SECTION 45

SPECIFIC USE PERMITS

(As amended by Ordinance No. 480-QQ & 480-SS)
(As amended by Ordinance No. 480-UU)
(As amended by Ordinance No. 480-YY)
(As amended by Ordinance No. 480-NNN)
(As amended by Ordinance No. 480-OOO)
(As amended by Ordinance No. 480-RRR)
(As amended by Ordinance No. 480-VVV)
(As amended by Ordinance No. 480-WWW)
(As amended by Ordinance No. 480-GGGG)
(As amended by Ordinance No. 480-IIII)
(As amended by Ordinance No. 480-MMMM)
(As amended by Ordinance No. 480-QQQQ)
(As amended by Ordinance No. 480-RRRR)
(As amended by Ordinance No. 480-SSSS)
(As amended by Ordinance No. 480-TTTT)
(As amended by Ordinance No. 480-UUUU)
(As amended by Ordinance No. 480-VVVV)
(As amended by Ordinance No. 480-XXXX)
(As amended by Ordinance No. 480-ZZZZ)
(As amended by Ordinance No. 480-DDDDD)

45.1 GENERAL PROVISIONS - The uses listed in this section are prohibited in the City of Southlake unless and until a specific use permit is granted for such use by the City Council in accordance with the requirements and procedures set forth in this Section. A specific use permit shall be required for the following uses (as amended by Ordinance No. 480-D):

SPECIFIC USE	**DISTRICT WHERE PERMITTED**
1. Bars or Taverns (as amended by Ordinance No. 480-OOO)	C-3 and DT**
2. Churches, synagogues, temples and other similar facilities for worship, fellowship and education, subject to the following conditions: a. The City Council shall impose such reasonable conditions as it deems necessary to protect the residential neighborhoods, in so far as practicable, from the detrimental effects of noise, traffic, fire, etc. and to protect the character of the neighborhood and the value of surrounding properties; b. In granting or denying such application, the City Council shall consider such items as the total land area to be devoted to the religious use, the size of the church structures and the congregation, the frequency of church services, other activities which take place on the premises, and the suitability of the property for residential use. The City Council shall consider all effects of such a facility, both beneficial and detrimental, and shall deny such application when the detrimental effects	ALL

substantially outweigh the beneficial effects. c. Children's nurseries, child day care centers, and kindergartens may be approved as a part of the main or accessory religious building provided exterior instructional or play areas are suitably fenced from any adjacent street, parking area or property. d. The City Council may, where deemed appropriate, place a specific time limitation on the approval of a permit for a church. (As amended by Ord. 480-F.)	
3. Public, semi-public and parochial/ private schools, not including correctional institutions or trade schools.	All except B-1, CS, HC, I-1 and I-2
4. Colleges, junior colleges, or other similar institutions of higher learning, whether public or private, when located on a site of at least twenty (20) acres, and provided such facilities have direct access to a major thoroughfare street or highway and further provided that buildings and intensive use outdoor facilities are set back a minimum of one hundred (100) feet from all property lines.	All except CS, I-1 and I-2
5. Public governmental buildings including community health centers and recreation buildings, libraries, museums, postal stations, and administrative offices of federal or state government.	ALL
6. Medical care facilities: nursing and care homes, hospitals, with their related facilities and supportive retail and personal services used, operated by or under the control of the hospital primarily for the convenience of patients, staff and visitors when located on a site of not less than five (5) acres.	CS, C-1, C-2, DT**
7. Cemetery Uses. a. Application. An application for a cemetery use must be in writing and shall include: (1) Name and address of applicant. (2) Location and legal description of proposed cemetery land. (3) Complete plan in conformity with the requirements of Development Plan herein provided. (4) Preliminary specifications of all buildings, improvements, utility installations and other facilities to be constructed on or under the land proposed for zoning change. (5) Such further reasonable information as may be required by the City Council. b. Development Plan - The cemetery shall conform to the following minimum requirements: (1) It shall be located on a well drained site, properly graded to insure rapid draining and freedom from stagnant pools of water. (2) All walkways and driveways within a cemetery shall be all weather, hard-surfaced. (3) When a public or community sewer system is available, sewer connections shall be installed as required by the local plumbing code. If the cemetery is	CS

** Shall apply only to non- residential uses and mixed use buildings in the DT District

not to be served immediately by a sewage collection system connected to a community treatment plant or to a public sewage facility, the occupancy of any building, residence or other structure shall be restricted until a septic tank and subsurface drainage field designed and constructed in accordance with methods and standards approved by the State Department of Health and the local plumbing code have been installed, inspected and approved by the City.

If the permitted use is not to be served immediately by a water utility, occupancy shall be prohibited until water satisfactory for human consumption is available from a source on the land, or a public utility source, in adequate and sufficient supply for human use and operation of a septic tank and system. Individual water supplies must be in conformity to the local plumbing code.

(4) All cemeteries must qualify and be maintained as a perpetual care center as provided in Article 912a, Revised Civil Statutes of Texas, as amended, and any other applicable state laws.

(5) The cemetery must comply with all building codes, including but not limited to plumbing, electrical, street, and general codes of the City of Southlake, Texas, or other applicable governmental authority.

(6) All use of the surface land or underground, or buildings or structures of any type shall comply with all applicable City, County, State, Federal or other governmental agency requirements as to health, sanitation, ventilation, pollution and associated matters.

c. Location - Any cemetery, or any portion of land designated for the use thereof, shall comply with the following minimum requirements as to location:

(1) It shall conform to distance requirements of 912a-24, Revised Civil Statutes of Texas, as amended, and such minimum distances shall be measured from the nearest city limit point of any city or cities (other than the City of Southlake, Texas) to the boundary of said cemetery land nearest to the city limit of the other city by direct line measurement.

(2) It shall be located not less than five hundred (500) feet from any residence or structure used for living purposes or any well, creek, lake, tank, reservoir or pond, or other such water source or place of storage, passage, or drainage.

d. Parking - All parking shall be off-street parking with an all-weather surface located in the rear or side yard next to buildings. There shall be one (1) parking space for each four (4) seats in any assembly portion of any building or structure.

e. Screening and Fencing

(1) All land actually used for buildings and/or burial spaces shall be completely enclosed in a fence with gates capable of being locked to prevent trespassers from entering said premises.

(2) Any additional fencing, screening, walls, landscaping, or ornamental planting shall be installed if deemed necessary by the City Council in relation to the property itself or in relation to any adjoining property.	
8. Community centers and service clubs dedicated to social or recreational activities serving the City or neighborhood thereof. Such buildings and facilities shall be set back at least thirty (30) feet from all side and rear property lines and forty (40) feet from any street line. The total ground floor area of all such buildings and structures shall not cover more than twenty-five (25) percent of the site area devoted to such facilities and activities. (As amended by Ord. No. 480-UUUU.)	AG, RE-5, RE-7, RCS. SF-1A, SF-2, SF-1B, SF-30, SF-20A, SF-20B, MH, MF-1 and MF-2
9. Public, semi-public and private golf courses together with related clubhouse, pro-shop and maintenance/ storage buildings, provided no building is closer than one hundred (100) feet from any adjoining side or rear property lines or closer than fifty (50) feet to a public street right-of-way line.	AG, I-2
10. Golf driving range.	AG, C-3, C-4, I-1, I-2
11. Outdoor entertainment centers (including ball parks, miniature golf courses, golf driving ranges, batting cages, carnivals, archery ranges and similar uses).	C-3, C4, B-2, I-1, I-2, DT**
12. Athletic stadiums, public or private, when located adjacent to a thoroughfare or collector street. (As amended by Ord. No. 480-UUUU.)	AG, RE-5, RE-7, SF-1A, SF-1B, SF-30, SF-20A, SF-20B, MF-1 and MF-2
13. Studios designed for the practice, education or training in art, dance, music, drama, photo, or interior design.	C-1
14. The location of day nurseries or similar child care activities, if said activity is clearly designed to support neighborhood requirements in the residential areas lying in close proximity to the specific use site.	C-1
15. Kennels	C-3, C-4, B-2, I-1
16. Veterinary clinics for large animal care, to include such restrictions as the City Council deems necessary for protecting adjacent properties from negative environmental impacts.	I-1, I-2
17. Equestrian riding stables, tack rooms, show rings, and rodeo grounds, either private or when operated as a business, provided adequate measures are employed to prevent health hazards to humans or animals, and adequate controls are used so as not to create offensive nuisances or odors.	AG, I-2
18. Dude ranches catering to temporary guests housed on the premises.	AG

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19. Private airfields and aircraft landing area.	CS, AG, C-3
20. Helistop.	CS, HC, O-1, O-2, I-1, I-2, B-2
21. Sales and service of new automobiles, trucks, or motorhomes.	C-4, I-1
22. Sales and service of used automobiles, trucks, or motorhomes.	I-1
23. Temporary concrete batching or transient mix plant exceeding 90-day approval plus one 30-day extension. (As amended by Ord. No. 480-J)	ALL **PLOT PLAN REQUIRED**
24. Petroleum Operations. The City Council may grant this use as a specific use permit, subject to compliance with the following provisions: a. In granting or denying a use in this category, the City Council must bear in mind that these sites are not to be located contiguous to residentially zoned properties and should be located in such a manner as to preclude the necessity to travel through residentially zoned areas to reach these sites. Petroleum operations should never be placed in an environmentally sensitive area and should be allocated only to those areas appropriately supported by public utility infrastructure and major arterial thoroughfares. Environmental impacts of this use should be carefully considered in determining whether to grant or deny an application. b. The City Council may permit the following uses within this category. (1) On-site storage of petroleum products. (2) Pipe line transfer or servicing operations relating to the delivery of petroleum based products. (3) Petroleum distribution points of a wholesale nature designed to allow the loading or off-loading of truck facilities in a non-retail setting. (4) Petroleum blending operations. c. Petroleum operations shall not include oil or gas drilling and production. d. No specific use permit shall be granted unless a site plan as set forth in Section 27.7 is submitted to, and approved by, the City Council. (As amended by Ordinance No.480-M.)	I-2 **SITE PLAN REQUIRED**
25. The City Council may authorize the establishment of retail operations in an amount exceeding fifteen (15) percent of the net square footage of any one office structure if said increase is the consolidation of retail space from a number of different office structures under common ownership for the purpose of achieving efficiency of use and cost economies. An example of this use would be found in a business park which might contain five separate office structures. A cafeteria or food service establishment to service all five structures might be located in one central structure under the common control, direction or plan of a common ownership and management group. The City Council shall be authorized to grant specific use permits to allow the consolidation of the fifteen (15) percent retail support sales activity, provided that	O-1, O-2, I-1

the fifteen (15) percent maximum usage for retail sales limitation shall be maintained throughout an overall common project.	
26. Residential Lofts and Live/Work units: The City Council may permit the construction of residential units if they are constructed as a portion of a mixed use development within a single structure. This specific provision is designed and intended to allow the construction of studio or loft-type apartments or condominium living units on the floor or floors above office and retail-type activities situated on a ground floor.	DT**
27. A residential unit(s) for the exclusive use of an employee or employees of the principal use, placed upon the site when such employee(s) will be fulfilling the duties of night watchman or caretaker for the site. In approving the construction of a residential unit under this provision, the City Council may establish such terms and conditions as it deems necessary to protect the interest of the community at large, the business applicant and the future occupant of the residential structure.	B-2, I-1
28. Recreational campsite or campground (As amended by Ord. 480-I.)	AG
29. Full Service Car Washes, subject to the following conditions: (As amended by Ord.480-R) a. Sanitary sewer service must be available to the site; b. The site must be located on a major arterial shown on the Master Thoroughfare Plan in order to ensure proper traffic circulation. c. A minimum of one parking space must be provided for each two hundred (200) square feet of total floor area of all buildings with two-thirds (2/3) of the minimum spaces being tandem spaces for cars awaiting washing or vacuuming. d. The wash bay and vacuum/gasoline pump areas must be forty-five (45) degrees off parallel to the adjoining thoroughfare.	C-3 **SITE PLAN REQUIRED**
30. Telecommunications towers, antennas, ancillary structures (e.g., equipment buildings), subject to the requirements set forth in Section 45.7 of this ordinance. (As amended by Ordinance No. 480-W.)	ALL
31. Assisted Living Facilities may be located in transitional areas adjacent to low and medium density residential developments when compatible and shall be subject to the requirements set forth in Section 45.8 of this ordinance. (As amended by Ordinance No. 480-Y, Ordinance No. 480-GGGG and Ordinance No. 480-UUUU.)	ALL, except AG, RE-5, RE-7, RCS, SF-1A, SF-2, SF-1B, SF-30, SF-20A., SF-20B
32. Gasoline service station when operated with or without convenience store, car wash, and other related ancillary uses, subject to the requirements set forth in Section 45.9 of this ordinance. (As amended by Ordinance No. 480-Z.)	C-3
33. Carports for non-residential property, subject to the requirements set forth in	CS, O-1, B-1, B-2, I-1, I-

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Section 45.10 of this ordinance. (As amended by Ordinance No. 480-II.)	2, and S-P-1, S-P-2 and PUD districts with CS, O-1, B-1, B-2, I-1, and I-2 uses. **SITE PLAN REQUIRED**
34. Multi-level parking garages for non-residential property, subject to the requirements set forth in Section 45.10 of this ordinance. (As amended by Ordinance No. 480-II.)	CS, O-1, O-2, C-1, C-2, C-3, C-4, HC, B-1, B-2, I-1, I-2,S-P-1, S-P-2, DT** and PUD
35. Single-family (attached and detached) residential	DT
36. Mass Gathering Event when not permitted as an accessory use in accordance with Section 34, subject to the requirements set forth in Section 45.13 of this ordinance.	ALL
37. Funeral Homes and Services.	DT**
38. Farmer's markets.	DT**
39. Outdoor sales or services, subject to the requirements set forth in Section 45.11 of this ordinance.	CS, C1, C2, C3, C4, I-1, I-2, B-1, B-2, HC
40. Donation bins, subject to the requirements of Section 45.12.	CS, C1, C2, C3, C4, I-1, I-2, B-1, B-2, HC, DT**
41. Tents for the purpose of promoting retail sales for a period not exceeding twenty-three (23) days. Tents shall be constructed in accordance with the provisions of the Uniform Fire Code, Article 32, as amended. A permit may be issued for a tent only as an accessory use. The activity shall also meet the development regulations of the zoning district in which it is located. No more than two specific use permits for tents for a lot may be issued in any one year period, with a sixty (60) day separation between events. The location of the tent shall not reduce the minimum parking requirements or effectiveness of landscaped areas within the site.	CS, C-1, C-2, C-3, C-4, B-1, B-2, I-1, I-2, S-P-1, S-P-2, NR-PUD, DT**
42. Gas & oil well drilling and production, subject to the requirements of Section 45.14	**ALL – SITE PLAN REQUIRED**
43. Accessory buildings enclosing equipment or activities in conjunction with the permitted principal uses. No accessory use shall be construed to permit the keeping of articles or materials in the open or outside the building unless specifically permitted elsewhere in this ordinance. Subject to the requirements set forth in Section 45.15 of this Ordinance. (As amended by Ordinance No. 480-VVV).	CS, O-1, O-2, C-1, C-2, C-3, C-4, HC, B-1, B-2, I-1, and I-2 **SITE PLAN REQUIRED**
44. Solar Energy Systems, subject to the requirements of Section 45.16 unless the system meets the accessory use standards set forth in Section 34.1. ll or 34.1.mm. (480-DDDDD)	**ALL -SITE PLAN REQUIRED**

45. Temporary construction facilities when not permitted as an accessory use in accordance with Section 34, and all temporary sales facilities. Subject to the requirements set forth in Section 45.17 of this ordinance. (As amended by Ordinance No. 480-IIII)	ALL
46. Above-Ground Cisterns • Setbacks: Per underlying zoning district • Screening: From public right-of-way by landscaping, buildings or opaque fencing • Location: To the side or rear of principal structure on property • Materials: Materials must be compatible with architecture and/or color of the principal building or structure <u>Other Requirements</u> • No signage shall be permitted on the above ground cistern • No aerial downspouts shall be permitted • The property owner shall ensure the system is not left in a dilapidated state even if not in operation. It shall be maintained in such manner that the system can become operational at any time, provided that rain water is available for the system to operate. • The property owner shall ensure the rain water collection system does not become a source of water for pests, such as mosquitoes; Ensure the collection system is built in a manner that prevents openings to the system that would encourage pests and can be inspected by the applicant on a frequent basis for breaks, tears or other openings that could allow pests to enter the container. • The property owner shall ensure any alternate water supply with a connection to the municipal water supply is properly isolated from the municipal water supply with an air gap or a sufficient backflow prevention assembly device. (As amended by Ordinance No. 480-QQQQ)	ALL ***SITE PLAN REQUIRED***
47. Commercial school, including trade school, subject to the requirements set forth in Section 45.18	I-1, I-2
48. Single tenant, owner or business occupancy exceeding sixty thousand (60,000) square feet	C-3
49. Electric vehicle charging space(s) • Level 1, Level 2, or Level 3/Rapid Charge for commercial or public use. Subject to the requirements set forth in Section 45.19 of this ordinance. (As amended by Ordinance No. 480-VVVV)	All except AG, RE-5, RE-7, RCS, SF-1A, SF-1B, SF-2, SF-20A, SF-20B, and SF-30, MH, MF-1
50. Portable buildings not otherwise permitted under this ordinance, subject to the requirements of 45.20.	*All except RE-5, RE-7, SF-1A, SF-1B, SF-2, SF-30, SF-20A, SF-20B, MF-1, MF-2, MH, SITE PLAN REQUIRED*

** Shall apply only to non- residential uses and mixed use buildings in the DT District.

Δ Shall apply only to non-residential lots in the PUD, S-P-1, S-P-2, TZD, and ECZ Districts.

45.2 CONCEPT PLAN - Unless otherwise provided in Subsection 45.1 above, an approved concept plan shall be a prerequisite to the approval of a specific use permit. Information required to be submitted, approval of the concept plan, and any administrative action shall be in accordance with Section 41 of this ordinance to the extent such requirements are applicable. (As amended by Ordinance No. 480-D.)

45.3 HEARING AND PROCEDURE - A specific use permit may only be granted following a public hearing before the Planning and Zoning Commission and the City Council in accordance with the same notice and hearing requirements as for zoning changes as set forth in Section 46 of this ordinance.

45.4 GENERAL REQUIREMENTS

a. Any use permitted hereunder shall meet the minimum requirements provided in the district in which it is located.

b. A specific use permit shall automatically expire if a building permit is not issued and construction begun within six (6) months of the granting of the specific use permit or if the use shall cease for a period of six (6) months.

45.5 FACTORS TO BE CONSIDERED - In granting or denying an application for a specific use permit, the City Council shall take into consideration the following factors:

a. Safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site.

b. Safety from fire hazard, and measures for fire control.

c. Protection of adjacent property from flood or water damage.

d. Noise producing elements; and glare of vehicular and stationary lights and effect of such lights on established character of the neighborhood.

e. Location, lighting and type of signs; and relation of signs to traffic control and adverse effect on adjacent properties.

f. Street size and adequacy of pavement width for traffic and reasonably expected to be generated by the proposed use around the site and in the immediate neighborhood.

g. Adequacy of parking, as determined by requirements of this chapter for off-street parking facilities for similar uses; location of ingress and egress points for parking and off-street loading spaces; and protection of the public health by all weather surfacing on all parking areas to control dust.

h. Such other measures as will secure and protect the public health, safety, morals and general welfare.

i. City Council may grant variances to specific regulations associated with a specific use set forth in Sections 45. To receive a variance, the applicant must demonstrate one of the following (As amended by Ordinance No. 480-MMMM):

(a) A variance will reduce the impact of the project on surrounding residential properties; or

(b) Compliance with this ordinance would impair the architectural design or creativity of the project; or

(c) A variance is necessary to assure compatibility with surrounding developed properties; or

(d) The proposed construction is an addition to an existing project that does not meet the requirements of this ordinance.

45.6 SPECIFIC REQUIREMENTS FOR ALCOHOLIC BEVERAGE SALES (This entire section was deleted in Ordinance No. 480-OOO.)

45.7 SPECIFIC REQUIREMENTS FOR TELECOMMUNICATIONS TOWERS, ANTENNAS, AND ANCILLARY BUILDINGS (This entire section was added by Ordinance No. 480-W.)

a. Objectives

The purpose of this section is to establish general guidelines for the location of telecommunications towers and antennas. The City of Southlake recognizes today's rapidly changing technological environment and realizes the public's increasing acceptance of and demand for superior personal wireless communication services and with the adoption of this ordinance, the city's objectives are to:

1) encourage the location of towers in non-residential areas and minimize the total number, height, and obtrusiveness of towers and antennas throughout the community;
2) encourage strongly the joint use of new and existing tower sites through co-location;
3) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal (e.g., pre-existing buildings or structures such as water towers, church steeples, bell towers, clock towers, and lighting stanchions or on municipal-owned properties and facilities) to camouflage or conceal the presence of antennas or towers;
4) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas; and
5) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.

b. Information Required on Concept Plan

Each applicant shall submit a scaled concept plan meeting the requirements of Section 41 of this ordinance, a scaled elevation view, a propagation map, and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all proposed improvements, including information concerning topography, proposed tower height, setbacks, drives, parking, fencing, landscaping, screening, adjacent uses, and other information deemed by

the city to be necessary to assess compliance with this ordinance.

c. Ordinance Exemption

Antennas mounted on existing city water towers shall be exempt from the requirements of this ordinance, provided a license or lease authorizing such antenna has been approved by the City Council. All other antennas or towers, located on property owned, leased, or otherwise controlled by the City Council of the City of Southlake shall be subject to the requirements herein.

d. Development Standards

Certain regulations may be set aside if the requirement effectively denies competition.

1) Inventory of Existing Sites

Each applicant for an antenna and/or tower shall provide an inventory of its existing towers that are either within the jurisdiction of the city or within one-quarter mile of the border, including specific information about the location, height, and design of each tower. The city may share such information with other applicants applying for approvals under this ordinance or with other organizations seeking to locate antennas within the city jurisdiction, provided; however, that the city is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

2) Co-location and Availability of Suitable Existing Towers and Other Structures

a) No new tower shall be permitted unless the applicant demonstrates to the city that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

i) No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.

ii) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

iii) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

iv) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

v) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

vi) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

b) A telecommunication tower must be 1) used by two or more wireless telecommunications providers; or 2) designed and built so as to be capable of use by two or more wireless telecommunications providers and the owner of the antenna must certify to the City that the tower is available for use by another wireless telecommunications provider on a reasonable and non-discriminatory basis.

3) Aesthetics and Lighting:

a) All towers shall be of monopole construction, unless another tower can be shown to

cause less visual impact on surrounding property than a similar monopole structure.

b) Towers shall be maintained with either a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
c) Highly reflective surfaces shall not be permitted. No glare shall be emitted to adjacent properties.
d) All exterior wires and/or cables necessary for operation of the antenna shall be placed underground, whenever practicable, except for wires or cables attached flush with the surface of a building or the structure of the antenna.
e) No permanent lighting is allowed on towers except as required by the FCC or the FAA (i.e., red lights by night/white strobe lighting during the day).
f) Any temporary lighting shall be oriented inward so as not to project onto surrounding residential property.

4) Federal Requirements (FAA, FCC, ANSI)
   a) All towers shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal or state government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
   b) Applicants shall provide the city with certification of compliance with ANSI and IEEE Standards regarding human exposure to non-ionizing electromagnetic radiation ("NIER").
   c) For a site being proposed in a floodplain, the applicant shall provide the city with certification from the FCC of Environmental Assessment ("EA") approval.
   d) For antennas, towers and/or supporting structures which are to be located in residential neighborhoods and that are to be equipped with high intensity white lights, the applicant shall provide the city with certification from the FCC of EA approval.

5) Building Codes; Safety Standards
   a) After receiving the appropriate zoning approval, no tower, antenna, or other appurtenance shall be installed without first obtaining a building permit issued by the Building Official.
   b) To ensure the structural integrity of towers, the owner of a tower shall ensure that the tower is constructed and maintained in compliance with standards contained in applicable local building codes ("Uniform Building Codes, UBC") and applicable standards for towers, published by the Electronics Industries Association Standard 222, ("EIA-222") "Structural Standards for Steel Antenna towers and Antenna Support Structures."
   c) A tower inspection report (based upon applicable UBC and EIA-222 standards) shall be prepared by an engineer licensed in the state of Texas and filed with the Building Official in accordance to the following schedule: a) monopoles--at least once every ten (10) years; b) lattice towers--at least once every (5) years; and c) guyed towers--

at least once every three (3) years. However, the Building Official may require an immediate inspection should an issue of safety be raised.

d) If, upon inspection, the tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards, unless the applicant can demonstrate a hardship and thus establish the need for additional time. If the owner fails to bring such tower into compliance within said thirty (30) days, the city shall remove such tower at the owner's expense.

6) Height

The requirements set forth below shall govern the location of towers that exceed, and antennas that are installed at a height in excess of, the height limitations specified for the underlying zoning district in which the tower and/or antenna is proposed.

a) Mounted Antennas

i) Roof-mounted, non-whip type, telecommunications antennas shall not exceed the height of the building by more than twelve (12) feet and may be required to be screened from view from any adjacent public roadway.

ii) Roof-mounted, whip-type, telecommunications antennas shall not exceed the height of the building by more than fifteen (15) feet and shall be located no closer than 15 feet to the perimeter of the building.

iii) Building-mounted, non-whip type, telecommunications antennas shall be mounted flush with the exterior of the building so that the antennas project no more than twenty-four (24) inches from the surface of the building to which it is attached, that a minimum clearance distance of fifteen (15) feet is maintained from the ground to the lowest element of the antenna and that the antenna shall be of a texture and color so as to blend with the surrounding surface of the building.

iv) Utility structure-mounted antennas shall not exceed more than twelve (12) feet the maximum height of the utility structure. These utility structures shall include: electric power transmission structures, light stanchions, and other like structures.

b) Freestanding Towers

i) For freestanding towers, structurally designed to accommodate shared users, the following height and usage criteria shall apply:
for two users, up to one-hundred-twenty (120) feet in height;
for three users, up to one-hundred-fifty (150) feet in height.

Monopole Installation

The maximum diameter of a monopole tower at the base shall not exceed forty-eight (48") inches. No microwave dish or similar device shall be mounted on the pole portion of a monopole telecommunications tower. The platform portion of a monopole telecommunications tower shall not have a horizontal cross section area greater than 196 square feet. The depth of the platform shall not exceed 4 feet, excluding any whip antenna. Only antennas that are part of a telecommunications system authorized by the FCC shall be permitted on a platform.

7) Setbacks

a) Towers shall be a minimum of 200' or 2:1 distance to height ratio, whichever is

greater, from the property line of properties used for residential purposes.

b) Mounted antennas attached to existing structures (e.g., bell towers, church steeples, stadium lighting, electrical transmission towers, clock towers, and similar structures) are exempt from the minimum residential setback and distance/height ratio regulations.
c) Towers shall be located in such a manner that if the structure should fall along its longest dimension, it will remain within property boundaries and avoid habitable structures, public streets, utility lines and other telecommunication towers.
d) All guys and guy anchors shall be set back a minimum of 20 feet from any property line.
e) No tower shall be located in front of the building facade facing any street, or be located within any required setback.

8) Landscaping and Screening

The following requirements shall govern the landscaping surrounding towers; however, in locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced.

a) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer. Mitigation of any tree removal shall be in accordance to the Tree Preservation Ordinance, as amended.
b) Tower facilities (e.g., tower/antennas and any necessary equipment building) shall be enclosed by an eight (8) foot, solid screening fence or masonry wall or a wrought iron fence with an eight (8) foot evergreen hedge, and shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from any public roadway or any property used for a residential purpose. Any fence constructed in accordance with this section shall provide a knox box or other entry device for public safety access per the requirements of the Fire Marshal.
c) Where abutting residentially used land, residentially zoned property, public land or public streets, or land designated as low or medium density residential on the city's Land Use Plan, the applicant shall provide a screening plan showing the existing tree coverage of the impacted area and the placement of plantings as required in a "F2" bufferyard (as a minimum) as described in Section 42 of this ordinance.

9) Principal or Accessory Use

a) Antennas and towers may be considered either principal or accessory uses. A different existing user or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. Towers that are constructed and antennas that are installed in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.
b) Equipment structures shall be of minimum size to house transmitting/receiving equipment and shall not be utilized for offices, vehicle storage, or for any other use other than for transmitting and receiving transmissions. No outside storage shall be permitted on the site.
c) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, and textures that will comply with the materials permitted by the underlying zoning district and shall blend with the natural setting and any existing structures on the site, or the equipment building shall be contained

entirely within a main building on the property, or the equipment building shall be housed in an underground vault.

d) The necessary equipment building shall not exceed 10 feet in height (measured from grade) nor 180 square feet in total area.
e) No more than three (3) separate equipment buildings shall be located on a single lot.

10) Maintenance and Parking
   a) Equipment shall be automated to the greatest extent possible to reduce traffic and congestion.
   b) Providers shall anticipate the maintenance needs of landscaping, sprinkler systems, and access roads.
   c) All structures shall be maintained free from graffiti.
   d) One (1) all weather surface parking space shall be provided on each site. The required parking space need not be reserved exclusively for use by the antenna installation and may be one of the spaces provided for the principal use on the property. No off-street loading space shall be required.

11) Other Conditions of Approval
   a) Documentation of FAA approval shall be provided when towers are near public airports or flight paths.
   b) The applicant shall provide the city with a certificate of insurance, issued by an insurance company licensed to do business in the state of Texas indicating that the applicant carries comprehensive general liability insurance with limits of liability thereunder of not less than: bodily injury: $500,000 for injury to any one person and $1,000,000 for all injuries sustained by more than one person in any occurrence; property damage: $1,000,000 for damage as a result of any one accident. The applicant shall provide the city with a renewal certificate within then (10) business days of each renewal. Any insurance required to be provided by the applicant herein may be provided by a blanket insurance policy covering this property and other locations occupied by the applicant, provided such blanket insurance policy complies with all of the other requirements as to the type and amount of insurance required. The applicant may also fulfill the requirements under this section through a program of self-insurance, subject to approval by the city, which approval shall not be unreasonably withheld. If the applicant elects to self-insure, then the applicant shall furnish the city with a letter stating that there is a self-insurance program in effect that provides for the same, or greater, coverage than required of the applicant herein. The applicant agrees to furnish the city with certificate of insurance certifying that the applicant has in force and effect the above specified insurance. The certificate and renewal certificates shall provide that insurance shall not be canceled or changed unless 30 days' prior written notice is just given to the city.
   c) Each backhaul provider shall be identified and have all necessary franchises, permits, and certificates. The identity of other providers who co-locate to the site and their backhaul providers shall be provided as well.
   d) No lettering, symbols, images, or trademarks large enough to be legible to occupants of vehicular traffic on any adjacent roadway shall be placed on, or affixed to, any part of a telecommunications tower, platform, antenna or ancillary structure.
   e) All construction shall comply with all ordinances of the city not in conflict with this section.

f) In addition to the usual application fees for rezoning or specific use permit requests, the applicant shall reimburse the city the actual cost of professional services, provided by an engineer or other professional, that may be required to review the application and provide expertise.
g) If high voltage is necessary, signs shall be posted every 20' on any exterior fencing which state, “Danger--High Voltage.” The operator shall also post “No Trespassing” signs.

12) Abandonment
a) The owner of a tower and/or related telecommunications facilities shall notify the Building Official when the tower or other structures have ceased operating as part of a telecommunications system authorized by the FCC. Within six (6) months of the date the tower ceases to operate as part of an authorized telecommunications system, the tower must either be removed from the site, or a certificate of occupancy must be obtained to allow another permitted use of the tower. If within six (6) months, the owner fails to remove the tower or obtain proper authorization for the use of the tower, the Building Official shall revoke the certificate of occupancy for the tower and notify the city attorney to pursue enforcement remedies.
b) Tower owner(s) shall bear all demolition costs.

13) Interference
Any signal interference complaints associated with telecommunications towers or related equipment shall be addressed in accordance with FCC rules and procedures.

Variances -At the time of review of any required Concept Plan, the City Council may grant variances to the development standards set forth in this Section.

a) To receive a variance, the applicant must demonstrate the following:
    i) A variance will reduce the impact of the project on surrounding residential properties;
    ii) Compliance with this ordinance would impair the architectural design or creativity of the project; or
    iii) A variance is necessary to assure compatibility with surrounding developed properties.
b) In order to grant a variance, the City Council must determine that a literal enforcement of the regulations will create an unnecessary hardship or a practical difficulty for the applicant; that the situation causing the unnecessary hardship or practical difficulty is unique to the affected property and is not self imposed; that the variance will not injure and will be wholly compatible with the use and permitted development of adjacent properties; and that the granting of the variance will be in harmony with the spirit and purpose of this ordinance.
c) If a variance application is denied by the City Council, no other variance of like kind relating to the same project or proposed project shall be considered or acted upon by the City Council for a period of six (6) months subsequent to the denial.

45.8 SPECIFIC REQUIREMENTS FOR ASSISTED LIVING FACILITIES (This entire section was added by Ordinance No. 480-Y and amended by Ordinance No. 480-GGGG.)

a. General Criteria

1) Approval of Assisted Living Facilities shall be based upon an analysis of the location, the site layout and design features, the adequacy of water, sewer, and other public improvements necessary to support the site, the assurance that the adjoining streets can handle higher volumes of traffic during peak hours of traffic loading without a requirement to divert traffic onto traditional residential streets and the compatibility of the construction with adjacent land uses.
2) Assisted Living Facilities shall meet all applicable city codes.
3) Assisted Living Facilities shall meet the licensing requirements of the Texas Department of Aging and Disability Services.

b. Required Amenities

In an effort to maintain a comfortable lifestyle for the residents and for the convenience of the employees and the residents' guests, the following amenities shall be required on site:

1) Cafeteria and/or dining room,
2) Housekeeping service;
3) Basic laundry service;
4) Transportation service to local facilities (e.g. shopping, entertainment, medical/professional offices, etc.);
5) Library
6) Computer and/or internet access to each housing unit;
7) Multi-purpose room for such uses as arts and crafts, entertainment, personal reflection, social events, etc.;
8) Exercise room;
9) Personal care service for resident use only (e.g. beauty or barber shop);
10) Furnish or provide transportation to local facilities that provide inhalation therapy, physical therapy and occupational therapy services; and11) Pedestrian-oriented open space directly adjacent to the building, unobstructed by parking stalls, driveways, or other physical impediments. Such open space shall total a minimum ten percent (10%) of the lot area and shall include a garden for community use.

c. Permitted Amenities

In an effort to enhance the residents' quality of life, certain other special facilities and services for residents, employees and guests are encouraged (e.g, chapel, swimming pool, Jacuzzi, home theater, arts and crafts facilities, greenhouse, senior playgrounds and related uses).

d. Permitted Ancillary Uses

The following ancillary uses shall be permitted by right to provide on-site goods and services for residents and their guests, but are not intended for use by the general public:

1) Snack bar;
2) Convenience retail shop to provide for the sale of food items, non-prescription drugs, small household items, and gifts;
3) Pharmacy for resident use only;
4) Medical treatment services for resident use only (e.g., medical clinic, physical therapy services inhalation therapy, and other related uses).

e. Concept Plan and Site Plan Required

Any applicant seeking approval for a assisted living facility shall submit a Concept Plan which meets the requirements of Section 41 or a Site Plan which meets the requirements of Section 40 of this ordinance, as amended. A Site Plan shall be approved by the City Council prior to issuance of a building permit. All Concept Plans and Site Plans may only be approved by the City Council after a recommendation by the Planning and Zoning Commission in accordance with the same notice and hearing requirements for zoning changes as set forth in Section 46 of this ordinance, as amended.

In addition to the requirements set forth above, the applicant shall also provide:

1) A letter describing the facility's services, amenities, and ancillary uses; level of daily patient care; housekeeping, recreational and support services available;
2) A unit mix table showing the number and percentage of housing units by type and size; and the site's gross density;
3) The type of proposed building(s), including the type of facade and the number of stories;
4) A staffing analysis showing the estimated number of occupants and service personnel, staffing ratios, types of staff, and staffing shifts;
5) A floor plan and list of intended uses and the percentage of total floor area that each use will occupy;
6) A unit mix table, showing the type, number, and size of all housing units.

f. Development Regulations

Except as follows, development regulations shall be in accordance with the underlying zoning district requirements and Section 43, Overlay Zones.:

1) Lot Area: The minimum lot area shall be determined after an analysis of the location, the site design, and the impact and compatibility with adjacent land uses.

2) Floor Area: Each housing unit shall have a minimum floor area based on the unit type:

	Type "A"* and like facilities	Type "B"* and like facilities
Efficiency Unit	350 s.f.	250 s.f.
One (1) Bed Unit	450 s.f.	300 s.f.
Two (2) Bed Unit	650 s.f.	500 s.f.

* As defined by the Texas Department of Aging and Disability Services

3) Maximum Density: The maximum number of housing units per acre shall be twelve (12).

4) Bufferyards: Bufferyards shall be required in accordance with Section 42 and Section 43 of this ordinance.

5) Interior Landscaping Areas: Interior landscaping shall be required in accordance with the current landscaping ordinance and corridor overlay zone requirements, if applicable.

6) Parking: Ten (10) spaces plus one (1) space per each two (2) beds.

g. Licensing

Every Assisted Living Facility shall be licensed by the Texas Department of Aging and Disability Services as required by the Assisted Living Facility Licensing Act, Section 247.021, Tex. Health and Safety Code, V.T.C.A.

h. Variances

At the time of review of any required Concept Plan or Site Plan, the City Council may grant variances to the uses and/or development standards set forth in this Section.

1) To receive a variance, the applicant must demonstrate the following:
   i. A variance will reduce the impact of the project on surrounding properties; or
   ii. Compliance with this Section would impair the architectural design or creativity of the project; or
   iii. A variance is necessary to assure compatibility with surrounding developed properties.

2) In order to grant a variance, the City Council must determine that a literal enforcement of the regulations will create an unnecessary hardship or a practical difficulty for the applicant; that the situation causing the unnecessary hardship or practical difficulty is unique to the affected property and is not self imposed; that the variance will not injure and will be wholly compatible with the use and permitted development of adjacent properties; and that the granting of the variance will be in harmony with the spirit and purpose of this ordinance.

3) If a variance request is denied by the City Council, no other variance of like kind related to the same project or proposed project shall be considered or acted upon by the City Council for a period of six (6) months subsequent to the denial.

45.9 SPECIFIC REQUIREMENTS FOR GASOLINE SERVICE STATIONS WHEN OPERATED WITH OR WITHOUT CONVENIENCE STORES, CAR WASHES, AND OTHER RELATED ANCILLARY USES (This entire section was added by Ordinance No. 480-Z.)

In addition to the Corridor Overlay Zone regulations and the underlying zoning district regulations, gasoline service stations/filling stations (with or without a convenience store, car wash and other related ancillary uses) shall meet the following requirements prior to issuance of a building permit: (In the event that there are conflicting requirements, the more stringent regulations shall apply.)

a. General Criteria

All gasoline service stations on the F.M. 1709 corridor shall be located at signalized arterial intersections as defined in the city's Master Thoroughfare Plan. This requirement is designed to ensure that the supporting street infrastructure can handle higher volumes of traffic during peak hours of traffic loading.
All gasoline service stations on the S.H. 114 and F.M. 1938 corridors may be located at either intersection or mid-block.

b. Development Regulations

1) Residential Adjacency: Gasoline pumps, pump islands, canopies, or car washes, where adjacent to property zoned as single-family residential or designated as low or medium density residential on the city's land use plan, shall maintain a minimum setback of at least one hundred twenty-five (125') feet.

The hours of any carwash operation may be limited when located adjacent to residentially-zoned property.

No dumpster shall be placed within 50' of residentially zoned property or designated as low or medium density residential on the city's land use plan.

2) Lot Area: The minimum area of a lot shall be forty thousand (40,000) square feet, but the Planning and Zoning Commission may recommend and the City Council may require additional lot area to ensure proper internal traffic circulation and appropriate stacking on site.

3) Building Design:

Gabled or Hipped Roof: All service station convenience stores, pump canopies and car washes shall be constructed with a gabled or hipped roof with a minimum pitch of 4:12.

Articulation: Service station convenience stores shall meet the articulation requirements of the Corridor Overlay Zone. Pump canopies and freestanding car washes shall be exempted from the articulation requirement.

Building Materials: All exterior facades of the convenience store, canopy columns, and car wash shall be constructed of the same material.

Floor Area: The minimum floor area of a convenience store shall be 2,000 square feet with each lease space within the convenience store building being a minimum of 500 square feet. Each freestanding car wash or other ancillary building shall have a minimum floor area of 500 square feet.

4) Site Design:

Lighting: A system to light the area of the gas pumps shall be provided. Such lighting shall be designated to light the pump area adequately without becoming an unnecessary nuisance to traffic or to owners of nearby property.

Outside Commercial Display of Goods: Outside commercial display of goods shall be prohibited.

Landscaping: Where parking is provided between the building setback line and *any* public R.O.W., shrubs obtaining a mature height of three feet (3') or greater must be planted at a minimum spacing of thirty inches (30") on center continuous along all

paved edges of the parking or driving areas.

45.10 SPECIFIC REQUIREMENTS FOR CARPORTS AND MULTI-LEVEL PARKING GARAGES FOR NON-RESIDENTIAL PROPERTY

In addition to the underlying zoning district regulations and any other applicable regulations, multi-level parking garages and carports (collectively referred to as parking structures) shall meet the requirements set forth herein prior to issuance of a building permit. In the event that there are conflicting requirements, the more stringent regulations shall apply. (This entire section was added by Ordinance No. 480-II.)

a. General Criteria

1) No parking structure shall be located closer to the front building line than the principal structure on the property.
2) No parking structure shall encroach into a designated bufferyard.
3) Parking structures shall comply with any required setback for the principal buildings in the underlying zoning district and the 4:1 slope line where applicable.
4) The footprint of parking structures shall be included when calculating maximum lot coverage and maximum impervious coverage for any lot.
5) The footprint of parking structures shall be included when calculating the amount of landscape area required on the interior of a lot, according to the provisions of the landscape ordinance, as amended.
6) A motor vehicle may be parked in a parking structure for no more than seventy-two (72) consecutive hours.

b. Development Regulations for Non-Residential Carports

1) Height:

Attached Carports: Carports attached to the principal structure shall not exceed twenty (20) feet in height. The height of an attached carport shall be measured from the finished grade to the highest point of the roof of the carport.

Detached Carports: No detached carport shall exceed one story or fourteen (14) feet in height. The height of a detached carport shall be measured from the finished grade to the highest point of the roof.

b) Structure Design:

Roof: The roof of a detached carport shall be pitched and constructed with the same materials as the roof of the principal building. The roof of an attached carport shall be constructed in the same roof style and with the same materials as the roof of the principal building.

Maximum Number of Spaces and Size: The maximum number of spaces that may be covered by a carport shall not exceed six (6) spaces. However, where a carport is not visible from a public right-of-way or from single-family residential property, as defined by Section 43 of this ordinance, the Planning and Zoning Commission may recommend and the City Council may approve an increase in the number of spaces allowed in a carport. The minimum size of

each space shall be 9' by 20'.

Maximum Number of Structures: There shall be no more than one (1) carport, attached or detached, per lot.

Building Materials: All exterior façades and any exposed structural support columns of a carport shall be constructed with the same or similar materials as the principal building. However, such building materials shall exclude the use of cement, concrete tilt wall and other masonry materials of similar characteristics.

Articulation: Any exterior façade shall comply with Section 43.13.d.

Paving: No carport shall be erected over any parking space not constructed of an all-weather surface.

c. Development Regulations for Non-Residential Multi-Level Parking Garages

1) Height: In all districts, multi-level parking garages shall conform to height restrictions for the underlying zoning districts. Height shall be measured from grade.

2) Structure Design:

Building Materials: Any wall, exposed structural support column or other architectural feature of a parking garage shall comply with Section 43.13 (a) and shall be constructed of the same or similar masonry material as the principal building.

Articulation: Any exterior façade shall comply with Section 43.13.d.

Compact Parking Spaces: If permitted, no compact parking space shall be less than eight and one-half (8 ½) feet in width by eighteen (18) feet in length.

Vehicular Ingress and Egress Points: The distance from parking garage vehicular ingress and egress points to a corner of a street intersection shall conform to the driveway ordinance, as amended.

Ingress: The required minimum stacking depth shall conform to the driveway ordinance, as amended. If there are ingress control gates, the stacking distance shall be measured from the edge of the right-of-way to the ingress control gate. The required stacking distance may be met by providing a right turn lane (of adequate length as determined by the City Engineer) leading to the entrance of the parking garage.

Egress: A minimum of twenty (20) feet shall be provided between an egress control gate and either the inside edge of a sidewalk or the inside of the right-of-way to minimize conflicts between exiting vehicles and pedestrians.

3) Commercial Uses: Multi-level parking garages may contain commercial uses which are reasonably related to the principal uses located on the lot with the parking garage. No additional parking shall be required for such commercial uses.

45.11 SPECIFIC REGULATIONS FOR OUTDOOR SALES OR SERVICES

a. Approval of a specific use permit for outdoor sales or services shall be based upon an analysis of the location, the site layout and design features, the assurance that the adjoining streets can handle higher volumes of traffic during peak hours of traffic loading without a requirement to divert traffic onto traditional residential streets and the compatibility of the proposed use with adjacent land uses.

b. A fixed time period (specific dates) for the outdoor sale or service activity to commence shall be established in the specific use permit. The permit for the sale or service activity shall be established and unless otherwise stated in the permit, shall be valid one year from the date of approval by the City Council.

c. Regulations for any structure used to conduct the outdoor sale or services activity including but not limited to, size, color, location of equipment, lighting and signage shall be established in the specific use permit.

d. The location of outdoor sale or service activity shall not reduce the parking requirements or effectiveness of landscaped or buffer areas and the areas for the display of merchandise shall not adversely impact the ability of pedestrians or vehicles to move about the lot.

e. The site must provide adequate ingress and egress.

f. Provisions for waste collection, recycling and/or disposal may be established in the specific use permit.

g. Each sidewalk or pedestrian way on the approved site plan shall be a minimum of forty-four inches (44”) in width. Additional width may be required and pedestrian ways shall be subject to the Americans with Disability Act Accessibility Guidelines for Building and Facilities.

45.12 SPECIFIC REGULATIONS FOR DONATION BINS

a. A donation bin shall be permitted only as an accessory use to the principal use established on the lot or tract of land.

b. The applicant must disclose the intended recipient of collected items and the percentage of funds collected or goods collected which will be paid or given to a charitable organization.

c. The applicant must submit written permission of property owner consenting to the erection and maintenance of the donation bin.

d. The specific use permit shall provide that the permit holder shall:

1) keep the area around the bin free of litter;

2) remove graffiti from the bin within 48 hours of discovery; and
3) maintain the bin painted or otherwise unrusted and undented and in good repair.

e. A minimum lot size of 43,560 square feet is required to locate a bin.

f. No more than one bin may be maintained on a lot.

g. A bin shall not be located closer than 1,000 feet to another bin.

h. A bin must be at least 300 feet from the property line of a school.

i. The location of a bin shall not reduce the minimum parking requirements or effectiveness of landscaped areas within the site.

j. A bin shall not exceed a capacity of 512 cubic feet.

k. A bin must be cleared of contents at least once every two (2) weeks.

l. Bins must safely designed in a manner that prevents the tipping over and prevents children from entering inside the bin.

m. Each bin shall bear the name and phone number of the owner and all charitable organizations which benefit from the collected materials.

n. All collected items must be fully contained within the bin.

o. A bins shall be located on a paved surface.

45.13 MASS GATHERING EVENT

a. The City Council may grant an application for a specific use permit for a mass gathering event if it finds the standards in this Ordinance are met. When considering an application for a permit, the City Council may establish specific conditions depending upon the nature of the proposed event and the traffic, health, and safety issues
b. An application for a permit to hold a mass gathering event shall identify (i) the promoter; (ii) the mass gathering area; (iii) the maximum number of patrons anticipated or tickets to be sold for the gathering; (iv) the dates and time of day being considered for the mass gathering; (v) information pertaining to previous mass gatherings in the same mass gathering area or sponsored by the promoter or a related entity at other locations, within the previous two years; and (vi) shall provide other information which is reasonably related to the health, safety and welfare of the citizens, including:

1) a plan describing all measures and procedures designed to address safety concerns, including provisions for protecting the safety of those attendees at a general admission event;
2) a sketch or rendering showing the general layout or configuration of the mass gathering area and depicting the general location of the activities and facilities to be provided;
3) the name and address of each performer who has agreed to or been invited to appear at the mass gathering;
4) the address of the property at which the mass gathering is to be held; and

5) evidence of the agreement between the promoter and the property owner for use of said property for the mass gathering event.

c. In considering whether to grant a mass gathering event special use permit, the City Council shall consider the following:

1) whether there is convenient and safe access for the ingress and egress of pedestrians and vehicular traffic;
2) whether sufficient traffic control personnel is proposed to insure safety to all members of the traveling public, including pedestrians, along all public roadways in the proximity of the mass gathering and/or along which the public is likely to travel to reach the mass gathering areas shall be provided;
3) whether the mass gathering area is well drained and so arranged to provide sufficient space for persons assembled, vehicles, sanitary facilities, and appurtenant equipment;
4) whether sufficient illumination will be provided at night to protect the safety of the persons assembled.
5) whether adequate parking areas, including disabled persons' parking spaces, shall be provided for persons arriving by vehicular means. If the promoter proposes to utilize temporary off-site parking, then the promoter the mass gathering event the off-site temporary parking area will not be utilized for purposes other than the mass gathering event; and
6) whether adequate provisions have been made for food supply, medical assistance, garbage disposal, water supply, parking, sanitation and toilet facilities, vermin control, and safety.

d. The promoter of a mass gathering event shall comply with the following requirements during the mass gathering event and these requirements shall be deemed as part of a specific use permit granted for such an event:

1) Food Supply

Food preparation, service and storage will be provided for pursuant to the requirements of the Texas State Department of Health, the county in which the mass gathering event takes place, or the City, whichever is more stringent.

2) Water Supply

a) An adequate, safe supply of potable water, meeting the requirements of the Texas State Department of Health, the county in which the mass gathering event takes place, or the City, whichever is more stringent, shall be provided.

b) Transported water, if used, shall be obtained from an approved source, stored and dispensed in an approved manner. Approval as used in this paragraph means in compliance with standards adopted by the Texas State Department of Health, the county in which the mass gathering takes place, or the City, whichever is more stringent.

3) Sanitation

Toilet facilities will be provided for pursuant to the requirements of the Texas State Department of Health, the county in which the mass gathering event takes place, or the City, whichever is more stringent.

4) Refuse Disposal

a) Refuse shall be collected, stored, and transported in a manner that allows for recycling and protects against odor, infestation of insects and/or rodents and any other condition, which poses a threat to the health, safety, and welfare of the patrons of the mass gathering event or the public.
b) Refuse and recycling containers shall be clearly marked and readily accessible.
c) The area where motor vehicles are parked shall have one (1) fifty (50) gallon refuse container or its equivalent for every twenty-five (25) such motor vehicles or one (1) sixteen (16) cubic yard trash container for every two thousand (2,000) motor vehicles and an appropriate number of recycling containers.
d) All refuse will be collected from the assembly area at least twice each twelve (12) hour period of the assembly, with a minimum of two (2) such collections for a gathering exceeding six (6) hours, or more often if necessary, and disposed of at a licensed waste disposal facility.
e) The grounds and immediate surrounding property shall be cleared of refuse within twenty-four (24) hours following a mass gathering event.
f) In lieu of the above-mentioned requirements in this subsection, the promoter may submit an alternative plan for refuse disposal for the consideration by the City Council.

5) Vermin Control

Insect, rodents, and other vermin shall be controlled by proper, sanitary practices, extermination, or other safe and effective control methods, where necessary, and animal parasites shall be controlled.

6) Safety

a) Electrical systems shall be installed and maintained in accordance with the provisions of the applicable State standards and local standards and regulations, and shall be approved by a City of Southlake electrical inspector.
b) Grounds, buildings, and related facilities shall be constructed, maintained and used in a manner as to prevent fire and in accordance with the applicable State and City fire prevention regulations.
c) Internal and external traffic and security control shall meet requirements of the applicable State and local law enforcement agencies.
d) At least one law enforcement officer for each 500 persons expected to attend the mass gathering (but not fewer than a total of three officers) shall be on site to assist in crowd and traffic control. The City Council may require additional or fewer officers, depending upon the information contained in the application. If the promoter intends to use private security officers, then the identity and number of such officers shall be described in the application.
e) The promoter shall ensure that adequate communication between local law enforcement, fire prevention, and emergency personnel and any private security

personnel, including emergency response protocols, is provided for each mass gathering event. An on-site communications center may be required.

7) Medical

a) Any and all medical buildings or tents with adequate medical supplies shall be available in a convenient location and shall be clearly identified as such.
b) An adequate number of emergency vehicles duly licensed by the State of Texas as ambulance shall be available on the site beginning one half hour before the mass gathering event begins and until all patrons have left the scene as determined by the Director of Public Safety.
c) The promoter of the mass gathering event may be required to contact hospitals in the local area prior to the date of the event and advise them that a mass gathering event shall be held and the approximate number of people expected to attend.

8) Noise

The promoter shall control the level of sound emanating from the mass gathering area pursuant to the City's Noise Ordinance (Article III of Chapter 11, Southlake Code).

9) Area

a) Trees, underbrush, large rocks and other natural features shall be left intact and undisturbed whenever possible, and natural vegetative cover will be retained, protected and maintained so far as possible to facilitate drainage, prevent erosion, and preserve scenic attributes.

b) Grounds shall be maintained free from accumulations of refuse and any health and safety hazards.

10) Lighting

The mass gathering area shall be adequately lighted, but the lighting shall not unreasonably reflect beyond the assembly area boundaries unless adjacent properties are uninhabited and must comply with the City's Lighting Ordinance;

11) Alcoholic Beverages

a) A Specific Use Permit is required to sell and consume alcoholic beverages at a mass gathering event. The promoter shall restrict the time and location of such sale so that alcoholic beverages are sold only during the particular event and so that public safety and order will not be impaired.
b) The promoter shall comply fully with the laws of the State of Texas regulating the sale and consumption of alcoholic beverages.

12) Sell-out

The promoter shall notify the Director of Public Safety at least three (3) days in advance if the mass gathering event is sold out. When the promoter learns that a particular event is likely to be sold out, the promoter shall exercise due diligence to promptly inform the general public that tickets will not be available for sale at the time of the event. At a minimum, the promoter shall broadcast announcements in the communications media serving the entire marketing area for the facility regarding the substance of the preceding sentence.

e. Public Costs Escrow-A promoter may be required to deposit with the Director of Finance at least two weeks prior to the mass gathering event an amount of money equal to 120% of the estimated public costs of each contemplated mass gathering as set by the City Council. The Director of Public Safety will prepare a public cost estimate and submit it to City Council and the promoter. Public costs are those costs incurred by the City in connection with the mass gathering event which relate to the mass gathering and which would not be incurred by the City if such mass gathering was not held. Promptly after each mass gathering event, the actual public costs shall be calculated, and the deposit shall be refunded to the promoter to the extent it exceeds the actual public costs incurred. If the actual public costs exceed the amount deposited, the promoter shall pay the excess to the City within 10 days after being so notified.

f. The promoter may be required to present evidence of public liability insurance in at least the following amounts: (i) $1,000,000 Bodily Injury (per person); (ii) $2,000,000 Bodily Injury (per occurrence); and (iii) $1,000,000 property damage, which insurance policy shall name the City, its officers and employees as additional insureds and shall contain a clause providing that the policy may not be canceled by either party except upon not less than 30 days written notice to the City. A copy of the insurance policy shall be provided to the City at the time of the filing of the application. Additionally, the City, its officers and employees shall be named as additional insureds.

g. The City Council or Administrative Official may revoke a mass gathering event permit issued pursuant to this Ordinance upon finding of one or more of the following:

1) that the promoter has violated one or more of the provisions of the specific use permit;
2) if the City Council finds that the permit was obtained by fraud or misrepresentation; or
3) if the preparations for the mass gathering event will not be completed prior to the planned commencement of the mass gathering event.

45.14 SPECIFIC REGULATIONS FOR GAS AND OIL WELL DRILLING & PRODUCTION (AMENDED BY ORD. 480-YY AND 480-RRR)

Gas and oil well drilling & production activity must be approved by City Council through the Specific Use Permit ("SUP") process. Notwithstanding the foregoing, all other applicable city, state and federal regulations governing the technical, safety, and environmental aspects of the operation must additionally be met prior to conducting the activities detailed herein.

No application for an SUP for gas and oil well drilling and production shall be considered unless it is accompanied and supported by the following:

(1) at least one administratively complete application for a well permit, as defined by and set forth in Article IV, Chapter 9.5, of the City of Southlake Code, as it may be amended; and

(2) If any gas, hydrocarbons, or other material is to be transported from a well site subject to the Specific Use Permit, either a Regulated Pipeline Permit or an Unregulated Pipeline Permit, as applicable, as defined by and set forth in Article IV, Chapter 9.5, of the City of Southlake Code, as it may be amended.

An application for an SUP may be submitted for an entire pad site, as that phrase is defined in Article IV, Chapter 9.5, of the City of Southlake Code, provided that sufficient detail is included regarding the maximum number and location of each well proposed for the pad site. No more than one pad site may be considered under an application for an SUP.

An applicant operating under approved well and pipeline permits seeking to amend an SUP must resubmit the approved well and pipeline permit applications as supporting material for the SUP amendment; or, where required by Article IV, Chapter 9.5, of the City of Southlake Code to amend the permits, must submit an administratively complete application to amend the well and pipeline permits referenced herein.

The Planning and Zoning Commission and/or City Council may require any additional information from the applicant regarding the applicant's proposed activities, which the Commission or Council deems pertinent. In addition, each application for an SUP or amendment to an SUP must be found to be in accordance with the intent of the guidelines set forth in the Consolidated Land Use Plan, Appendix C, Policy on Natural Resource Extraction Activities.

The approval of an SUP or an amendment thereof shall not constitute the approval of a new or amended well or pipeline permit.

In addition to the notice otherwise required by ordinance or law, before the tenth (10^{th}) day before each public hearing at which such SUP is to be considered, written notice of such public hearing shall be sent to each owner, as indicated by the most recently approved municipal tax roll, or real property within one thousand feet (1,000') of any of the following: (1) the pad site for which approval is sought; (2) any pipeline through which any gas, hydrocarbons, or other material is to be transported from a well site subject to the Specific Use Permit; and (3) any access road to the pad site for which approval is sought. The notice may be served by its deposit in the City, properly addressed with first class postage paid, in the United States mail.

45.15 SPECIFIC REQUIREMENTS FOR ACCESSORY STRUCTURES

(As amended by 480-VVV)

The following regulations shall govern the location and use of any accessory building requiring a Specific Use Permit:

a. Accessory buildings shall be required a permanent foundation and shall be located no closer than ten feet (10') to a property line located in the rear yard.

b. Separation requirements between accessory and principal buildings shall be determined by the most recently adopted International Building Code (IBC).

c. No accessory building shall be constructed upon a lot until the construction of the principal building or use has actually been commenced, and no accessory building shall be used unless the main building in a lot is completed and used.

d. Accessory buildings shall be used only in compliance with individual district regulations.

e. Accessory buildings shall not exceed one story or fourteen feet (14') in height.

f. No accessory building shall be located forward of the principal building on the lot.

g. All accessory structures requiring a Specific Use Permit shall meet the requirements set forth in Masonry Ordinance No. 557-A, as amended.

h. Masonry material used shall match the masonry material of the principal structure on the lot.

i. Roof (design, pitch, and materials) to be the same type as the principal structure roof.

45.16 SPECIFIC REGULATIONS FOR SOLAR ENERGY SYSTEMS (As amended by Ordinance No. 480-WWW)

The purpose of this section is to establish standards for Solar Energy Systems. A Solar Energy System shall be approved by City Council through the Specific Use Permit process and may be subject to other requirements as deemed necessary.

RESIDENTIAL ZONES

Ground Mounted Systems:

a. Front Yard: No system shall be located forward of the principal building on the lot.
b. Side and Rear: No system shall be located less than ten (10) feet from any side or rear property line.

Roof Mounted Systems:

a. Height: No system shall be installed greater than six (6) inches between the panel and roof.

NON-RESIDENTIAL ZONES

Ground Mounted Systems:

a. Front Yard: No system shall be located forward of the front most building on the lot.

b. Side and Rear: No system shall be located less than the required building setback as required by the underlying zoning district.

ALL ZONES

a. No solar energy system shall be constructed upon a lot until a building permit has been issued or principal use has actually been commenced.

b. A line of sight analysis will be required in addition to the applicable submittal requirements under Section 40 (*Development Plans and Site Plans*) of the City of Southlake Zoning Ordinance.

45.17 SPECIFIC REGULATIONS FOR TEMPORARY CONSTRUCTION AND/OR SALES FACILITIES (As amended by Ordinance 480-IIII)

1) The City Council may grant a specific use permit to increase the maximum parameters set forth for temporary construction facilities by Section 34 of this ordinance and may grant a specific use permit to allow temporary sales facilities subject to the following standards:

(a) Temporary facilities must be at least two hundred (200) feet from any occupied residence.

(b) Temporary facilities must be skirted on the front and sides.

(c) Temporary facilities must provide foundation landscape planting consisting of one (1) five-gallon shrub per four (4) linear feet around skirting (excluding entrances).

(d) Each temporary facility shall have at least two (2) paved parking places (two (2) deep, tandem parking is not permitted).

(e) Temporary facilities may also be subject to other requirements as deemed necessary in order to promote public health, safety, welfare and aesthetics.

45.18 IN CONSIDERING WHETHER TO GRANT A SPECIFIC USE PERMIT FOR COMMERCIAL SCHOOL, INCLUDING TRADE SCHOOL, THE CITY COUNCIL SHALL CONSIDER THE FOLLOWING:

1) Safe access for the ingress and egress of students, pedestrian, parking and vehicular traffic, including the identification of student drop-off areas.
2) Adequate illumination will be provided at night to protect the safety of those persons entering and exiting the site.

45.19 SPECIFIC REGULATIONS FOR ELECTRIC VEHICLE CHARGING SPACES

1) Electric vehicle charging equipment may only be installed when accessory to the primary permitted use.
2) No more than 10% of the total number of required parking spaces may be designated as electric vehicle charging spaces.
3) Each charging space shall be posted with signage indicating the space is only for electric vehicle charging purposes. Days and hours of operations shall be included if time limits or tow away provisions are to be enforced by the owner. Information identifying voltage and amperage levels or safety information must be posted. All signage must be approved as part of the Specific Use Permit
4) Design should be appropriate to the location and use. Facilities should be able to be readily identified by electric vehicle drivers but blend into the surrounding landscape/architecture for compatibility with the character and use of the site.
5) Equipment shall be located so as not to impede pedestrian travel, create trip hazards on sidewalks, or interfere with accessibility requirements.
6) Regulations for the electric vehicle charging equipment and spaces shall be established in the specific use permit. These regulations may include but are not limited to location; size of equipment; signage, including directional signage (if any); and lighting (if any).

45.20 SPECIFIC REGULATIONS FOR PORTABLE BUILDINGS NOT OTHERWISE PERMITTED UNDER THIS ORDINANCE

a. Approval of a portable building shall be on a temporary basis only. Any permit granted hereunder shall be for a maximum period of three (3) years, unless otherwise approved by the City Council.

b. All portable buildings shall be constructed in accordance with the appropriate state or federal code which regulates their construction or shall meet all requirements of the City's building code.

c. Portable buildings shall :

1) Provide parking in accordance with use of the portable buildings as prescribed in Section 35 of this ordinance;

2) Be skirted on the front and sides;

3) Provide foundation landscape planting consisting of one (1) five-gallon shrub per four (4) linear feet around skirting (excluding entrances);

d. Portable buildings shall be maintained in a neat and presentable condition at all times. Upon expiration of the specific use permit, the portable building shall be immediately removed and the premises shall be restored to their previous condition.

e. The site plan submitted with the application shall contain a narrative explanation describing the applicant's plans to transition the portable building to a permanent structure.

f. Portable buildings may also be subject to other requirements as deemed necessary in order to promote public health, safety, welfare and aesthetics.