

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SHADY SHORES, TEXAS:**

Deleted: E

**ARTICLE 1.1 DEFINITIONS**

- (a) Certain words used in this Ordinance are defined for the purpose there of as follows:

Words used in the present tense include the future tense; words in the singular number include the plural number, and words in the plural number include the singular. The word "shall" is mandatory and not discretionary.

- (1) **Accessory Building** is a subordinate building, attached or detached, and used for a purpose customarily incidental to the main building, not involving the conduct of a business. And which is located on the same lot or tract as the main use. Such as, but not limited to: a private garage or carport for automobile or boat storage, tool house, greenhouse, home workshop, children's playhouse, barn or storage building.
- (2) **Adult Care Center** is a facility that provides care for six (6) or more persons over 18 years of age who are not related by blood, marriage, or adoption to the owner or operator of the facility. The persons being cared for under this use may not use the facility as a residence.
- (3) **Agricultural Building** is a structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged; nor shall it be a place used by the

- public.
- (4) **Airplane Hanger, Private** is an accessory structure (attached or detached) situated on the same lot, tract or parcel of land with the main building, for the storage only of airplanes and for the private use of the occupants of the premise on which it is located.
  - (5) **Alley** is a right-of-way which extends only secondary means of access to adjacent property.
  - (6) **Breeze-way** is an unenclosed passage connecting two buildings or portions of a building.
  - (7) **Building** is a structure for the support or shelter of any use or occupancy.
  - (8) **Building Line or Setback Line** is the minimum distance a building may be erected from a street, alley or lot line.
  - (9) **Business** means commercial or mercantile activity engaged as a means of livelihood or economic dealings.
  - (10) **Child Care Center** is a facility that provides care for seven (7) or more persons under 18 years of age who are not related by blood, marriage, or adoption to the owner or operator of the facility. The persons being cared for under this use may not use the facility as a residence.
  - (11) **Coverage** is the percentage of lot area covered by a roof, floor or other structure.
  - (12) **Customary Home Occupation** is an occupation customarily carried on in the home by a member of the occupant's family, without structural alterations in the building or in any of its rooms, without the installation or outside storage of any machinery, equipment or materials

other than that customary to normal household operations, without the employment of persons not residing in the home, without the use of a sign to advertise the occupation, without offering a commodity for sale on the premises, which does not cause the generation of additional traffic in the street, and which does not create obnoxious conditions to neighboring properties such as noise, odor, light or smoke.

- (13) **District** means a section of the Town of Shady Shores for which the regulations governing the lot areas, building size, heights and setbacks are uniform.
- (14) **Drive Approach** is the portion of the driveway extending from the right-of-way line, or private street easement line, to the main travel surface of the road.
- (15) **Driveway** is a vehicle travel way connecting the parking spaces on a lot, or tract of land, to the right-of-way or private street.
- (16) **Dwelling, Multiple** is a building which is designed to be occupied by two or more families living independently of each other.
- (17) **Dwelling, One-family** is a building having accommodations for and occupied by only one family.
- (18) **Dwelling Unit** means one or more rooms designed to accommodate one family and containing only one kitchen plus living, sanitary and sleeping facilities.
- (19) **Easement** means an interest in land owned by another that entitles its holder to a specific limited use of said land and that has been recorded in the office of the County Clerk of Denton County, Texas.

- (20) **Eaves** is the lowest border of a roof, including any overhang.
- (21) **Family** means individuals living together as a single housekeeping unit in which not more than four individuals are unrelated to the head of the household by blood, marriage, or adoption.
- (22) **Farm, Ranch, Garden and Orchard** is an area of five (5) acres or more which is used for the growing of usual farm products, vegetables, fruits, trees, and/or grain and for the raising thereon of the usual farm poultry and farm animals such as horses, cattle and sheep. Including the necessary accessory uses for raising, treating and storing products raised on the premise, but not including the commercial feeding of offal and garbage to swine and other animals, and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.
- (23) **Floor Area** is the total square feet of floor space in a building measured to the outside faces of the exterior walls.
- (24) **Front Yard** is an open and unoccupied space on the same lot with a building, between the building and the property line extending across the front of the lot.
- (25) **Garage, Private** is an accessory structure (attached or detached) situated on the same lot, tract or parcel of land with the main building, with capacity for not more than five (5) motor-driven vehicles, for storage only and for the private use of the occupants of the premise on which it is located.
- (26) **Height** means the vertical distance measured from the average established grade at the street lot line or from the average natural ground level, if higher than the street, to:

- (A) the midpoint of the vertical dimension between the lowest eaves and the highest ridge of a structure with a gable, hip or gambrel roof; and
- (B) the midpoint of the vertical dimension of the dome for a structure with a dome roof; and
- (C) the deck line of structures with mansard roofs; and
- (D) the highest point of the structure for any other structure.

**Note:** in measuring the height of a building, the following structures shall be excluded: chimneys, ornamental cupolas, domes or spires.

- (27) **Hobby** is an accessory use carried on by the occupant of the premise in a shop, studio or other work room, purely for personal enjoyment, amusement or recreation; provided, that the articles produced or constructed are not sold on the premise, and provided such use will not be obnoxious or offensive by reason of vibration, noise, odor, dust, smoke or fumes.
- (28) **Institution** is a building or buildings occupied by a non-profit organization or corporation, or any non-profit establishment for such use.
- (29) **Junk** means and shall include but not be limited to: scrap iron, tin, brass, copper, lead, zinc, or any other scrap metal and their alloys; bones, rags, used cloth, rubber, tires, rope, tinfoil, bottles, or cotton; inoperable or broken tools, machinery, appliances, fixtures, or utensils; used boxes, crates, lumber, or pipe fittings; inoperable automobiles or airplanes; and any other manufactured goods that are worn, deteriorated or obsolete so as to make them

unusable in their existing condition.

- (30) **Kindergarten** is a school for more than six (6) children of pre-school age in which constructive endeavors, object lessons or helpful games are prominent features of the curriculum.
- (31) **Lot**, is land occupied or to be occupied by a building and its accessory building(s), and including such open spaces as are required under this Ordinance, and having its principal frontage upon a public street or officially approved place.
- (32) **Lot Area** The net area of the lot, exclusive of any portion of private streets, alleys, or right-of-ways.
- (33) **Lot, Corner** A lot or parcel of land abutting two (2) or more streets at their intersection, or abutting two (2) parts of the same street which form an interior angle of less than 135 degrees.(Reference Figure #1 , Appendix A).
- (34) **Lot Coverage** The proportion of a lot or site covered, or permitted to be covered, by a building or structure.
- (35) **Lot Depth** The average horizontal distance between the front and rear lot lines. (Reference Figure #2, Appendix A).
- (36) **Lot, Double Frontage:** A lot having frontage on two (2) non-intersecting streets, as distinguished from a corner lot. (Reference Figure #3, Appendix A).
- (37) **Lot, Flag:** A lot having access to a street by means of a parcel or portion of land having a greater depth than its frontage, and having a width less than the minimum required lot width. (Reference Figure #1, Appendix A).
- (38) **Lot, Interior** A lot whose side lot lines do not abut upon any street.(Reference Figure #1, Appendix A).

- (39) **Lot Line** A line dividing one lot from another, or from a street or place. (Reference Figure #4, Appendix A).
- (40) **Lot of Record** A lot which is created by an approved subdivision, the plat of which has been duly recorded in the office of the appropriate county clerk.
- (41) **Lot Width** The shortest distance between the side lot lines measured at the front building line. (Reference Figure #5, Appendix A).
- (42) **Main Building** means a building on a lot intended for occupancy by the main use.
- (43) **Main Use** means those uses defined in Article 3.2 for which a property may legally be used.
- (44) **Manufactured or Mobile Home** means a structure transportable, in one or more sections, which is built on a permanent chassis and which is designed for use, with or without a permanent foundation, when connected to the required utilities.
- (45) **Manufactured or Mobile Home Park** means a site of 5 or more acres that has been established for the placing of Manufactured or Mobile Homes, allowing for such to be connected to utilities and used as single family dwellings.
- (46) **Non-Conforming Structure** means a structure which does not conform to the regulations of this ordinance but which was lawfully constructed under the regulations in force at the time of construction.
- (47) **Non-Conforming Use** means a use that does not conform to the use regulations of this ordinance but which was

lawfully established under the regulations in force at the beginning of operation and has been in regular use since that time.

- (48) **Open Storage:** The outside placement of an item, including all types of trailers, for a continuous period in excess of 24 hours. Outside placement includes storage in a structure that is open or not entirely enclosed.
- (49) **Parking Space** means open space with a surface of 4" reinforced concrete, or substitute approved by the Town engineer and the Town Council, or garage space reserved exclusively for the parking of motor vehicles that has a minimum rectangular area of nine (9) feet in width and twenty two (22) feet in length.
- (50) **Person** means any natural person, association of persons, partnership, corporation or society. The term "person" shall include both singular and plural and shall include both the feminine and masculine gender.
- (51) **Plat** A map of a subdivision or site plan that represents a tract of land showing the boundaries and location of individual properties and streets.
- (52) **Rear Yard** is an open and unoccupied space on the same lot with a building, between the building and the property line extending across the rear of the lot.
- (53) **Reversed Frontage** means a corner lot fronting the street which was originally platted as a side yard.
- (54) **Right of Way** means an area, publically owned, dedicated to public use for pedestrian and/or vehicular movement.
- (55) **Right of Way Line** is a dividing line between a lot, tract, or parcel of land and the public right-of-way.

- (56) **Setback line** is the minimum distance a building may be erected from a right of way, private street, alley or lot line. Also referred to as building line.
- (57) **Servant** is a person who spends more than 50% of his time working at the residence of, and performing duties for the family occupying the premises to which the servant's house is an accessory building.
- (58) **Servants Quarters** is an accessory dwelling unit for a bona fide servant and his or her family.
- (59) **Side Yard** is an open and unoccupied space on the same lot with a building, between the building and the side property line extending through from the street or front property line to the rear property line. Any property line that is not a front line or a rear line shall be deemed a side line.
- (60) **Signs:** Any devise, flag, light, figure, picture, letter, word, message, symbol, plaque, poster, display, design, painting, drawing, billboard, or other thing visible from outside the premise on which it is located and that is designed, intended, or used to inform or advertise to persons not on that premise.
- (A) **Agricultural:** an accessory sign identifying the farm or ranch on which it is located and advertising the produce, crops, animals or poultry raised or quartered thereon.
- (B) **Construction:** a temporary accessory sign identifying the property owner, architect, contractor, engineer, landscape architect, decorator or mortgagee engaged in the design, construction or improvement of the premise on which the sign is located.

- (C) **General Business:** an accessory sign or graphic device which advertises only commodities or service offered on the premise where the sign is located.
  - (D) **Institutional:** an accessory sign for the identification of a school, church, hospital or similar public or quasi-public institution.
  - (E) **Multiple Family Dwelling Identification:** an accessory sign located on the same property as and showing only the name and address of a multiple family dwelling.
  - (F) **Name Plate:** an accessory sign showing only the name and address of the owner or occupant of the premise on which it is located.
  - (G) **Real Estate:** a temporary accessory sign pertaining to the sale or rental of the property on which it is located and advertising the property only for a use for which it is legally zoned.
  - (H) **Temporary Political Campaign:** a sign that refers only to the issues or candidates involved in an election that is called by a governmental entity.
- (61) **Standard Masonry Construction** That form of construction composed of stone, brick, concrete, gypsum, hollow clay tile, concrete block or tile, or other similar building materials, or combination of these materials, laid up unit by unit and set in mortar.
- (62) **Story** is that portion of a building between any two successive floors or between the top floor and the ceiling above it. A half story being under a gable, hip or gambrel

roof and having wall plates on at least two exterior walls, extending not more than two feet above an adjacent full story wall.

- (63) **Street**, Any public thoroughfare dedicated to the public and not designated as an alley, also known as “Public Street” or “Right of Way”.
- (64) **Street Line**: The dividing line between the street and the abutting property.
- (65) **Street, Private** is a private vehicular access way shared by and serving two or more lots, which is not dedicated to the public and is not publicly maintained. Private streets and alleys may be established only under the terms of the Subdivision Ordinance, should one be adopted. The term “private street” shall be inclusive of alleys and is also known as “Road, Private”.
- (66) **Street Right-of-way**: A street, including its pavement and all the publicly owned property adjacent to it, dedicated for street purposes.
- (67) **Structural Alteration** is any change in the supporting members of a building such as bearing walls, columns, beams or girders, or any change in the pitch or height of the roof.
- (68) **Structure** is that which is built or constructed, an edifice or building of any kind or any piece of work artificially built up composed of parts, joined together in some definite manner; excluding fences, retaining walls, sidewalks, driveways and curbs.
- (69) **Sub-divider** is an individual, firm, association, syndicate, co-partnership, or corporation dividing or proposing to

divide land so as to effect a subdivision of here-under for himself, or for itself, or for another.

- (70) **Subdivision** is the division of any lot, tract or parcel of land into two or more lots or sites for the planned purpose of sale or of building development, whether immediate or future. The term includes re-subdivision, but does not include the division of land for agricultural purposes into parcels or tracts of ten acres (10) or more and not involving any new streets, alleys or easement of access. When appropriate to context, the term subdivision shall relate to the process of subdividing or to the land subdivided.
- (71) **Trailer, Boat** is a vehicle without means of motivation, designed to be hauled, towed or pulled by a motor vehicle, which by design is used for the transporting of boats.
- (72) **Trailer, Construction** is a vehicle without means of motivation, designed to be hauled, towed or pulled by a motor vehicle, which by design may be used for:
- (A) A temporary office or storage building,
  - (B) The conveyance, storage or display of construction materials including, but not limited to, lumber, forms, pipe, wire, sand, rock, concrete, landscape materials or plants, or
  - (C) The conveyance, storage or display of construction equipment such as, but not limited to, earth moving equipment, ditching machines, generators or tools.
  - (D) Empty flatbed trailers, less than eighteen feet in length with two or less axles are not included within this definition.
- (73) **Trailer, General purpose** is a vehicle without means of

motivation, designed to be hauled, towed or pulled by a motor vehicle, which is eighteen feet in length or less, has two or less axles, and is not being used as a construction trailer.

- (74) **Trailer, Horse or Stock** is a vehicle without means of motivation, designed to be hauled, towed or pulled by a motor vehicle, which is designed for the transporting of livestock.
- (75) **Trailer, Travel or Recreational** is a vehicular portable structure built on a chassis designed to be hauled, towed or pulled by a motor vehicle and designed to be used for travel and recreational purposes.
- (76) **Visibility Clearance Area** is the portion of a corner lot (in all zoning districts) which is to be left open and unobstructed by fences, structures, shrubs, trees or other plant life.
  - (A) This area is the portion of a corner lot within a triangular area formed by connecting together the point of intersection of the adjacent street curb lines (or, if there are no street curbs, what would be the normal street curb lines) and points on each of the street curb lines 45 feet from the intersection. (Reference Figure #6, Appendix A). And,
  - (B) the area between two and one half feet and eight feet in height, measured from the grade of the street adjacent to the visibility triangle.
  - (C) Shrubs in this area must be kept trimmed so as to be shorter than two and one half feet tall and trees are to be kept trimmed so as not to have any side branches below eight feet.

(77) **Zoning Classification** is a classification assigned to a particular area of the town within which zoning regulations are uniform.

- (1) **R-1350-M District** means the residential district established under Article 2.2.
- (2) **R-1500-3/4 District** means the residential district established under Article 2.3.
- (3) **R-1800-1/2 District** means the residential district established under Article 2.4.
- (4) **R-2000-1/2** is all property within the Town that has not been re-zoned to a R-1350-M, R-1500-3/4, R-1800-1/2, or Planned Development District, as defined in Article 2.5.

(78) **Zoning District Map** is the official map upon which the zoning districts of the town are delineated.

Deleted: (5) . **Planned Development District** means the residential district established under Article 2.6.¶

(b) Words and terms not expressly defined above are to be construed, for purposes of this zoning ordinance, in accordance to their customary usage in the practice of municipal planning and engineering.

## ARTICLE 1.2 PURPOSE

### (a) **Establishing of Controls and Comprehensive Plan**

- (1) These regulations and controls shall be known and may be cited as the "Zoning Ordinance" of the Town.
- (2) The purpose of this ordinance is to prevent ill effects of

urbanization by providing for the orderly, safe and healthful development of the area within the Town and within the area surrounding the Town and to promote the health, safety and general welfare of the community.

- (3) These regulations are adopted under the authority granted by the laws of the State of Texas and particularly as contained in The Texas Local Government Code Chapters 211 (Municipal Zoning Authority) and Chapter 212 (Municipal Regulation of Subdivisions and Property Development).
  - (4) No person shall create a subdivision of land within the corporate limits of the Town or within the extraterritorial jurisdiction thereof without complying with the provisions of these regulations. All plats and subdivisions of any such land shall conform to the rules and regulations set forth herein.
  - (5) The Town shall have extraterritorial jurisdiction concerning land not within the corporate limits as cited by the Texas Local Government Code chapter 42 (Extraterritorial Jurisdiction of Municipalities).
- (b) **Scope:** In order to implement the purpose of these regulations it shall be the intent of the controls:
- (1) To ensure that development of land and subdivisions shall be of such nature, shape and location that utilization will not impair the general welfare and to ensure against the dangers of fires, foods, erosion, landslides or other such menaces;
  - (2) to provide proper utilities and services for adequate drainage, water supply and disposal of sanitary and industrial waste;

- (3) to provide streets that ensure safe, convenient and functional systems for vehicular and pedestrian circulation;
- (4) to furnish adequate sites, convenient to schools, parks, playgrounds, beaches and other community services, respecting topography and existing vegetation so that the natural beauty of the land shall be preserved;
- (5) to provide adequate light and air;
- (6) to prevent the overcrowding of land;
- (7) to avoid undue concentration of population;
- (8) to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements; and
- (9) to ensure that all subdivision and land development relates directly to the adopted Town Plan.

(c) **General:**

- (1) All property not platted or subdivided into lots, blocks and streets within the Town shall hereafter be designated as R-2000-1/2 residential for zoning purposes. All newly platted or subdivided properties must be zoned and shall hereafter be laid out under the direction of the Town Planning and Zoning Commission, or in the absence of such a commission, by the Town Council, and subject to its approval. No other subdivisions will be recognized by the Town. Prior to the consideration of the plat by the Town Planning and Zoning Commission and the Town Council, the Town Engineer will check the plat and make recommendations, all in accordance with the Texas Local

Government Code chapter 212 (Municipal Regulation of Subdivisions and Property Development).

- (2) It shall be unlawful for any owner, or agent of any owner, to lay out, subdivide or plat any land into lots, blocks and streets within the Town which has not been laid off, subdivided and platted according to these regulations and the rules of the Town Zoning Commission.
- (3) No officer or employee of the Town shall perform, or cause to be performed, any work upon any street or in any addition or subdivision of the Town, unless all requirements of these regulations have been complied with by the owner of said addition or subdivision.
- (4) The Town hereby defines its policy to be that the Town will withhold improvements of any nature whatsoever, including the maintenance of streets and furnishings of sewage facilities and water service from all additions, until the subdivision plat and zoning have been approved and passed by the Town Council. No permits shall be issued, nor improvements begun, nor any contracts made until this approval has been given.
- (5) No construction of new buildings, structural alterations to existing buildings nor additions to existing buildings shall begin until a building permit has been issued by the Town of Shady Shores, Texas. Such permit shall be posted in a conspicuous place at the construction site until the construction is complete and final inspections have been made.

## **ARTICLE 2.1 ZONING CLASSIFICATIONS**

- (a) **Required:** The Town of Shady Shores is hereby defining districts.

The use heights and regulations are uniform within each District.

- R-1350-M Residential District
- R-1500-3/4 Residential District
- R-1800-1/2 Residential District
- R-2000-1/2 Residential District

(b) **Maps:**

(1) **Zoning Map** - Each area of land in the Town of Shady Shores zoned under this ordinance or any pre-existing ordinance shall be shown on the zoning map of the Town of Shady Shores, Texas.

(2) **Planning Map** - Town of Shady Shores, as a portion of the comprehensive plan established for planning growth and development within the Town, attached hereto is a planning map, indicating future land use and zoning within the Town.

[\(3\) FEMA Flood Insurance Rate Map \(FIRM\) - A map created by the NFIP for floodplain management and insurance purposes. The FIRM shows the Town of Shady Shores' base flood elevations, flood zones and floodplain boundaries.](#)

Deleted: Planned Development District¶

Deleted: .

Formatted: Indent: Left: 1"

(c) **Regulations Applicable to all Areas of the Town:**

(1) All consideration possible will be given to the preservation of the natural environment. Placement of dwellings and other improvements will be planned with a minimum number of trees to be removed.

(2) **Area Regulations:**

(A) **Required front, side & rear yards:**

(i) Required front, side & rear yards must be open and unobstructed, except for fences, shrubs

and trees, except as, otherwise provided in this section.

Deleted: ,

Deleted: except as

- (ii) If a building line that is established by ordinance requires a greater or lesser front yard than prescribed by this ordinance, a variance must be requested. The building line established by ordinance (130) determines the minimum required front, side or rear yard.

Deleted: t

- (iii) No covered porch, covered terrace or accessory building shall project into the required front, side or rear yard space.

- (iv) A fireplace chimney may project up to two (2) feet into the required front, side or rear yard space if its area of projection does not exceed twelve (12) square feet.

- (v) Roof eaves may project up to three (3) feet into the required front, side or rear yard space.

- (vi) Sills, belt courses, cornices and other architectural features may project up to twelve (12) inches into the required front, side or rear yard.

- (B) **Side Yard:** For the purpose of side yard regulations, two or more detached one and two family dwellings shall be considered as one building when occupying one lot; provided, however, there shall be a minimum of ten (10) feet between the sides of the buildings on the same lot.

- (i) On corner lots there shall be a side yard of not less than fifteen (15) feet, or the minimum side yard required by the district in which the lot is

located, whichever is greater, on the street side of the lot. In the case of side street or reversed frontage (where corner lot faces an intersecting street) there shall be a side yard on the street side equal to the front yard on the lots in the rear.

(ii) No accessory building on said corner shall project beyond the front yard line of the lots in the rear.

(C) **Rear Yard:** In computing the required depth of a rear yard for any building where such yard abuts an alley, the depth of lot may be considered to the center of the alley and the required depth of rear yard measured from the center of such alley.

(D) **Height Limit:** No structure shall exceed the height of thirty-five (35) feet or two and one-half (2 1/2) stories; measured from the average grade at the front property line, provided, however, that structures may be increased in height by not more than ten (10) feet when the front, side, and rear yards are each increased an additional foot for each foot such structure exceeds thirty-five (35) feet.

(i) **Height of Miscellaneous Structures:** Chimneys, water towers, penthouses, monuments, cupolas, domes, spires, stand-pipes, false mansards, parapet walls, similar structures and necessary mechanical appurtenances may be erected as to their heights in accordance with existing or here in after adopted ordinances of the Town of Shady Shores, Texas.

(ii) **Basis of Height Measurements:** The height of a building shall be measured from grade at the front of the building line of the lot.

**Comment [b1]:** Attorney review of this section

**Deleted:** On through lots one hundred twenty-five (125) feet in depth, the height of a building may be measured from the curb level on either street. On through lots more than one hundred twenty-five (125) feet in depth, the height regulation and basis of height measurement for street permitting the greater height shall apply to a depth of not more than one hundred twenty-five (125) feet from the street.

- (E) **Lot Area:** On any lot held under separate district ownership from adjoining lots at the time of passage of this ordinance, such separately owned property being of record at the time, a single family dwelling may be erected even though the lot be of less area than required by the regulations relating to lot area; provided, however, that in any event the combined area of the dwelling and accessory building shall not cover more than forty (40) percent of the total area of the lot.
- (F) **Drainage:** Lots with problem drainage, or any construction which diverts or alters natural drainage, must have planned changes reviewed and approved by the Town Council.
- (G) **Manufactured Houses, Mobile Homes, Travel Trailers & Construction Trailers**

No Manufactured house, Mobile home, travel trailer, construction trailer, or similar structure shall be moved into the Town of Shady Shores and used as a dwelling or otherwise unless:

- (i) A variance is applied for and approved by the Town Council; or
- (ii) It is a manufactured house or mobile home to be located in an existing mobile home park.

(iii) Any manufactured house, mobile home, travel trailer, construction trailer or similar structure

that is to be located in the Town of Shady Shores must comply with the requirements of Ordinance 188-1-2007 including updates and any other ordinances of the Town of Shady Shores.

(H) **Open Storage:**

- (i) A person shall not place, store or maintain outside, for a continuous period in excess of twenty-four hours, an item which is not:
  - (aa) Customarily used or stored outside; and/or
  - (bb) Made of a material that is resistant to damage or deterioration from exposure to the outside environment.
- (ii) Open storage shall not be permitted in the front yard, in a carport that is visible from the street, or on an unenclosed front porch of any residential dwelling. For the purpose of this subsection, "front yard" means the portion of a lot or tract which abuts a street and extends across the width of the lot or tract between the street and the main building.
- (iii) Open storage shall not exceed one percent of the lot area of any residential lot.
- (iv) Open storage, with the exception of one General purpose trailer or one Horse or stock trailer or one boat trailer, shall be fully screened from adjacent properties, streets and alleys by a six foot high solid wood screening fence or by vegetation, at least six feet in height, that is

sufficiently dense so as to completely screen the storage area. Items being stored must not be stacked higher than five feet.

(v) The area of the lot occupied by open storage shall be calculated by measuring the area of the smallest rectangle necessary to encompass all of the materials involved within the open storage. The area occupied by an operable motor vehicle or recreational vehicle, shall be excluded when calculating the area occupied by the open storage.

(vi) Any operable motor vehicle with a current state inspection sticker, a valid state registration, less than one and one-half tons according to the manufacturer's classification, less than 30 feet in length, and parked on an approved parking surface, is excluded from the provisions of this section.

Deleted:

(vi) There shall be no dumping of rubbish. Trash, garbage or other waste shall be kept in sanitary containers only; all other equipment for the storage or other disposal of such material shall be kept in a clean and sanitary condition.

(I) **Parking:** There shall be provided, in connection with every use permitted, off street parking spaces in accordance with the provisions of Article 3.3.

(J) **Sewage Requirements:** Unless served by the Lake Cities Municipal Utility Authority, each residence and each dwelling unit in the case of multiple housing, shall be provided with and connected to a properly constructed and adequate aerobic system or septic

tank of not less than 500 gallon capacity, and with not less than 200 feet of lateral lines. And, such aerobic system or septic tank shall be built and maintained in accordance with any and all rules and recommendations of the Department of Public Health of the State of Texas as authorized by the Texas Health and Safety Code, Chapter 366, and the same shall meet or exceed the minimum requirements of the Federal Housing Administration. A satisfactory percolation test is required prior to the issuance of a building permit.

- (K) **Signs:** Sign regulations in Article 3.4 shall be applicable.
- (L) **Streets:** Streets shall comply with Ordinance 55, Article 5.2, and the Subdivision Regulations of the Town. In the event the Town passes a Subdivision Ordinance, all Subdivision regulations and terms in conflict with the Subdivision Ordinance shall expire on the effective date of the Subdivision Ordinance. Streets as required in the applicable Ordinance zoning the property, the Subdivision Regulations or, if not otherwise stated, shall be a 60 foot right-of-way with a 28 foot concrete road constructed to City specification.
- (M) **Type of materials:**
  - (i) Exterior wall construction for residential structures shall consist of a minimum of 75% masonry with no single wall face of any residence containing less than 50% of its exposed surface of standard masonry construction, excluding windows and doors, as defined in Article 1.1.

- (ii) Exterior wall construction for other than residential uses shall meet the same requirements as residential structures.
- (iii) Airplane hangers built on residential lots shall be built using colors to coordinate with the main structure and with the lower 1/3 of each wall, excluding doorways, to be masonry.
- (iv) Agricultural buildings, carports and accessory structures, larger than one hundred (100) square feet, shall be built with similar materials and architecturally compatible with the main building.

(N) **Vehicles:**

- (i) No motor vehicles, tractors, trailers, boats, recreational vehicles, or motor homes shall be parked on the street or street easement overnight.
- (ii) Inoperable vehicles or those with expired registration and/or licenses shall not be parked on the street or street easement at any time.
- (iii) Automobiles without current license and inspection stickers may be classed as inoperative vehicles and shall be parked in a building, or enclosed area not visible from outside the property on which it is located, or moved from the Town.
- (iv) Trucks of one (1) ton or over must be parked in an area approved by the Planning and Zoning Commission or in a garage or other enclosed building. Parking shall not be

permitted on the street overnight.

Deleted: .

- (v) No vehicle used to transport inflammatory, explosive or noxious cargo may be kept in any area of the Town at any time.
- (O) **Visibility clearance** areas must be maintained on all corner lots.

## ARTICLE 2.2 "R-1350-M" RESIDENTIAL DISTRICT REGULATIONS

- (a) **Use Regulations:** In a R-1350-M Residential District no land shall be used and no building erected or converted to any other use than permitted in ARTICLE 3.2.
- (b) **Building Regulations:**
  - Minimum Size:** The minimum floor area of the main building shall be one thousand three hundred and fifty (1,350) square feet living area, which excludes, porches, breeze-ways, attached garages and servants quarters.
- (c) **Area Regulations:**
  - (1) **Front Yards:** There shall be a front yard for every building having a depth of not less than forty (40) feet from the front property line to the face of the building.
  - (2) **Rear Yard:** There shall be a rear yard for every building which shall have a depth of not less than twenty-five (25)

feet measured from the back of the building to the rear property line.

- (3) **Side Yard:** There shall be two (2) side yards for each building, one on each side of the building. No side yard shall be less than twenty-five (25) feet, measured from the side property line to the side of the building.

(4) Corner Lots: refer to Section 2.1 Item C (B) (i) (ii)

- (5) **Lot Area:** The minimum area of any lot shall be 43,000 square feet.

Deleted: 4

- (6) **Lot Width:** The minimum lot width shall be one hundred and fifty (150) feet.

Deleted: 5

- (7) **Lot Depth:** The minimum lot depth shall be one hundred and twenty-five (125) feet.

Deleted: 6

**Lot Coverage:** The combined area of the main building and accessory buildings shall not cover more than thirty (30) percent of the total area of any lot.

Deleted: (7) .

Formatted: Indent: Left: 0", First line: 0"

8. Corner Lots-refer to section 2.1 C (2) B(I)

Formatted: Indent: Left: 1.25", Hanging: 0.25"

## ARTICLE 2.3 "R-1500-3/4" RESIDENTIAL DISTRICT REGULATIONS

### (a) Use Regulations:

In a R-1500-3/4 Residential District, no land shall be used and no buildings be erected for or converted to any other use than permitted in ARTICLE 3.2.

### (b) Building Regulations:

**Minimum Size:** The minimum the floor area of the main buildings shall be fifteen hundred (1500) square feet living area, which excludes porches, breeze-ways, attached garages and servants quarters.

(c) **Area Regulations:**

- (1) **Front Yards:** There shall be a front yard for every building having a depth of not less than thirty-five (35) feet from the front property line to the face of the building.
- (2) **Rear Yard:** There shall be a rear yard for every building which shall have a depth of not less than twenty-five (25) feet measured from the back of the building to the rear property line.
- (3) **Side Yard:** There shall be two (2) side yards for each building, one on each side of the building. No side yard shall be less than twenty-five (25) feet measured from the side property line to the side of the building.

(4) [Corner Lots: refer to Section 2.1 Item C \(B\) \(i\) \(ii\)](#)

(5) **Lot Area:** The minimum lot area of any lot shall be 32,000 square feet.

Deleted: 4

(6) **Lot Width:** The minimum lot width shall be one hundred and twenty five (125) feet.

Deleted: 5

(7) **Lot Depth:** The minimum lot depth shall be one hundred (100) feet.

Deleted: 6

(8) **Lot Coverage:** The combined area of the main building and accessory buildings shall not cover more than thirty percent (30%) percent of the total area of any lot.

Deleted: 7

Deleted: 8 Corner Lots refer to section 2.1 c2bi

## ARTICLE 2.4 "R-1800-1/2" RESIDENTIAL DISTRICT REGULATIONS

(a) **Use Regulations:** In a R-1800-1/2 Residential District, no land shall be used and no building shall be erected or converted to any other use than permitted as per ARTICLE 3.2.

**Comment [SS2]:** Check with Jim Shepherd regarding making all lot sizes 1/2 acre lots and standardizing the minimum structure size and lot coverage

(b) **Building Regulations:**

**Comment [SS3]:** Also check with Jim to see if we need to add verbiage stating that lots platted before 1970 be grandfathered in town.

(1) **Minimum Size:** The minimum floor area of the main building shall be eighteen hundred (1,800) square feet living area, which excludes porches, breeze-ways, attached garages and servants quarters.

(c) **Area Regulations:**

(1) **Front Yards:** There shall be a front yard for every building having a depth of not less than twenty-five (25) feet measured from the front property line to the face of the building.

(2) **Rear Yards:** There shall be a rear yard for every building which shall have a depth of not less than twenty-five (25) feet measured from the back of the building to the rear property line.

(3) **Side Yards:** There shall be two (2) side yards for each building, one on each side of the building. No side yard shall be less than fifteen (15) feet measured from the side property line to the side of the building.

[\(4\) Corner Lots: refer to Section 2.1 Item C \(B\) \(i\) \(ii\)](#)

(5) **Lot Area:** The minimum area of any lot shall be 22,000 square feet.

Deleted: 4

Deleted: .

(6) **Lot Width:** The minimum lot width shall be one hundred (100) feet.

Deleted: 5

(7) **Lot Depth:** The minimum lot depth shall be one hundred (100) feet.

Deleted: 6

(8) **Lot Coverage:** The combined area of the main building and accessory buildings shall not cover more than thirty (30) percent of the total area of any lot.

Deleted: 7

8. Corner Lots- Refer to section 2.1, C2Bi

## ARTICLE 2.5 "R-2000-1/2" RESIDENTIAL DISTRICT REGULATIONS

These regulations are minimum standards to be used on all lots in the Town of Shady Shores that have not been re-zoned to a R-1350-M, R-1500-3/4, R-1800-1/2, or Planned Development District.

(a) **Use Regulations:**

In a R-2000-1/2 Residential Area, no land shall be used and no building erected or converted to any other use than permitted in ARTICLE 3.2.

(b) **Building Regulations:**

**Minimum Size:** The minimum floor area of the main building shall be two thousand (2,000) square feet living area, which excludes, porches, breeze-ways, attached garages and servants quarters.

(c) **Area Regulations:**

- (1) **Front Yards:** There shall be a front yard for every building having a depth of not less than twenty five (25) feet from the front property line to the face of the building.
- (2) **Rear Yard:** There shall be a rear yard for every building which shall have a depth of not less than twenty-five (25) feet measured from the back of the building to the rear property line.
- (3) **Side Yard:** There shall be two (2) side yards for each building, one on each side of the building. No side yard shall be less than ten (10) feet, measured from the side property line to the side of the building.
- (4) Corner Lots: refer to Section 2.1 Item C (B) (i) (ii)
- (5) Lot Area: The minimum lot area in the Town of Shady Shores shall be 22,000 square feet, excluding Public Right-of-Ways, alleys, and Private streets.
- (6) Lot Width: The minimum lot width shall be one hundred (100) feet.
- (7) Lot Depth: The minimum lot depth shall be one hundred (100) feet.
- (8) Lot Coverage: The combined area of the main building and accessory buildings shall not cover more than thirty (30) percent of the total area of any lot.

**ARTICLE 3.1 APPLICABLE REGULATIONS**

Deleted: ¶  
Deleted: 4  
Deleted: 5  
Deleted: 6  
Deleted: 7  
Deleted: 8. Corner Lots refer to section 2.1 c2b1¶  
**ARTICLE 2.6 PLANNED DEVELOPMENT DISTRICTS¶**  
¶  
(a) . **Purpose:**¶  
¶  
(1) . The P.D. - Planned Development District is designed to provide flexibility in development planning, and the opportunity for the application of planning concepts by allowing a combination of land uses developed under a uniform plan that protects contiguous land uses and preserves significant natural features.¶  
¶  
(2) . While flexibility is given to provide special restrictions which will allow development not otherwise permitted, procedures are established herein to insure against misuse of the increased flexibility.¶  
¶  
(b) . **Scope:**¶  
¶  
(1) . The Town Council of the Town of Shady Shores, Texas, after public hearing, and proper notice to all parties affected and after recommendation from the Planning and Zoning Commission may authorize the creation of Planned Development Districts.¶  
¶  
-----Section Break (Continuous)-----  
(2) . Each P.D. ordinance is incorporated by reference into this section. Every Planned Development District approved under the provisions of this section shall be considered as an amendment to the zoning ordinance as applicable to the property involved. The conditions in the PD ordinance and approved development site plan are conditions that must be complied with before a certificate of occupancy may be granted.¶  
¶  
(3) . A P.D. should provide for the integrity and maintenance of drainage ways, wetlands and other natural features. And in as much as possible, a Planned Development should be separate or well buffered from ... [1]

- (a) **Use:** No building or structure shall be erected, raised, moved, placed, extended, enlarged, converted,, constructed, re-constructed, or structurally altered, and no building or structure shall be used or designed to be used or occupied for any purpose other than those permitted by these regulations; and no land shall be used or occupied for any purpose other than those permitted by these regulations.
- (b) **Height:** No building or structure shall be erected, raised, constructed, extended, enlarged, reconstructed, or structurally altered so as to extend the height limit established by these regulations.
- (c) **Area:** No lot shall be reduced or diminished so that the yards or other open spaces shall be smaller, nor shall the density of population be increased in any manner except in conformity with the regulations hereby established. No side yard areas for the building shall be included as part of the required areas of any other building. No parking area or parking space which exists at the time these regulations become effective or which subsequent thereto is provided for the purpose of complying therewith shall thereafter be relinquished or reduced, in any manner below the requirement established hereby; every building hereafter erected for human habitation shall be of standard masonry construction and shall be located on a lot as herein defined and in no case shall there be more than one building or use on one lot, except as hereinafter provided.
- (d) **Rules and Regulations:** The Council shall adopt regulations governing the submittal and review of plats and subdivisions and rules of procedure to govern its actions. Such rules and regulations shall be consistent with the provisions of this ordinance and shall become effective upon being filed with the Town Secretary.
- (e) **Appeals:** Any sub-divider aggrieved by a finding or action of the

Planning and Zoning Commission or Zoning Board of Adjustments shall appeal to a court of competent jurisdiction within thirty (30) days from the date of such finding or action, and not thereafter.

(f) **Variances:** Where literal compliance with a provision of these regulations creates an unnecessary hardship, the Council shall have the authority to grant a modification in the application of such provision. In no case, however, shall the Council grant such modification unless it finds that the following conditions are satisfied:

(1) That the modified proposal would conform to the Town Plan;

(2) That literal enforcement of a provision would render subdivision of the tract of land impractical;

(3) That granting of a modification will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of these controls; and

(4) That a favorable report thereon has been received from the Planning and Zoning Commission.

Deleted:  
Formatted: Indent: Left: 0.5", First line: 0"  
Deleted: .

## ARTICLE 3.2 DWELLING REGULATIONS OF THE TOWN OF SHADY SHORES

(a) **Uses Permitted:**

(1) One Family dwellings

(2) Railway rights-of-way and tracks but not including switch or storage yards or team tracts.

(3) Farms, truck gardens, orchards or nurseries for the growing of plants, shrubs and trees. Not for commercial purpose.

Deleted:  
Deleted: .

(4) Accessory buildings, including a private garage and servants quarters, when located not less than eighty (80) feet from the front property line, provided that said accessory buildings shall not occupy in excess of fifty (50) percent of the minimum required rear yard in the case of a one-story building or forty (40) percent of the minimum required rear yard in the case of a two-story building. No such servant's quarters, however, shall be leased or rented to anyone other than to the family of a bona fide servant giving more than fifty (50) percent of said servant's time to family occupying the premises to which the servant's house is an accessory building. No accessory building shall be used for a commercial purpose (the term "commercial purposes" shall include part-time businesses).

Deleted:

Deleted:

(5) Customary home occupations.

(6) Installations of telephone companies, either publicly or privately owned; fire stations, sewage lift stations, water towers and water lines, transformer stations, and transmission lines for all public utilities, either privately or publicly owned.

Deleted:

Deleted:

(b) **Conditional Uses:** The following uses may be permitted only under Conditional Use Permits granted in the manner specified in ARTICLE 3.5 below.

(1) Airports or aircraft landing fields and airport facilities.

(2) Public buildings for use by City, County, State, or Federal Governments.

(3) Medical and dental clinics, private schools, day nurseries and kindergartens on sites of one (1) acre or more.

- (4) Radio and television broadcasting and transmitting stations, microwave or line-of-sight transmission stations, static transformer and booster stations, and other public utility service uses when necessary due to operating requirements.
- (5) Institutions of a religious assembly or institutions
- (6) Riding academies, public stables on tracts on sites of five acres or more.
- (9) Mobile home parks or trailer courts on sites of five (5) acres or more.
- (13) In Keeping with the single family zoning A one-family garage apartment when located not less than eighty (80) feet from the front lot line, nor less than ten (10) feet from either side property line; provided, however that all accessory building including the one-family garage apartment shall not occupy in excess of fifty (50) percent of the minimum required rear yard in the case of a one-story building or forty (40) percent in the case of a two-story building.
- (14) Beauty and Health Salons, where located in to the home of the owners, and where owned, operated by the home owner.
- (16) Picnic groves and areas on sites of one (1) acre or more.
- Deleted:** .
- Deleted:** .
- Deleted:** , educational or philanthropic nature.
- Deleted:** ¶
- Deleted:** (6) . Athletic stadiums; commercial amusement enterprises of a temporary nature such as circuses, carnivals, miniature golf courses, driving ranges, miniature train and pony rides, rodeos, and athletic fields.¶
- Deleted:** 7
- Deleted:** (5)
- Deleted:** (8) . Private clubs and community buildings owned and operated by non-profit organizations on sites of three (3) acres or more.
- Deleted:** .
- Deleted:** (10) . Hospitals, children's homes, rest homes, convalescent homes, and homes for the aged on sites of five (5) acres or more.
- Deleted:** (11) . Homes for the feeble-minded, or for the treatment of narcotic addiction, insanity or alcoholism on sites of twenty (20) acres or more.¶
- Deleted:** . (12) . Multiple dwelling for not more than six (6) family units.¶
- Deleted:** .
- Deleted:** A one-family garage apartment shall not be permitted in conjunction with another dwelling on the same lot designed for more than one family.
- Deleted:** or adjacent
- Deleted:** and directed
- Deleted:** (15) . Commercial swimming pools on sites of three (3) acres or more.¶

(18) Sewing, dress, and suit making where located in to the home of the owner; and where owned, operated and directed by the home owner.

**Deleted:** (17) . Fraternities, Sororities and Fraternal orders on sites of three (3) acres or more.

**Deleted:** .

**Deleted:** or adjacent

(19) Music studios, photographic studios, studios for portrait and similar painting, making of art-objects, art crafts, and printing, where located in to the home of the owner, and where operated by the home owner.

**Deleted:** .

**Formatted:** Indent: Left: 1"

**Deleted:** .

**Deleted:** .

**Deleted:** or adjacent

**Deleted:** and directed

**Deleted:** (20) . Public parks, playgrounds, churches, public or denominational schools (elementary, junior high and high schools) colleges and universities.

(23) Any form of extraction, removal, or stockpiling of soil, sand, gravel, oil, gas, or other materials found in the earth.

**Deleted:** . (21) . Golf courses (excluding, however, miniature golf courses and . . . driving ranges operated for commercial purposes).¶

**Deleted:** (22) . The keeping of "Prohibited Animals" as defined in Ordinance 93 of the Town of Shady Shores, Texas.¶

**Deleted:** . The

**Deleted:** earth materials, . including

**Deleted:** (24) . Boarding and lodging houses.¶

### ARTICLE 3.3 OFF-STREET PARKING REQUIREMENTS

There shall be provided in connection with the appropriate allowable uses, off-street parking space, enclosed or open, in accordance with the requirements indicated:

(a) **Single family dwelling** - Two enclosed parking spaces plus 400 square feet of vehicle parking space per lot.

**Deleted:** b) . **Boarding and lodging houses** - 700 square feet vehicle parking space for each 3 sleeping rooms or as specified in the conditional use permit, which ever is greater.

(b) **Public or parochial school** - 450 square feet vehicle parking space for each 3 students and/or staff, or as specified in the conditional use permit, which ever is greater.

**Deleted:** c

(c) **College or University** - 450 square feet vehicle parking space for each 3 students and staff, or as specified in the conditional use permit, which ever is greater.

Deleted: d

(d) **Public assembly (church, auditorium, and similar uses)** - 400 square feet vehicle parking space for each 3 seats in the main chapel, auditorium.

Deleted: e

Deleted: or theater or as specified in the conditional use permit, which ever is greater

(f)

Deleted: .

(g)

Deleted: . **Hospital** - 400 square feet vehicle parking space for 125 square feet of floor space, or as specified in the conditional use permit, which ever is greater

### ARTICLE 3.4 REGULATIONS FOR SIGNS, BULLETIN BOARDS AND ADVERTISING DEVICES

Formatted: Indent: Left: 0"

(a) **Dwelling Property-Occupied (uses permitted):** No bulletin boards, signs or advertising device of any kind or character shall be permitted except as follows:

Deleted: **Amusement or sports assembly (stadium, amusement park, and similar uses)** - 400 square feet vehicle parking space for each 5 seats, or as specified in the conditional use permit, which ever is greater.¶

(1) **Bulletin boards and signs**, illuminated or otherwise, but not of flashing or intermittent type for churches or schools only; but such signs shall not exceed thirty-six (36) square feet in area when attached to the building or when erected in any required yard space; provided, however, that no such sign shall be erected above the height of **8 feet**; and provided further, that no such sign shall be erected above or upon, or be attached to the roof of any building.

Deleted: the ground story of the building to which it is related

(2) **Temporary signs pertaining only to the sale, lease or rental of the property upon which such sign is located**, and not exceeding eighteen (18) square feet in area, but such signs shall be removed from the premises by the agent and/or owner immediately upon the sale, lease or rental of such property; provided, however, that no such temporary sign shall advertise such premises for a purpose for which it is not legally zoned.

(3) **Signs announcing or describing a legally approved subdivision or development** when located within the area incorporated in the approved plot or development; provided, however, that no such sign shall exceed two hundred (200) square feet in area; and, provided, further, that the location and number of such signs be approved by the Zoning Commission, and that any such signs shall be placed so as not to interfere with the occupancy or use of any lots in the subdivision or development, and that they shall be removed upon the sale of eighty-five (85) percent of the lots or dwellings in the subdivision or development.

Deleted: .

(4) No sign shall be located or constructed so as to interfere with or confuse the control of traffic on the public streets; and, no sign shall use a rotating beacon, beam or flashing illumination resembling an emergency signal.

Deleted: .

(5) No sign shall be erected so as to project into the public right-of-way or obstruct the view of any street or alley.

(6) It shall be unlawful for any person to paste, stick, scatter, throw, place or display banners, signs or other advertising media upon any telephone or electric light pole or other public property or within any easement or designated right of way of any city street so as to attract the attention of occupants or drivers of automobiles, trucks or other vehicles on the public street. The doing of any of the acts herein listed shall be prima facie evidence that the same is for the purpose of attracting the attention of occupants and drivers of automobiles, trucks, or other vehicles on the public streets.

Deleted: .

Deleted: ;

Deleted: or to knowingly permit the same to be done by any person for his benefit, without permission of the adjacent property owner.

Deleted:

(b) **Dwelling Property - Unoccupied:** No bulletin boards, signs or other advertising devices of any kind or character shall be permitted on unoccupied property, except temporary signs

pertaining only to the sale, lease or rental of the property upon which such sign is located, and not exceeding eighteen (18) square feet in area, but such signs shall be removed from the premises by the agent and/or owner immediately upon the sale, lease or rental of such property; provided, however, that no such temporary sign shall advertise such premises for a purpose or use for which it is not legally zoned.

(c) **Dwelling Property - Conditional Uses:** Bulletin boards, signs and/or other advertising devices in connection with conditional uses shall be permitted only to the extent that same may be expressly authorized under the terms of the permit.

(d) **Temporary Political Campaign Signs:**

(1) **Definition:** In this article "TEMPORARY POLITICAL CAMPAIGN SIGN" means a sign that:

Deleted: .

(A) is displayed in addition to other signs authorized under the zoning regulations of the Town of Shady Shores, Texas; and

(B) refers only to the issues or candidates involved in an election that is called by a governmental entity.

(2) **Purpose and findings:**

(A) The purpose of this article is to promote citizen participation in the election process and to acknowledge and recognize the longstanding custom in this community of displaying large numbers of political campaign signs before elections. The city council has determined that the city's interests in promoting election participation outweighs the interest in maintaining an aesthetically pleasing appearance in the city when the proliferation of signs can be

Deleted: .

Deleted: .

restricted to a short period of time.

(B) The city council also recognizes that there are a multitude of candidates and issues that appear on ballots in this city. This article offers the citizen an opportunity to express views concerning the many candidates and issues involved in elections by displaying many signs.

Deleted: .

(3) **Temporary Political Campaign Signs Permitted.**

(A) In addition to other signs authorized by Article 3.4 sections (a)(b)&(c), temporary political campaign signs may be erected in accordance with this article at any occupancy or upon any premise without limit as to number.

Deleted: .

(B) The regulations of this article do not affect messages displayed on signs regulated by Article 3.4 sections (a)(b)&(c) of this ordinance.

(4) **Responsibility:** The candidate named on the sign or the person named on the sign pursuant to Article 14.09 of the Texas Election Code is the person responsible for a temporary political campaign sign before a statement is filed in accordance with Section 5 of this article. After a statement is filed in accordance with Section 5, the person signing the statement is the person responsible for the temporary political campaign signs referenced in the statement.

(5) **Distribution and Removal**

(A) The person responsible for temporary political campaign signs who desires to distribute, display, or permit to be distributed more than 10 temporary

Deleted: .

political campaign signs shall sign and file a notarized statement with the Mayor of Shady Shores that states the following:

*I, (name of responsible person), am responsible for the temporary political campaign signs supporting (or in opposition to) (name of candidate or issue). I agree to remove any illegally placed sign within 48 hours of notification and to remove all signs within 7 days following the election or runoff election.*

Deleted: . . .  
Deleted:

(B) The person responsible for temporary political campaign signs:

(1) shall not distribute, display, or permit to be distributed or displayed a temporary political campaign sign in the city until 45 days before an election;

Deleted: . . .  
Formatted: Indent: Left: 0.5"

(2) shall remove all temporary political campaign signs for which he/she is responsible within 7 days after a general, special, or runoff election to which the signs pertain or after termination or a candidacy, whichever occurs first; and

(3) shall remove any illegally placed temporary political campaign sign for which he/she is responsible within 48 hours of notification from the mayor of Shady Shores.

Deleted: . . .  
Formatted: Indent: Left: 1.5", First line: 0"  
Deleted: . . . .  
Deleted: . . . .  
Deleted: . . . .

(C) An owner or occupant of a property:

(1) shall not erect or cause to be erected temporary political campaign signs more than 45 days prior to an election;

Deleted: . . .  
Formatted: Indent: Left: 0.5"

- (2) shall remove temporary political campaign signs within 7 days after the general, special, or runoff election to which a sign pertains or after the termination of a candidacy, whichever occurs first.

## ARTICLE 3.5 CONDITIONAL USE PERMITS

(a) **Conditional Use Permits Authorized:** The uses listed or referred to in ARTICLE 3.2 (b) may be authorized or permitted by Conditional Use Permits which may be granted, upon application to the Town Council, in the manner here in after described in this Article.

(b) **Application and Procedure:**

- (1) Upon receipt of an application for a Conditional Use Permit by the Town Council, such application shall be referred to the Zoning Commission for investigation as to the effect of the proposed location and character of the Conditional Use on the Master Town Plan for the Town of Shady Shores, Texas. Application for a Conditional Use Permit does not constitute an authorization or an assurance that the use will be permitted. Each Conditional Use Permit must be evaluated as to its probable effect on the adjacent properties and the Community welfare and may be approved or denied as the findings indicate appropriate. Each Conditional Use Permit must be granted by the Town Council by separate ordinance.

- (2) At the public hearing according to the law, The Zoning Commission shall report it's recommendations to the Town Council, and if such report is favorable toward the application, the Town Council may, after public notice and

Deleted: .

Deleted: the results of its study of said application

hearing according to law, grant such Conditional Use Permit, including therein such specific conditions of use as the Zoning Commission may deem essential to preserve the integrity of the Master Town Plan, and such additional special conditions as the Town Council may deem essential to protect neighboring property.

(3) No Conditional Use Permit shall be granted by the Town Council unless a favorable recommendation has been received from the Zoning Commission, and unless the Town Council shall find from the evidence submitted that such conditional use:

Deleted: .  
Deleted: report thereon

(A) is consistent with the spirit, purpose and intent of these Ordinances

Deleted: .  
Formatted: Indent: Left: 1"  
Deleted: . . Articles;

(B) will not substantially and permanently injure the appropriate use of neighboring property; and

(C) will substantially serve the public convenience and welfare.

(c) **Violation of Conditions:** Violation of any of the conditions contained in a Conditional Use Permit by any person, association of persons, firm or corporation using or occupying property under such permit shall constitute a violation of this Article, and any such violation shall be punishable as provided in Penalty for Violations, Article 4.4.

(d) **Discontinuance of Conditional Use:** Upon the discontinuance of a conditional use on any property, the uses then permitted by ARTICLE 3.2 (a) shall apply as if such permit had not been issued.

## ARTICLE 3.6 NON-CONFORMING USES

- (a) **Existing Uses:** Any use of property legally existing at the time of the passage of this Ordinance which does not conform to regulations prescribed in the preceding Articles of this Ordinance shall be deemed a non-conforming use.
- (b) **Alteration of Existing Property:**
- (1) The lawful use of a building at the time of the passage of this Ordinance may be continued although such use does not conform to the provisions of these Articles; and any such use may be extended throughout the building provided no structural alterations, except those required by law or ordinance, are made therein.
  - (2) In the event a non-conforming use of a building is once changed to a conforming use it shall not later be changed back to a non-conforming use.
  - (3) If such non-conforming building is removed, every future use of the land or premises shall be in conformity with the provisions of these Articles.
- (c) **Restoration of Damaged Property:** Nothing in these Articles shall be construed as preventing the restoration of a building destroyed to the extent of no more than seventy (70) percent of its reasonable value by fire, explosion, casualty, act of God or the public enemy, nor the continued use or occupancy of such building or part thereof, which existed at the time of such partial destruction.
- (d) **Regulation of Non-Conforming Uses:** The right to continue a non-conforming use shall be subject to such regulations as to maintenance of the premises and conditions of operation as may, at the discretion of the Town Council be reasonably required

for the protection of adjacent property. A non-conforming use, when abandoned or discontinued, shall not be resumed. For the purpose of this Article, abandonment or discontinuance shall be defined as follows:

- (1) When land being used for a non-conforming use shall cease to be used in a bona fide manner for one (1) calendar month;
- (2) When a building or structure is designed or arranged for a non-conforming use and shall cease to be used in a bona fide manner as a non-conforming use for a continuous period of twenty-four (24) consecutive months;

(3) The Town Council shall have the authority in case of substantial hardship, to extend the above limits not to exceed six (6) months.

**Deleted:** (3) . When a building or structure is designed or arranged for a conforming use and shall cease to be used in a bona fide manner as a legal non-conforming use for a continuous period of twelve (12) consecutive calendar months. ¶

**Deleted:** 4

### ARTICLE 3.7 COMPLETION OF EXISTING BUILDINGS

#### Construction:

- (1) Nothing herein shall require any change in the plans, construction, or designated use of a building actually under construction at the time of the adoption of these Articles, and which entire building shall be completed within one year from the date of the passage of this ordinance.
- (2) Nothing herein contained shall require any change in plans, construction, or designated use of building for which a building permit has heretofore been issued, and which entire building shall be completed within six (6) months from the date of the passage of this ordinance.

**Deleted:** .

**Deleted:** .

**Deleted:** .

## ARTICLE 4.1 ENFORCEMENT

- (a) **Building Inspector:** The provisions of these Articles shall be administered by the Building Inspector of the Town of Shady Shores, Texas. Deleted: .
- (b) 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 of the building to be erected, its position on the lot, house plans, and such other information as may be necessary to provide for the enforcement of these regulation.
- (c) A careful record of such applications, plans and plats shall be maintained by the Building Inspector.
- (d) The Town Secretary or the Mayor may be named and designated to perform the duties of the Building Inspector.

## ARTICLE 4.2 ENFORCEMENT INTERPRETATION

- (a) **Uses Prohibited by Other Ordinances:** Nothing in this ordinance shall be construed as repealing any existing ordinances of the Town of Shady Shores regulating nuisances or permitting uses which are now prohibited by ordinance.
- (b) **Deed Restriction:** No provision or application of these Articles shall be construed as affecting in any manner the rights of individual property owners to privately enforce deed restrictions upon the use of any property zoned under the terms of this ordinance if such restrictions are of higher or more restrictive classification than the provisions contained herein.

## ARTICLE 4.3 CHANGES AND AMENDMENTS

- (a) **Authority to Amend:** The Town Council may from time to time on its own action, or on petition of an interested property owner or owners, amend, supplement or change by ordinance the boundaries of the District or the regulations herein established, and may create additional Districts and establish separate regulations applicable to the additional Districts created.
- (b) **Filing Petition Fee:** Each and every petition to the Town Council, as provided in subsection (a) of this Article, shall be filed with the Town Secretary prior to being presented to the Town Council, and shall be accompanied by the fee established in current ordinance, payable to the Town of Shady Shores. No part to be returned regardless of the action taken on the petition.
- (c) **Referral to Zoning Commission:** Before taking any action on any proposed amendment, supplement or change, the Town Council shall submit the same to the Zoning Commission for its recommendation and report. Deleted: \_\_\_\_\_
- (d) **Public Hearing and Notice:**
- (1) A public hearing shall be held by the Town Council before adopting any such amendment, supplement or change.
- (2) Notice of such hearing shall be given in the manner prescribed by law, stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the first date of publication. Deleted: \_\_\_\_\_
- (e) **Amendment Over Protest:** Unless such proposed amendment, supplement or change has been approved by the Zoning Commission; or if a protest against such proposed amendment, supplement or change has been filed with the Town Secretary; duly signed and acknowledged by the owners of twenty (20) percent or more either of the area or the lots included in such

proposed changes, or those immediately adjacent in the rear thereof extending two hundred (200) feet there from, or of those directly opposite thereto extending two hundred (200) feet from the street frontage of such opposite lots; such amendment, supplement or change shall not become effective except by a three-fourth (3/4) vote of all the members of the Town Council.

#### ARTICLE 4.4 PENALTY FOR VIOLATIONS

Deleted:

- (a) **Violations:** Any person, association of persons, firm or corporation violating any of the provisions of this ordinance or failing to comply therewith, or with any of the requirements thereof, or building or altering any building or structure in violation of any detailed statement or plan submitted and approved hereunder, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined any sum not more than Two Thousand (\$2,000.00) dollars. Each and every day any such violation continues shall constitute a separate offense.
- (b) **Persons Responsible for Violations:**
- (1) The owner or owners of any building, structure or premises, or part thereof, where anything in violation of this ordinance shall be placed or shall exist, and the architect, builder, contractor, agent, person, firm, or corporation employed in connection therewith, and who assisted in the commission of any such violation, shall each be guilty of a separate offense, and upon conviction thereof, shall be fined as provided in subsection (a) of this section.
- (2) Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the Municipal Court, shall be subject to a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense, and each and every

day any such violation shall continue shall be deemed to constitute a separate offense.

### **ARTICLE 5.1 BUILDING OFFICIAL**

- (a) The office of Building Official is hereby created and the executive official in charge shall be known as the "Building Official".
- (b) The Building Official shall be appointed by the Town Council. His appointment shall continue during satisfactory service and subject to the pleasure of the Town Council.
- (c) During temporary absence or disability of the Building Official, the appointing authority shall designate an acting Building Official.

### **ARTICLE 5.2 QUALIFICATIONS FOR BUILDING OFFICIAL**

The Building Official shall be in good health, physically capable of making the necessary examinations and inspections. He shall not have any interest whatever, directly or indirectly, with the sale or manufacture of any material, process or device entering into or used in or in connection with building, construction, alterations, removal and demolition.

### **ARTICLE 5.3 DUTIES OF BUILDING OFFICIAL**

- (a) The Building Official shall receive applications required by the construction codes of the Town of Shady Shores, Texas; issue permits and furnish the prescribed certificates. He shall examine the premises for which permits have been issued and shall make necessary inspections to see that the provisions of the law are complied with and that construction is prosecuted safely. He shall enforce all provisions of the construction codes. He shall, when requested by proper authority, or when the public interest so

Deleted: .

requires, make investigations in connection with matters referred to in the codes and render written reports on the same. To enforce compliance with law, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction, or to require adequate exit facilities in buildings and structures, he shall issue such notices or orders as may be necessary.

- (b) Inspections required under the provisions of the construction codes shall be made by the Building Official, or his duly appointed assistants, provided the person who shall make plumbing inspections shall be licensed in accordance with the Plumbing License Law of 1947. The Building Official may accept reports of inspectors of recognized inspection services, after investigation of their qualifications and reliability. No certificate called for by any provisions of the construction codes shall be issued on such reports unless the same are in writing and certified by a responsible officer of such service.
- (c) The Building Official shall keep comprehensive records of applications, of permits issued, of certificates issued, of inspections made, of reports rendered, and of notices or orders issued.
- (d) All such records shall be open to public inspection during office hours, but shall not be removed from the office of the Building Official without his written consent.
- (e) The Building Official shall make written reports to the Town Council once each month, or more often if requested, including statements of permits and certificates issued, and orders promulgated.
- (f) The Building Official shall perform such other duties as the Town Council shall, from time to time, impose upon the office.

## **ARTICLE 5.4 RIGHT OF BUILDING OFFICIAL**

The Building Official, in the discharge of his official duties, and upon proper identification, shall have the authority to enter any building, structure or premises at any reasonable hour [prior to issuing a certificate of occupancy](#).

## **ARTICLE 5.5 LIABILITY OF TOWN OFFICIALS**

Any officer, employee, or appointed official charged with the enforcement of the construction codes, acting for the Town in the discharge of his duties, shall not thereby render himself liable personally. And, he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act, required or permitted, in the discharge of his duties. Any suit brought against any officer, employee or appointed official, because of such act performed by him in the enforcement of any provision of the construction codes shall be defended by the attorney for the Town of Shady Shores, Texas, until the final termination of the proceedings.

## **Article 6.1 SEVERABILITY CLAUSE**

If for any reason any section, paragraph, subdivision, word, phrase, clause or provision of this Ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, word, phrase, clause or provision of this Ordinance. For it is the definite intent of this Town Council that every section, paragraph, subdivision, word, phrase, clause or provision of this Ordinance be given full force and effect for its purpose.

## **Article 6.2 REPEALING CLAUSE**

All provisions of the ordinances of the Town of Shady Shores in conflict with the provisions of this ordinance are hereby, repealed, and all other provisions of the ordinances of the Town of Shady Shores not in conflict with the provisions of this ordinance shall remain in full force and effect.

**Whereas** it appears that this Ordinance needs to be adopted in order to protect the public interest, comfort, and general welfare and development of the Town of Shady Shores, Texas, creates an emergency for the preservation of the public health, safety and welfare, and requires that this Ordinance shall take effect immediately from and after its passage and the publication of the caption of said Ordinance, as the law in such cases provides.

### **Certificate of Town Attorney**

I have examined the foregoing Ordinance for the Town of Shady Shores, Texas, and am of the opinion that the Town Council of the Town of Shady Shores, Texas, has full power and authority to pass and enforce the requirements of this Ordinance.

Date

Attorney for the  
Town of Shady Shores, Texas

Adoption of Ordinance # 124

PASSED AND APPROVED this the 11th day of May, 1999 A.D.  
by the Town Council of the Town of Shady Shores, Texas.

SIGNED:

Mayor, Town of Shady Shores, Texas

ATTEST:

Town Secretary

DRAFT

8. Corner Lots refer to section 2.1 c2b1

## **ARTICLE 2.6 PLANNED DEVELOPMENT DISTRICTS**

(a) **Purpose:**

- (1) The P.D. - Planned Development District is designed to provide flexibility in development planning, and the opportunity for the application of planning concepts by allowing a combination of land uses developed under a uniform plan that protects contiguous land uses and preserves significant natural features.
- (2) While flexibility is given to provide special restrictions which will allow development not otherwise permitted, procedures are established herein to insure against misuse of the increased flexibility.

(b) **Scope:**

- (1) The Town Council of the Town of Shady Shores, Texas, after public hearing, and proper notice to all parties affected and after recommendation from the Planning and Zoning Commission may authorize the creation of Planned Development Districts.
- (2) ~~Each P.D. ordinance is incorporated by reference into this section. Every Planned Development District approved under the provisions of this section shall be considered as an amendment to the zoning ordinance as applicable to the property involved. The conditions in the PD ordinance and approved development site plan are conditions that must be complied with before a certificate of occupancy may be granted.~~
- (3) A P.D. should provide for the integrity and maintenance of drainage ways, wetlands and other natural features. And in as much as possible, a Planned Development should be separate or well buffered from

adjacent properties. It is intended that, prior to approval of a Planned Development District, it can be demonstrated that adequate public services and infrastructure capacity exists or is planned within the development schedule of the project, to support the proposed Planned Development.

**(C) General requirements:**

- (1) This zoning district shall be permitted only when the proposed development is greater than two acres in area.
- (2) Development requirements for each separate P.D. District SHALL be set forth in the ordinance granting the P.D. District and may include, but not be limited to: lot area, width and depth; front rear and side yard setbacks; building heights; floor area ratio; coverage; parks; open spaces; screening; accessory buildings; signs; access; parking; streets; alleys; utilities; management associations and other requirements as the Town Council may deem appropriate.
- (3) The general guidelines set forth in the comprehensive zoning ordinance of the Town of Shady Shores, Texas, shall control if the P.D. ordinance does not specify these regulations.
- ~~(4) Standards set forth in specific zoning districts will be used as guidelines for Planned Development Districts. Modifications of standards MAY be considered if the modifications substantially meet the intent of the ordinances of the Town of Shady Shores, Texas, and improves the overall development design. Or when literal interpretation of the ordinance creates a substantial hardship. PECUNIARY REASONS SHALL NOT BE THE SOLE REASON FOR MODIFYING STANDARDS.~~
- (5) All common space and private parks and recreation areas shall have grounds and equipment maintained in an attractive manner. Private park areas must be committed to

permanent open space by deed restrictions, to be maintained by the property owners or home owners association, as the case may be.

(d) **Uses:** In a Planned Development District, no land shall be used and no building shall be used, erected or converted to any use other than the uses listed in Article 3.2 of the comprehensive zoning ordinance of the Town of Shady Shores, Texas.

(e) **Planned Development review procedure:**

(1) The applicant for a P.D. shall comply with the zoning amendment procedures for a change in the zoning district classification.

(2) Any application for re-zoning of property to a Planned Development District shall be accompanied by the following supportive information:

(A) **Site analysis:** The site analysis must be prepared on a topography base map (drawn to a scale of not less than one inch equaling one hundred feet, with not less than five foot contour intervals, and must describe existing natural features and physical improvements by including the following items:

.....Section Break (Continued).....  
(i) Location of flood plains, water bodies, creeks, marshes, drainage areas, major tree groupings, important view corridors, and any other significant natural features;

(ii) Identification and dimensions of all existing public and private easement lines located on or adjacent to the site;

(iii) Location of major utility trunk lines and future tie-ins;

(iv) Identification of land uses and

historical landmarks on and adjacent to the site;

(v) Identification of adjacent property owners.

(vi) Location of existing property lines;

(vii) Location of existing structures within the site and the improvements to be retained;

(viii) Existing proposed topography reflecting proposed handling of on site surface drainage, proposed improvements and method of maintenance for any drainage channels, existing and proposed sanitary sewer layout, proposed locations for solid waste containers and existing and proposed fire hydrant locations; and

(ix) A site location map (on a smaller scale) showing major circulation routes and other landmarks which would aid in the location of the site.

(B) **Development schedule:** A development schedule, indicating the approximate date on which construction is expected to begin and the rate of anticipated development to completion.

---

(i) ~~The development schedule shall become~~ part of the Planned Development Ordinance and shall be adhered to by the owner, developer, and his successors in the interest.

(ii) The Planning and Zoning Commission, if in its opinion feels that the owner or owners of the property are failing, or have failed to meet the approved schedule, may initiate proceedings to amend the final development site plan of the Planned Development by removing all or part of

the Planned Development from the zoning district map and place the area involved in another appropriate zoning district.

- (iii) Upon the recommendation of the Planning and Zoning Commission and for good cause, shown by the owner and the developer, the Town Council may extend the development schedule or adopt such new development schedules as may be indicated by the facts and conditions of the case.

(C) **Development site plan:** The development site plan must be drawn to a scale of not less than one inch equaling one hundred feet and prepared on a topography base map with not less than five foot contour intervals and must include:

- (i) Date, scale, north arrow, vicinity map, name of property owners, name of person preparing the site plan and a meets and bounds description of the overall tract;
- (ii) An accurate survey of the boundaries of the site;
- (iii) Total site acreage;
- (iv) ~~Section 16.04 (Ordinance)~~ A statement and/or plan indicating how the property relates to surrounding properties and also indicating what measures will be taken to create appropriate transitions from the subject property to neighboring tracts.
- (v) Location, height and building materials for any proposed walls or fences;
- (vi) Location, height and type of any proposed berms or living screens;
- (vii) Location of all existing property lines, streets and

alleys;

(vii) Location, dimensions and proposed construction of all streets public or private, private drives and alleys;

(ix) Points of ingress and egress from existing public streets;

(x) Parking areas, number and dimensions of parking spaces and the width of drive approaches and aisles;

(xi) Sidewalks and other facilities for pedestrian circulation;

(xii) Location, width and curve radii for fire lanes;

(xiii) Location of proposed land uses in the development, and the uses on adjacent properties;

~~(xiv) Location of buildings and the minimum distance between buildings and the minimum required setbacks;~~

(xv) Indication of maximum heights for all structures in feet and stories; and

(xvi) Location, size and type of any proposed recreation facilities (swimming pools, tennis courts, etc.), play grounds and any other common areas or community facilities.

**(D) General information:**

(i) A plan, including side elevation drawings, showing location, size, height, orientation and design of all signs;

(ii) Elevations and perspective drawings for buildings over twelve feet in height that are not used for single-family dwellings.

(iii) Any other supportive information the applicant feels may be beneficial to the Town in the evaluation of the request.

(f) **Concept plan:**

(1) The applicant may initially submit a conceptual plan instead of a development site plan if the concept plan provides sufficient information for the Planning and Zoning Commission and the Town Council to act on the PD application.

one (2) A concept plan shall be drawn to a scale of not less than one inch equaling one hundred feet and prepared on a site topography base map with not less than five foot contour intervals and must include:

~~(A) A preliminary layout of proposed uses and their relationship to existing natural features, flood plains, water bodies, creeks, marshes, drainage areas, major tree groupings, scenic vistas and adjacent properties and uses;~~

(B) Identification of major access points, easements, and public and private streets;

(C) Location of all land use areas showing the area of each, and the maximum lot coverage;

(D) Delineation of all common areas and undeveloped open areas, except for required yards;

(E) Indication of maximum heights for all structures in feet and stories;

(F) Location of all proposed screening between the site and adjacent properties and between land uses within the site; and

(G) Indication of each phase of development if separate phases are proposed.

(3) The concept plan shall be construed as an illustration of the development concepts and not as an exact representation of all specific development details.

(4) If the applicant initially submits a concept plan, the applicant shall submit a complete development site plan within six months of the Council approval of the P.D., either for the total P.D. or for the first phase as indicated on the development schedule.

~~(5) The development site plan must comply with the conceptual plan and the conditions of the P.D. ordinance, and must be approved by the Planning and Zoning Commission and the Town Council, with public hearings, before the issuance of any building permits for any property in the P.D. District.~~

(6) If in the judgement of the Planning and Zoning Commission, a development site plan does not comply with the provisions of the P.D. ordinance and the concept plan incorporated there in, the Commission may reject such plan, in which case a new site plan may be submitted or application must be made to amend the P.D. ordinance, including all requirements for notices and public hearings.

(7) If an applicant initially submits a conceptual plan, but fails to submit the development site plan within six months after the approval of the P.D., after a notice to the applicant and review of the facts, the Planning and Zoning Commission may grant one or more two month extensions or call a hearing to determine the proper zoning

classification of the area.

(g) The applicant for a P.D. shall be responsible to pay any fees incurred in the processing of said P.D. application such as, but not limited to:

- (1) Fees established in current ordinance for a change of zoning request;
- (2) Attorney fees necessary to process said application; and
- (3) Costs of notifications and publications for required public hearings.

(h) In granting or denying a development site plan submitted under this section, the Planning and Zoning Commission and the Town Council shall take into consideration factors such as but not limited to:

- ~~(1) Flood plains on and adjacent to the site;~~
- (2) Safety of the motoring public and of pedestrians using the facilities and the area immediately surrounding the site;
- (3) Safety from fire hazards, and measures of fire control;
- (4) Protection of adjacent property from flood or water damage;
- (5) Noise producing elements, and the glare of vehicular and stationary lights and the effect of such on the established character of the neighborhood;
- (6) Location, lighting and type of signs, and the relationship of signs to traffic control and adverse effects on adjacent properties;
- (7) Street size and adequacy of pavement width for traffic reasonably expected to be generated by the proposed use, around the site and in the immediate neighborhood;

- (8) Off-street parking facilities shall be in accordance with applicable requirements for the use specified unless otherwise recommended by the Planning and Zoning Commission, and approved by the Town Council;
  - (9) Location of ingress and egress points for streets, public or private, parking and loading spaces;
  - (10) Such other measures as will secure and protect public health, safety, morals and general welfare.
- (i) ~~In approving the final development site plan and the ordinance establishing the Planned Development District, the Town Council shall, after recommendation of the Planning and Zoning Commission, specify such height, floor area, density, setbacks, landscaping, off-street parking, and other standards as are appropriate for the development which are considered necessary to protect the health, safety, and general welfare and to create a reasonable transition to and protection of property adjacent to the Planned Development District.~~
- (j) **Amendments / modifications:**
- (1) Any application to modify an existing Planned Development or development schedule or approved development site plan, shall be considered a change in zoning and shall be processed through the normal re-zoning procedures, requiring public hearings before the Town Planning and Zoning Commission and the Town Council.
  - (2) Except that minor changes may be authorized by the Town Council when such changes will not cause any of the following circumstances to occur:
    - (A) A change in the character of the development;
    - (B) A change in uses permitted;
    - (C) An increase in the ratio of the gross floor

area in structures to the area of any lot;

(D) An increase in the intensity of use;

(E) A reduction in the originally approved separations between buildings;

(F) An increase in the problems of circulation, safety and utilities;

(G) An increase in the external effects on adjacent property;

---

Section Break (Next Page)

loading  
and

- (H) A reduction in the originally approved setbacks from property lines;
- (I) An increase in ground coverage by structures;
- (J) A reduction in the ratio of off-street parking and space to the gross floor area in structures;
- (K) A change in the locations, lighting, or orientation of originally approved signs.