage of this ordinance, although such use does not conform to the provisions hereof, may be continued; but, if such nonconforming use is discontinued, any future use of said premises must be in conformity with the provisions of this ordinance.

B. The right of nonconforming uses to continue shall be subject to such regulations as to the maintenance of the premises and conditions of operation as may be reasonably required, in the judgment of the Board of Adjustment, for the protection of adjacent property.

C. For Zoning Districts B and C, nothing in this ordinance shall be taken to prevent restoration of a building destroyed to the extent of not more than fifty percent (50%) of its reasonable value by fire, explosion or other casualty, or acts of God, or a public enemy; nor the continued occupancy or use of such building or part thereof which existed at the time of such partial destruction.

### **SECTION XI: REGULATIONS APPLICABLE TO ALL DISTRICTS**

A. No new streets of less than 30 feet paved width with a minimum of 50 feet total street right of way on which building sites front shall be platted hereafter. Alleys shall be required in new subdivisions if the Planning and Zoning Commission so requires as a condition for any plat or replat.

1. EXCEPTION 1: There is excepted from the said minimum of 50 feet total street right of way on which building sites front the new 30-foot paved way known as “Garraty Court”, a cul-de-sac created by the resubdivision of lots 16a and 16k and a portion of lot 16 b, County Block 5526, said street to have right of way coincident with street width.\*

B. No residential building site hereafter platted shall have a frontage, depth, and total area that is not harmonious with the existing plats in the immediate vicinity; but, in no case will a lot be platted with less than twelve thousand (12,000) square feet, nor less than eighty (80) feet frontage. No new residences shall be constructed on a lot of less area, except on a nonconforming single lot shown by a plat or plats recorded prior to passage of this ordinance which nonconforming lot meets the conditions for receiving a building permit set forth below.#

Where two (2) or more contiguous lots are held under one (1) ownership and one or more such lots are non-conforming, they shall be deemed to be a single parcel for purposes of determining compliance with the dimensional requirements of the zoning district in which such lots are located. For purposes of this section, the term "nonconforming lot" means a lot which does not meet the minimum parcel street frontage or minimum parcel area requirements stated above.#

Where an application for a building permit is submitted for new construction on a nonconforming lot which is a platted lot of record, the applicant shall be required, as a condition of receiving such permit, to provide satisfactory evidence that the lot existed as a separate independent parcel prior to the date of passage of this amendment to the Zoning Code and has remained as a separate independent parcel continuously since such date. For purposes of this section, the term “separate independent parcel” means any non-conforming lot not used on or after the date of the passage of this amendment to the Zoning Code, in conjunction with one or more contiguous lots under the same ownership for: (1) a use ancillary to a residential or commercial structure (e.g. a yard; parking area); (2) the location for any structure, including but not limited to a residential or commercial structure and any ancillary improvements thereto; or (3) to satisfy required dimensional requirements of the applicable zoning district, including but not limited to required setbacks.#

More than one (1) tract of land or lot held under one ownership may be used for a use or structure and/or for the purpose of satisfying required dimensional requirements of the applicable zoning district, including without limitation required setbacks, provided the owner plats or replats the property into a single lot and records the new plat prior to obtaining a building permit.#

No lot shall be subdivided to leave any front of less than 80 feet, and no more than one residence shall be built or left on any lot.#

1. EXCEPTION 1: Where curved streets create wedge-shaped lots, frontage may be less than eighty feet (80') provided lot width at building setback line is eighty feet (80') or more.

2. EXCEPTION 2: There is also excepted from the said eighty foot (80') width requirement

the following designated area in which the lot frontage shall not be less than sixty-five feet (65') and as to which all other provisions hereof shall apply, said excepted sixty-five foot (65') frontage area being designated as follows:

Tract No. 65 of the Lewis-Polk Subdivision recorded in Volume 248, Deed Records of Bexar County, Texas, and being bound on the north by Garraty Road, on the east by Harry Wurzbach Highway, on the south by Terrell Road, and on the west by Beverly Drive.

3. EXCEPTION 3: There is also excepted from the said eighty foot (80') frontage width and twelve thousand (12,000) square footage requirements, the following designated lots situated in the Auburn Place area upon which each such lot the frontage width shall not be less than fifty feet (50') and the total area of each lot not less than five thousand eight hundred (5,800) square feet:

Lots 1A through 14A (or any portions thereof) Block 20, County Block 5742, bounded on the north by a thoroughfare known as Austin Highway as such lots may be subsequently replatted.

4. EXCEPTION 4: There is also excepted from the said eighty foot (80') frontage width requirement, the following designated lots situated in the Auburn Place area, each of which said lots shall have a frontage width at the front building setback line of sixty feet (60'):

Lots 1A through 3A (or any portions thereof) Block 21, County Block 5742, as such lots may be subsequently replatted.

5. EXCEPTION 5: The western portion of the former lot 21, now identified as lot 21B, shall be considered as part of Lot 22 of Block 21 for the purposes of this Section (it being acknowledged that there is a presently existing dwelling situated upon Lot 22 and lot 21B).

6. EXCEPTION 6: There is also excepted from the said ten thousand (10,000) square footage requirement an Auburn Place area lot described below, the total area of which will be not less than nine thousand (9,000) square feet.

The eastern portion of Lot 25, Block 21, CB 5742, provided said portion is subsequently replatted as follows: The north side to be eighty feet (80'); the south side to be eighty feet (80'); the east side to be one hundred thirty-two and ninety-seven hundredths feet (132.97'); and the west side to be one hundred forty-one and two tenths feet (141.2').

7. EXCEPTION 7: There is excepted from the said eighty foot (80') frontage requirement, Lots 35E and 35F, Tobin Estate Subdivision, each of which Lots shall have frontage on Terrell Road of not less than twenty feet (20'), said Lots 35E and 35F being out of Tract 35B, CB5644B

and being described in the Plat approved by the Terrell Hills Planning and Zoning Commission on February 27, 1992. This exception is made subject to the following conditions:

a. Upon the forty foot (40') wide private drive which provides access to Terrell Road for Lots 35E and 35F (and which is shown on the Plat), there shall be constructed and maintained a twenty foot (20') wide hard surface of all weather material. No other improvements shall be constructed or maintained upon said private drive.

b. The construction of said driveway shall be completed prior to the occupancy of any residence located on Lots 35E or 35F.

8. EXCEPTION 8: There is also excepted from the said eighty foot (80') frontage width requirement, the two (2) lots resulting from the resubdivision of Lot 16H, CB5526, provided lot width at the deemed front building setback line is one hundred feet (100') or more.

9. EXCEPTION 9: There is also excepted from the said eighty foot (80') frontage width and twelve thousand (12,000) square foot area requirements, the lots situated in the Waterford Villas area upon which each such lot the frontage width shall not be less than forty-nine and one-half feet (49 1/2') and the total area of each lot not less than four thousand two hundred (4,200) square feet.\*

10. EXCEPTION 10 (as amended): There is excepted from the frontage, depth and total area requirements of the Comprehensive Zoning Ordinance pertaining to the Sheraton Court Subdivision, as amended, in Block 21, CB 5742, Terrell Hills, Bexar County, Texas, all of which is to be amended to provide for three (3) building lots to be know as Lot 37 (formerly Lot 33), Lot 38, (formerly Lot 32), and Lot 35, and two private drives to be know as lots 34 and 36, all in Block 21, CB 5742, Terrell Hills, Bexar County, Texas. This exception is further made subject to the following conditions:

a. Each of said Lots 37, 38 and 35 shall front on the 29 foot wide private drive Lot 36, providing access from such lots to Sheraton Drive. Such private drive shall be constructed and maintained as a minimum twenty (20) foot wide drive with a nine (9) foot wide parking area with hard surface of all-weather material, a fence along the south line thereof, landscaping and curbs. No other improvements shall be constructed or maintained upon said Lot 36 private drive. The construction of such private drive shall be completed prior to the occupancy of any residence located on said Lots 37 and 38.

b. Lots 37 and 38 of the Sheraton Court Subdivision shall front on the Lot 36 private drive, and Lot 37 shall have a frontage on the same of not less than 59.80 feet and a total lot area of 4,965.790 square feet. Lot 38 shall have a frontage of not less than 60.20 feet and a total lot area of not less than 4,999.006 square feet. Lot 35 of the Sheraton Court Subdivision shall have an east frontage on the west boundary of Lot 36 private drive and shall have a total area of not less than 11,400 square feet.

c. Lot 34 shall be a 20.6 foot wide private drive located between Lots 37 and 35 of the Sheraton Court Subdivision and constructed and maintained of hard surface and all-weather material.⊗♠

11. EXCEPTION 11:

a. The private streets to be known as Garraty Hill Drive and Garraty Circle, designated as Lots 15 and 26, respectively, Garraty Hill Subdivision, are exempted from the thirty foot (30') paved width requirement and may have a paved width of not less than twenty-four feet (24').

b. The street to be known as Garraty Circle, designated as Lot 26, Garraty Hill Subdivision, is also exempted from the minimum fifty feet (50') total street right-of-way area requirement and may be a total right-of-way area of not less than thirty feet (30').\*

C. Every owner of any tract of land situated within the corporate limits of the city who may hereafter divide the same into two or more parts for the purpose of laying out any subdivision of land, or for laying out suburban lots or building lots, or any lots, and streets or alleys for the use of purchasers or owners of lots fronting thereon or adjacent thereto, shall cause a plat thereof to be made as required herein and by Section 212.004, Texas Local Government Code. Such plat shall be submitted to the Planning and Zoning Commission for its approval and then filed with the County Clerk of Bexar County, Texas as required by Section 212.004 of the Local Government Code. No application for a building permit covering construction to be done upon any new building lot created by such sub-division shall be granted by the Building Inspector unless such application is accompanied by a certified true copy of the plat as recorded.

D. Swimming pools will be placed no closer to the front property line than the front building line of the main structure. Side and rear setbacks will apply and will be measured from the outside edge of the pool decking.

E. Each application for building permit shall be accompanied by a landscaping plan containing sufficient details to clearly describe all features proposed to be located in the city right-of-way. A written statement shall be provided holding the city harmless from liability and/or damages caused by features placed in the right-of-way. The city retains total jurisdiction over features in the right-of-way as necessary for installation and maintenance of utilities, improvements and protection of the public health, safety and welfare.

F. Plans for walls for a sub-division of more than one new lot must be submitted to the Planning and Zoning Commission with the request for replat; plan must indicate ownership of the proposed wall/fence.

G. Courts for tennis and other activities will be placed no closer to the front property line than

the front building line of the main structure. Side and rear setback for accessory buildings will apply. Lighting for courts must have the approval of not less than 75% of the property owners within 100' of the property on which the court is located.

H. Driveway approaches shall be required on all hereafter developed property. It shall be the duty of the owner of the abutting property to construct a concrete driveway approach and the expense of such work shall be borne by the property owner. Driveway approaches:

1. Shall conform to the requirements of the adopted City Building Code.
2. Shall be constructed with either wing side slopes or with return curbs having a rolled face disappearing at the sidewalks and joining the street curbs.
3. Shall be designed to prevent the entrance of water from the streets onto private property except that a drainage system may be provided within the property to handle water coming from the street.
4. Angle of the driveway approach with the curb inlet shall be approximately 90 degrees for 2-way driveways or 45 degrees to 90 degrees for one-way driveways.

I. Any lot is permitted one sign not exceeding twelve square feet in area advertising the lease or sale of the City of Terrell Hills real estate. No other advertising signs of any character shall be permitted in any residential district except those advertising garage sales erected on the respective premises for a period not to exceed 24 hours after completion of the garage sale by permit.

**SECTION XII: MUNICIPALLY OWNED PROPERTIES & PUBLIC UTILITIES**

The provisions of this ordinance shall not apply to property owned or used by the City of Terrell Hills or to property used to provide public utilities.

**SECTION XIII: ENFORCEMENT**

A. The provisions of this ordinance shall be administered and enforced by the Building Inspector appointed by the City Council. No excavation or construction may be started without a building permit. All applications for building permits shall be accompanied by a plat, in duplicate, drawn to scale showing the actual dimensions of the lot to be built upon, the size and location of the building(s) to be erected and such other information as may be necessary to insure enforcement of these regulations. An accurate record of such applications and plats shall be kept in the office of the Building Inspector.

B. All such applications for building permits shall further be accompanied by a complete set of

written plans and specifications covering the proposed construction. Such plans and specifications shall be deemed insufficient unless they bear the seal of either a registered professional engineer or an architect licensed under the laws of the State of Texas. All foundation plans shall be deemed insufficient unless they bear the seal of a registered professional engineer licensed under the laws of the State of Texas. Such set of plans shall be retained by the Building Inspector until a Certificate of Occupancy and Compliance has been issued.

**SECTION XIV: CERTIFICATE OF OCCUPANCY AND COMPLIANCE**

A. No building hereafter erected or structurally altered shall be used, occupied or changed in use until a certificate of occupancy and compliance shall have been issued by the Building Inspector, stating that the building or proposed use of a building or premises complies with the building laws and the provisions of these regulations.

B. Certificates of occupancy and compliance shall be applied for coincident with the application for a building permit and shall be issued within ten days after the erection or structural alteration of such buildings shall have been completed in conformity with the building laws and these regulations. A record of all certificates shall be kept on file in the office of the Building Inspector.

**SECTION XV: BOARD OF ADJUSTMENT AND PLANNING AND ZONING COMMISSION**

A. Board of Adjustment

1. Organization and Operation of the Board.

a. The Board shall consist of five members and three alternates appointed as required by Section 10 of Article VIII of the City Charter. At the first meeting of the Board following publication of an ordinance appointing members, the Board shall select a Chair and Deputy Chair from its members.

b. A quorum shall consist of four members/alternates. No more than five members/alternates may vote on any issue before the board; the voting alternate(s), if any, shall be designated by the Chair at the start of the meeting.

c. Meetings of the Board shall be held at the call of the Chair. Such Chair, or in his absence the Deputy Chair, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public.

d. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of

the City Secretary and shall be a public record.

e. A member/alternate shall not vote or participate as a member in any matter before the Board if the member has any interest in this matter, whether such interest is direct or indirect, financial or otherwise. In any case, where the question of a member's interest is raised, the Chair shall rule on whether the member should be disqualified.

f. Notice - Public notice of hearing before the Board of Adjustment shall be given for each separate appeal thereto by publication two times in a newspaper of general circulation in the City of Terrell Hills, stating the time and place of such hearing, which shall not be earlier than ten (10) days from the first date of such publication, and in addition thereto the Board of Adjustment shall mail notices of such hearings to the petitioner and to the owners of property lying within two hundred feet (200') of any point of the lot or portion thereof on which such variation is desired, and to all other persons deemed by the Board of Adjustment to be affected thereby. Such owners and persons shall be determined according to the current tax rolls of the City. The published notice and the mailed notice may contain notice of a hearing on more than one matter. Substantial compliance with the provisions of this section shall be deemed sufficient, and the depositing of such written notice in the mail by the Board of Adjustment shall be deemed in compliance with the provisions for mailed notices.

g. A fee of one-hundred dollars (\$100.00) to cover the administrative costs of such hearing will be filed with the request for hearing.

2. The Board of Adjustment shall have the following powers:

a. To authorize upon appeals in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardships, and so that the spirit of this ordinance shall be observed and substantial justice done.

b. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance. In exercising this authority, the Board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for this purpose the board has the same authority as the administrative official.

(1). Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken with ten (10) days from the date of any such ruling, by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the

appeal is taken shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

(2). An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board after notice of appeal shall have been filed that by reason of facts stated in the certificate a stay would, in his opinion, cause eminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

(3). The Board of Adjustment shall fix a reasonable time for the hearing of the appeal and give notice thereof, as hereinafter set forth, and upon the hearing any party may appear in person or by agent or by attorney.

3. The concurring vote of four members/alternates of the board is necessary to:

- a. Authorize a variation from the terms of this ordinance; or
- b. Reverse an order, requirement, decision, or determination of an administrative official.

B. Planning and Zoning Commission

1. Organization and Operation of the Commission.

a. The Commission shall consist of seven members and three alternates appointed as required by Section 9 of Article VIII of the City Charter. At the first meeting of the Commission following publication of an ordinance appointing members, the Board shall select a Chair and Deputy Chair from its members.

b. A quorum shall consist of four members/alternates of the commission. No final action shall be taken on any matter except pursuant to a majority vote of the members present; however, in no case shall less than four votes constitute a majority, and this requirement shall govern requests for rehearings in zoning cases.

c. Meetings shall be called by the Chair, provided that written notice thereof is mailed or given to each member at least forty-eight (48) hours prior to the time thereof. No approval or disapproval of any zoning application shall be given except at a regular meeting. All meetings of the Commission shall be held at the City Hall.

d. The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of

its examinations and other official actions, all of which shall be immediately filed in the office of the City Secretary and shall be a public record.

e. A member/alternate shall not vote or participate as a member in any matter before the Commission if the member has any interest in this matter, whether such interest is direct or indirect, financial or otherwise. In any case, where the question of a member/alternate's interest is raised, the Chair shall rule on whether the member/alternate should be disqualified.

f. Notice - At least fifteen (15) days notice of any public hearing before the Planning and Zoning Commission of the time and place of such hearing, shall be published in an official paper, or a paper of general circulation in the city. Notice shall be mailed to owners of real property lying within two hundred feet (200') of any lot to be replatted or any property upon which a change in zoning classification is proposed. Such notice shall be given, not less than 15 days before the date set for hearing, to all such owners as indicated on the most recently approved municipal tax roll.

g. A fee of one-hundred dollars (\$100.00) to cover the administrative costs of each hearing will be filed with the request for hearing.

## 2. Platting, Replatting and Recording Subdivisions

a. The provisions of Chapter 212 of the Texas Local Government Code will govern the Commission's consideration of such matters. If the commission disapproves a request no hearing will be held involving the same tract of land for a six months period unless new, relevant and substantial evidence, which could not have been secured at the time set for the original hearing is produced by the applicant under sworn affidavit to that effect.

b. Final Approval Authority. The City Council will be the approval authority for all plats and replats after such requests are considered by the Planning and Zoning Commission in accord with this ordinance, if there are two dissenting votes on the Planning and Zoning Commission action.

c. PROCEDURE: Annex A

d. SHORT FORM PROCEDURE: A short form procedure, omitting the filing of the preliminary plat may be followed when:

(1) All lots in the proposed subdivision front on a previously dedicated street and are so situated that no new streets, alleys, easements or public property are required; and

(2) The utilities and drainage facilities are in place to serve each lot in the proposed

subdivision and require no alterations; and

(3) Staff review by the city confirms that all engineering data remains accurate.

e. The Planning and Zoning Commission may approve and issue an amending plat as provided in paragraph 212.016 of the Texas Local Government Code without notice, a hearing, and the approval of other lot owners.

### 3. Changes and Amendments to the Comprehensive Zoning Ordinance

a. The City Council may, from time to time, amend, supplement, or change by ordinance the boundaries of the districts or the regulations herein established.

b. Before taking action on any proposed amendment, supplement or change, the City Council shall submit the same to the Planning and Zoning Commission for its recommendation and report.

c. Procedures for amendments of the zoning regulations.

(1) All petitions, applications, recommendations or proposals for changes in the zoning district classification of property or for changes in the textual provision of the zoning ordinance shall be filed with the Planning and Zoning Commission.

(2) It is further provided that no application for the rezoning of any lot, lots or block of land situated in the city, shall be received or filed with the Planning and Zoning Commission of the city and no hearing had thereon, if within one year prior thereto the City Council, after consideration and hearing, has denied an application for rezoning of the same property.

(3) Recommendations. The Planning and Zoning Commission shall make a preliminary report on all proposed changes and hold a public hearing thereon before submitting its final report to the City Council.

(4) After the final report is submitted by the Planning and Zoning Commission as provided above, the City Council shall act upon said report after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard.

(5) Passage when protested. If the Planning and Zoning Commission has disapproved a change in zoning or if there is a protest against any change in the reclassification of the zoning district of any property, signed by the owners of twenty percent (20%) or more either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending two hundred feet (200') therefrom, or of those directly opposite thereto extending two hundred feet (200') from the street frontage of such opposite lots, such

amendment shall not become effective except by favorable vote of three-fourths of all the members of the City Council.

**SECTION XVI: COMPLETION OF BUILDINGS**

Nothing herein contained shall require any change in the plans, construction, or designated use of a building actually under construction, for which building permit has been issued, at the time of the passage of this ordinance, and which entire building shall be completed within one year from the date of the passage of this ordinance. If an amendment to this ordinance is hereafter adopted changing the boundaries or districts, such changes shall not affect existing buildings or premises, or buildings under construction, or building permits issued at the time of the passage of such amendment.

**SECTION XVII: PENALTY AND VIOLATION**

Any person or corporation that shall violate any of the provisions of this ordinance or fail to comply therewith or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable to a fine of not more than one hundred dollars, and each day such violation shall be permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof, where anything in violation of this ordinance shall be placed, or shall exist, and any architect, building contractor, agent, person or corporation employed in connection therewith, and who may have assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction shall be fined as herein provided.

**SECTION XVIII: DEFINITIONS**

Certain words and phrases used in this ordinance are defined in Annex B.

**SECTION XIX: ZONING MAP DESIGNATIONS**

A. When definite distances in feet are not shown on the zoning map the district boundaries of the zoning area are intended to be along existing street, alley or property lines or extension of or from the same. When the location of a district boundary line is not otherwise determined, it shall be determined by the scale of the maps measured from a given line.

B. Where the street layout actually on the ground varies from the street layout as shown on the zoning map, the Board of Adjustment may apply the designations shown on the mapped streets in such a way as to carry out the intent of the plan for the particular area in question.

**SECTION XX: VALIDITY OF ORDINANCE**

If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

**SECTION XXI: When Effective**

This ordinance shall become effective immediately upon its passage and proper notice thereof as in such cases is made and provided.

**ANNEX A - PLATTING PROCEDURE**

1. Preliminary conference: Previous to the filing of a preliminary plat, the subdivider should consult with and present a proposed plan of subdivision to the City Manager for comments and advice on the procedures, specifications, and standards required by the city for the subdivision of land.

2. Preliminary plat: The preliminary plat shall be prepared by a licensed surveyor or engineer. The subdivider, or his engineer or surveyor, shall submit a reproducible and seven additional copies of the plat. All plats must be received at least ten days prior to the Planning and Zoning Commission meeting at which they are to be considered for approval. If, after approval of a preliminary plat, changes thereto are required or desired, a revised preliminary plat shall be submitted following the same procedure as required for an original preliminary plat.

3. Content of preliminary plat. The plat shall show the following:

- a. Names and addresses of the subdivider, owner of record, engineer or surveyor.
- b. Description, by metes and bounds, of the subdivision.
- c. Existing and proposed subdivision boundary lines.
- d. A preliminary plan for providing utility service.
- e. A preliminary plan for the drainage system.
- f. Date of preparation, scale of plat and north arrow.

4. Approval or disapproval of preliminary plat.

a. Following review of the preliminary plat, the Planning and Zoning Commission shall, at a public meeting for which appropriate legal notice has been accomplished, express its approval and conditional approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons therefor.

b. The actions of the Commission shall be noted on two copies of the preliminary plat, referenced and attached to any conditions determined. One copy shall be returned to the subdivider and the other retained by the Commission.

c. Conditional approval shall be considered to be approval of a plat or replat subject to conformity with prescribed conditions, but shall be deemed to be disapproval of such plat or replat until such conditions are satisfied.

5. Final plat.

a. One mylar drawing not more than 24 inches by 36 inches plus seven copies of the final plat and other exhibits required for approval shall be submitted to the commission within six months after approval of the preliminary plat; otherwise such approval shall become null and void. Application for approval of the final plat shall be submitted in writing at least ten days prior to the meeting at which it is to be considered.

b. The final plat shall conform to the preliminary plat as approved. The Commission shall act on the final plat within 30 days after the date the final plat is filed with the City Secretary. A plat is considered approved by the Planning and Zoning Commission unless it is disapproved within that period.

c. The final plat shall show the following:

(1) North point, scale, and the name of the registered professional engineer or licensed state land surveyor responsible.

(2) A definite legal description and identification of the tract being subdivided sufficient for the requirements of title examination. The plat shall be a descriptive diagram which shall show, by reference, that the subdivision is a particular portion or part of a previously filed plat or an original grant, and which diagram and description shall clearly identify that portion owned by the subdivider.

(3) The boundaries of the subdivided property; location dimensions of all streets, alleys, parks, easements or other areas intended to be dedicated or deeded to the public use. Circular curves shall be defined by actual length of radius and not by degree of curve.

(4) The location of all adjacent streets and alleys.

(5) All lots shall be numbered or lettered consecutively. Complete dimensional data shall be given on all lots.

(6) The final plat submitted to the Commission and to be filed for record with the county clerk shall not show the construction features such as curb lines or public utility lines or other lines not involved in the title covenant.

d. When filed, the final plat shall be accompanied by the following site improvement data, with plans and engineering calculations bearing the seal and signature of a registered engineer:

(1) Plans and profiles of all streets and alleys.

(2) Plans showing two foot contours; location, depth and dimensions of existing water and sanitary sewer lines; plans and profiles of proposed water and sanitary sewer lines, indicating depths and grades of lines; and detailed cost estimates.

(3) The proposed plat showing two foot contours with all street widths and grades, runoff figures for the outlet and inlet sides of all drainage ditches and stone sewers.

(4) Calculations showing the anticipated stormwater flow, indicating watershed area, percent runoff and time of concentration.

(5) When a drainage channel or storm sewer is proposed, complete plans, profiles and specifications showing complete construction details with detailed cost estimates shall be provided.

e. If the City Manager determines that the final plat or supplementary material is incomplete, the plat and supplementary material will be returned to the developer, requesting that it be completed before it is resubmitted.

6. Guarantee of performance.

a. If the subdivider chooses to construct required improvements prior to recordation of the final plat, all such construction shall be inspected while in progress by an engineering firm approved by the City Manager. Such construction must be approved upon completion by the City Manager. Costs of all tests shall be paid by the contractor. Prior to approval of the final plat, the subdivider shall file with the Commission an irrevocable bond, executed by a surety company acceptable to the Commission, in an amount equal to 20% of the cost of improvements as determined by the engineer's estimate approved by the City, conditioned that the subdivider will maintain such improvements in good condition for a period of one year after approval of the

final plat. Such bond shall be approved as to form and legality by the City Attorney.

b. If the subdivider chooses to file security and maintenance bond in lieu of completing construction prior to final plat approval, one of the following methods of posting security may be followed.

(1) File with the Commission an irrevocable bond executed by a surety company acceptable to the Commission in an amount equal to the cost of the improvements required as determined by the engineer's estimate approved by the City, conditioned that the subdivider will complete such improvements within two years after approval of such plat; or

(2) Has placed on deposit in a bank or trust company approved by the Commission a sum of money equal to the estimated cost of all site improvements, conditioned that the subdivider will complete such improvements within two years after approval of such plat.

(3) If either type of security is filed under this section, the filing shall be accompanied by a bond in amount equal to twenty percent of the cost of the improvements, conditioned that the subdivider will maintain such improvements for a period of one year after final acceptance of the completed construction by the City. The construction shall be inspected while in progress by an engineering firm approved by the City Manager and such construction must be approved upon completion by the City Manager. Cost of all tests shall be paid by the contractor. After final inspection, the City Manager will notify the subdivider in writing as to his approval or rejection of the construction. If approved, the City Council may accept the improvements and release the subdivider's bond or collateral by resolution. If the construction is rejected, the City Attorney may, on direction of the City Council, proceed to enforce the guarantees provided.

## ANNEX B - DEFINITIONS

***Accessory Structure.*** A secondary structure established in conjunction with, and clearly smaller than the principal dwelling. A detached accessory or secondary structure is one that is completely freestanding from the primary structure, or is linked only by a roof, not to exceed 10 feet in width, and that has no side enclosures.

***Addition.*** A modification to an existing building that expands the square footage of the building.

***Alley*** - A way which affords secondary means of access to abutting property and which is less than sixteen feet (16') in width.

***Apartment House*** - A building or portion thereof, arranged for, designed for, or occupied by three or more families living independently of each other.

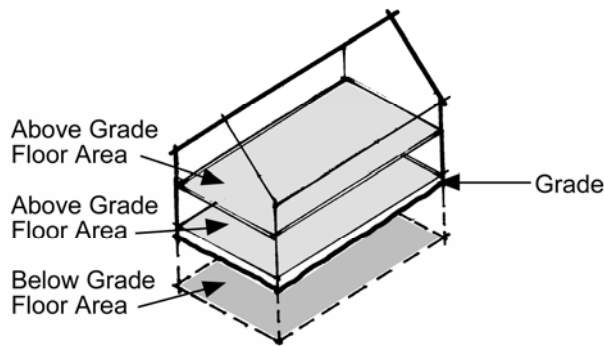
***Building Coverage.*** Building coverage shall be calculated using the combined total square

footage of the floor plate of the primary structure. Overhangs and eaves shall not be included in building coverage. Patios, pools, decks and paved surfaces and one-story open (roofed) porches shall be excluded from the building coverage.

**Depth of Lot** - The mean horizontal distance between the front and rear lot lines.

**Family** - Any number of individuals living together as a single housekeeping unit, in which not more than two (2) individuals are unrelated by blood, marriage or adoption

**Floor Area Ratio.** The ratio of the total above-grade gross floor area of all structures on a site to the total square footage of the lot. The following areas are to be included in the gross floor area for the purpose of computing floor area ratio:



- Above grade floor area: Any room that has a wall surface that extends more than three feet above grade, to be counted at 100%

- Walkout basement floor area: calculated as a percent of total basement floor area and includes all square footage enclosed by a 3 foot minimum exposed, exterior wall plate, see walkout basement definition.

- Exterior walls: the thickness of the wall shall be included in the calculation.

- Laundry rooms, mechanical rooms, closets, storage rooms, built-in cabinets and media niches.

- Mezzanines and lofts.

- Floor areas used by interior stairways, elevators, escalators and similar features. The floor area of each run of stairs shall be counted once.

- Usable spaces (generally defined as having a 5-foot minimum height) such as rooms, closets and cabinets under a run of stairs shall also be counted.

- Exterior structures and additions with a solid roof and enclosed on more than two sides in whole or part with permanent walls or windows such as porches, balconies, patios and breezeways.

- Attached and detached garages (Except as excluded; see section (4)(D)(4)(i) above).

- Accessory buildings such as sheds, pool houses, guest houses and second units.

The following areas are excluded from gross floor area for the purpose of computing floor area ratio:

- Below grade floor area: Any area that has a wall surface that extends no more than 3 feet above grade.

- Porches, balconies, patios, breezeways, carports, decks, overhangs, eaves, cantilevers and awnings with a “solid”, roof-like cover, but not enclosed on more than two sides.
- Porches, balconies patios, breezeways and decks that do not have a “solid”, roof-like cover.
- Attic Space shall not be counted.

**Height to Roof Ridge (Total Height).** For a sloping roof, the height to the top horizontal framing member of the roof ridge from the natural or improved grade, whichever is the more restrictive. Accessory structural elements located on the roof, such as solar panels, shall be subject to the total height requirements.

**Wall Plate Height.** For a building with a flat or sloping roof, the height to the top horizontal framing member of a wall from finished floor or 18 inches above the natural or improved grade, whichever is more restrictive.

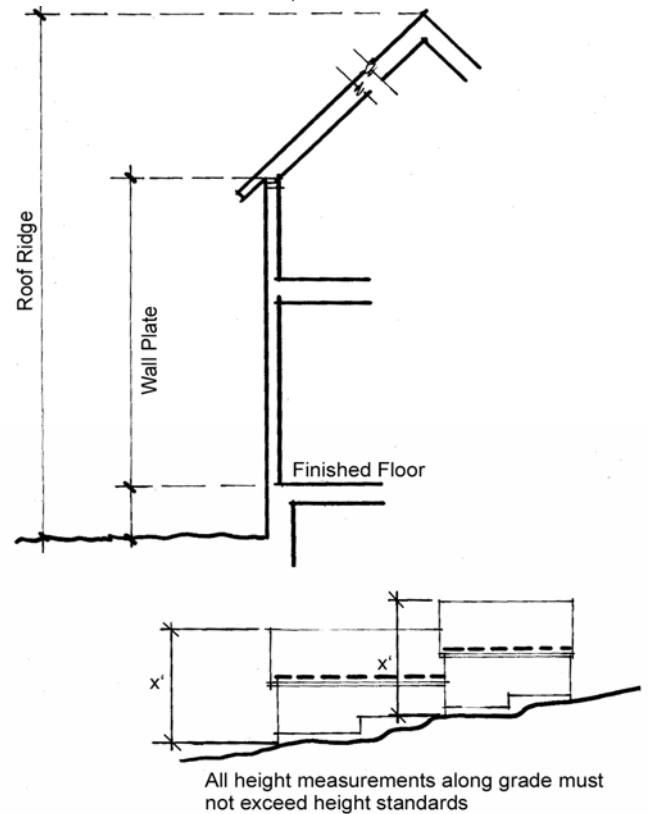
**Height of Fencing.** Fence height shall be measured to the highest point of the fence from the outside finished grade.

**Landscape Area.** That portion of the front setback area that is required to contain landscape materials, and not impervious surfaces. Landscape materials shall include, but not be limited to, grass, ground covers, shrubs, vines, hedges, trees, and berms.

**Lot** - Land occupied or to be occupied by a building and its accessory building(s) and including such open spaces as are required under the ordinance, and having its principal frontage upon a public street or officially approved place.

**Non-conforming Use** - A building or premises occupied by a use that does not conform to the regulations of the district in which it is situated.

**One-family Dwelling** - A detached building having accommodations for and occupied by only one family.



**Parapet.** For a flat roof, the height to the top of the parapet from the natural or improved grade, whichever is the more restrictive.

**Primary Structure.** The principal occupied dwelling (home or house) on a site.

**Secondary Structure.** See Accessory Structure

**Street** - A public thoroughfare which affords primary means of access to abutting property and which is 16' or greater in width.

**Story** - That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between such floor above the ceiling next above it.

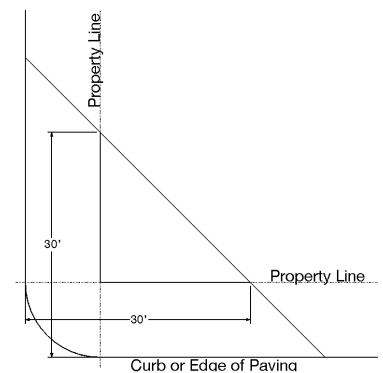
**Story, Half** - A story having an average height of not more than eight feet (8'), covering a floor area of not more than seventy-five percent (75%) of the area of the floor of the first story below.

**Structural Alterations** - Any change in the supporting member of a building, such as bearing walls, columns, beams or girders.

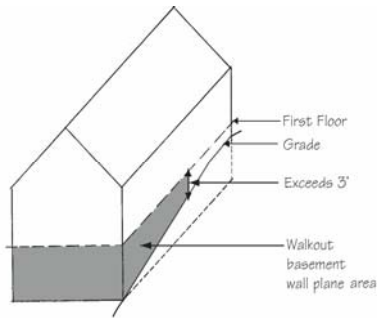
**Vision Triangle:** The area created by connecting a line setback 30 feet from the curb or edge of paving, along the side property line and a line 30 feet from the curb or edge of paving, along the front property line. Vision triangles are used to maintain a clear line of sight at intersections.

**Walkout Basement:** A basement that has an exit at-grade, although the majority of the basement remains below grade. Percentage of walkout basement floor area to be counted in the floor area ratio.

*Note:* All illustrations in this document are not actual representations of any property and are intended to provide examples only.



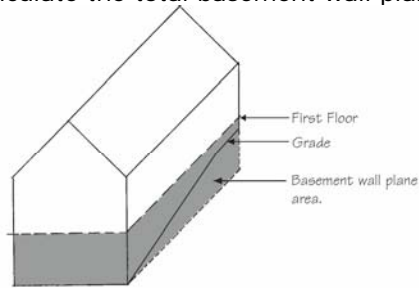
Step 1. Calculate the total wall plane area for each walkout basement wall. The walkout basement wall is the wall that measures more than 3 feet in vertical length from grade to the bottom of the first floor. See sketch #1.



**Sketch #1**

Step 2. Total the wall plane area for each walkout basement wall.

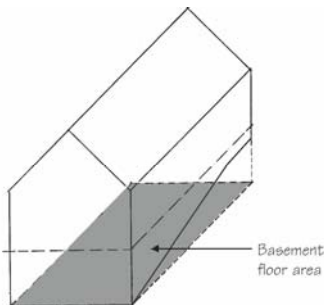
Step 3. Calculate the total basement wall plane area. See sketch #2.



**Sketch #2**

Step 4. Divide Step 2. / Step 3. to find the percentage of the wall above grade. This is the percent walk-out wall plane area.

Step 5. Multiply the percentage found in Step 4 by the total basement floor area. See sketch #3. The result will be the total square footage (walkout that should be included in your FAR calculation).



**Sketch #3**

**Wall Plate, Front.** A wall running parallel (or approximately so) to the front property line.

**Wall Plate, Side.** A wall running parallel (or approximately so) to a side property line.

(Ord. 929, 1-15-96)

\*(amended by Ord. 941, 3-11-96)

⊗(amended by Ord. 955, 6-3-96)

\* (amended by Ord. 958, 9-9-96)

◆(amended by Ord. 973, 4-17-97)

○(amended by Ord. 1043, 10-11-99)

\* (amended by Ord. 1099, 3-18-02)

◆(amended by Ord. 1116, 9-09-02)

♥(amended by Ord. 1119, 10-14-02)

♠(amended by Ord. 1138, 4-14-03)

# (amended by Ord. 1197, 1-09-06)

(Amended by Ord. 1256, 8-13-07)