

Agenda

AGENDA

PLANNING & ZONING COMMISSION

Tuesday, January 9, 2024

7:00PM at City Hall

Chairman – Russell Newton

Commissioner – Jeff Cook

Commissioner – Jose Valencia

Commissioner – Shane Brinton

Commissioner – OPEN

Commissioner – Judy Hudson

Commissioner – OPEN

REGULAR MEETING

1. Call to Order and Declaration of Quorum for the Planning and Zoning (P&Z) Commission.
2. Public comment-
Citizens are invited to address the meeting with public comments. Comments regarding items for which notice has not been given will be limited to three minutes. Responses shall be in accordance with Sec. 551.042 of the Texas Government Code. Comments regarding an item on the agenda may be given before or during discussion of that item when recognized by the Chair. An intentional act intended to disrupt a Government meeting is a violation of law.

CONSENT AGENDA: ACTION

3. Approval of Previous Meeting's Minutes- July 25, 2023

CONSENT AGENDA: ACTION

4. Review and Consider the Bear Creek Preliminary Plat.
5. Review and Consider Potential Updates for the 1/2-Acre Ordinance regarding:
 - Accessory Building Roof Height
 - Lot Width
 - Roof Pitch
6. Review and Consider Potential Updates for the 1-Acre Ordinance regarding:
 - Accessory Building Roof Height
 - Lot Width
 - Roof Pitch

FUTURE AGENDA ITEMS

7. *Future agenda items shall be designated by the Planning & Zoning Chairman. In addition, a motion and a second from any two P&Z commissioners shall be sufficient to add an agenda item for a future meeting. Staff and counsel shall have prior consent of the Chairman to add an agenda item for a future meeting.*

- 1.
- 2.
- 3.
- 4.

8. Adjournment/Closing –

CERTIFICATION

This meeting will be conducted pursuant to the Texas Government Code Section 551.001 et seq. At any time during the meeting, the Council reserves the right to adjourn into executive session on any of the above-posted agenda items in accordance with the sections 551.071 [litigation and certain consultation with attorney], 551.072 [acquisition of an interest in real property], 551.073 [contract for gift to City], 551.074 [certain personnel deliberations] or 551.076 [deployment/ implementation of security personnel or devices]. The City of Nevada is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. **Please call the City Clerk at (972) 853-0027 Ext: 101 for information.**

Attendance by Other Elected or Appointed Officials: It is anticipated that members of other city boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the other boards, commissions and/or committees shall not deliberate or decide any matters relating to items listed on this agenda and no minutes shall be prepared.

A member or member of the government body holding this meeting may attend via videoconference pursuant to the provisions of Tex. Gov't Code 551.127. In the event that a member or members of the government body holding this meeting attends via videoconference, a quorum of the government body holding this meeting will be physically present at the location identified above.

I certify that the above agenda for this meeting of the City Council of the City of Nevada, Texas, was posted on the bulletin board at City Hall, in Nevada, Texas, **on Friday, January 5, 2024**, by 5:00 pm pursuant to Chapter 551 of the Texas Government Code.




Heather Schell, Assistant City Secretary

Agenda Item # 3

MINUTES

PLANNING & ZONING COMMISSION

Tuesday, July 25, 2023

7:00PM at City Hall

Planning & Zoning Chairman – Russell Newton

Commissioner – Jeff Cook

Commissioner – OPEN

Commissioner – Shane Brinton

Commissioner – OPEN

Commissioner – Judy Hudson

Commissioner – OPEN

City Staff:

Morgan Kowaleski, City Clerk

Deuce Waters, City Secretary

Jim Shepherd, City Attorney

Citizens:

REGULAR MEETING

1. Call to Order and Declaration of Quorum-

Time: 7:11PM

Commissioners Cook and Brinton were absent.

2. Public Comment –

Citizens are invited to address the meeting with public comments. Comments regarding items for which notice has not been given will be limited to three minutes. Responses shall be in accordance with Sec. 551.042 of the Texas Government Code. Comments regarding an item on the agenda may be given before or during discussion of that item when recognized by the Chair. An intentional act intended to disrupt a government meeting is a violation of law.

There was no public commentary.

CONSENT AGENDA: ACTION

3. Approval of Previous Meeting Minutes – July 11, 2023

Commissioner Hudson made a motion to approve the Minutes as written; Commissioner Fisher seconded the motion. Y: 3 N: 0

REGULAR AGENDA

4. **Discuss and Consider Allowing Multi-Family Dwellings at the South End of Nevada City Limits –**

After much discussion between the Commissioners and City Attorney, Jim Shepherd, Commissioner Fisher made a motion to table the discussion until the next meeting and further review of the Comprehensive Zoning Ordinance 17-09. Commissioner Hudson seconded the motion.

Y: 3 N: 0

5. **Discuss and Consider Potential Updates for the 1-Acre Ordinance –**

Commissioner Fisher made a motion to table the discussion until the next meeting. Commissioner Hudson seconded the motion.

Y: 3 N: 0

6. **Future Agenda Items –**

1. *Multi Family Dwellings*
2. *Potential updates to the 1-acre ordinance*
- 3.
- 4.

7. **Adjournment / Closing –**

Time: 8:28PM

Russell Newton, Chairman

Attest:

Morgan Kowaleski, City Clerk

Agenda Item # 4

City of Nevada
424 E FM 6, Nevada TX 75173
972 853-0027 Fax 972 853-0027
APPLICATION FOR PLAT

OFFICE USE ONLY

Case Number: 23-00306-01
Fee: \$935.00

Submittal Date: 12/8/2023
Received By: MK

DESCRIPTION OF PROPERTY

Legal Description: Attach a metes and bounds description of subject property and a survey plat.

Address of Property: FM 6 Nevada, TX 75173

General Location: FM 6 Nevada

Proposed Name of Subdivision: Bear Creek

Acreage of Subdivision: 73.335 Acres

Number of Lots: 87

Residential and Commercial Density: _____
(based on gross acreage)

Present Zoning of Subject Property: SF 1/2 - 20

Owner

Owner(s): Cope Equities, LLC

Applicant

Applicant: Jim Woomer - Director

Address: 900 W. Bethany, Suite 230
Allen, TX 75013

Address: ←

Telephone: 972-908-2673

Telephone: 972-672-7799

Fax: _____

Fax: _____

E-mail: StephenCope@copedfw.com

E-mail: JimWoomer@copedfw.com

Person preparing Plat: Nathan Olson


Name of Firm: OES, Inc.


Address: 705 Jones St., Ft Worth, TX 76102


Phone: 940-595-0528 Fax: _____ E-mail: Info@nate-olson.com

Designation of Agent Form

I hereby authorize the person designated below, to act in the capacity as my agent for the application, processing and representation of this request. The designated agent shall be the principal contact person with the city (and vice versa) in processing and responding to requirements, information requests or other issues relative to this request.

 Mark Cope 12-7-23
Signature of Owner Printed Name Date

 Jim Woome - Director December 7, 2023
Signature of Applicant Printed Name Date
(if different from designated agent)

 Nathan Olson 12-7-2023
Signature of Agent Printed Name Date

Address of Agent: 705 Jones St., Fort Worth, Texas 76102
Texas Engineering Firm No. 11001

Phone: 940-595-0528
Fax: Info@nate-olson.com
Cell Phone: same

PRELIMINARY PLAT FOR BEAR CREEK ESTATES ADDITION AN 87 LOT SINGLE FAMILY RESIDENTIAL ADDITION BEING 71.787 ACRES OF LAND SITUATED IN THE W. ROGERS SURVEY, ABSTRACT NO. 748, CITY OF NEVADA, COLLIN COUNTY, TEXAS

PRELIMINARY PLAT NOTES:

- 1) FINISHED FLOORS OF ALL HOMES TO BE 18" TO 24" ABOVE BACK OF CURB.
- 2) 100-YR STORM TO BE CONTAINED WITHIN R.O.W. OF ROADWAY AND WITHIN ALL OPEN CHANNEL EASEMENTS.
- 3) 25-YR AND 50-YR STORM EVENTS SHALL NOT EXCEED TOP OF CURB.
- 4) 25-YR STORM AND LESSER SHALL HAVE SOME PORTION OF THE ROADWAY CROWN EXPOSED. CURB INLETS SHALL BE PLACED TO ATTAIN PERFORMANCE CONDITIONS DEFINED IN NOTES 2 THROUGH 4.
- 5) NO ANTECEDENT FACTOR TO BE APPLIED FOR DRAINAGE CALCULATIONS.
- 6) DEVELOPER TO PROVIDE OPEN CHANNELS OF SUFFICIENT CAPACITY TO CARRY 100-YR STORM WITH 8" FRICTION. R.P.-R.P. AT HIGH VELOCITY AREAS SUCH AS BENDS AND VERTICAL TRANSITIONS. CONCRETE PLOT CHANNELS MAY BE DELETED IF VELOCITIES ARE SUFFICIENTLY REDUCED (VELOCITY AS DETERMINED BY CITY ENGINEER) BY UTILIZING TRAPEZOIDAL CROSS-SECTION.
- 7) ALL LOTS TO BE SERVED BY MUNICIPAL WATER.
- 8) SEWAGE FOR ALL LOTS TO BE PROVIDED BY PRIVATE OSSF PLACED ON EACH LOT.
- 9) ALL COMMON LOT LINES SHALL HAVE A 15' D.U.E. ON EACH SIDE.
- 10) ALL R.O.W.'S SHALL BE 50-FT EXCEPTING THE TRANSITION TO 71' WIDTH AT THE BOULEVARD ENTRY.
- 11) ALL F.Y., R.Y. AND S.Y. NOTATIONS DENOTE BUILDING SETBACK LINES.
- 12) AN HOA IS NOT PROPOSED TO BE ORGANIZED FOR THIS DEVELOPMENT PER APPROVED ZONING CASE.
- 13) PARK FEES SHALL BE PAID IN LIEU OF CREATION OF A PARK PER APPROVED ZONING CASE.
- 14) ALL DRAINAGE STRUCTURES AND SIGNAGE (INCLUDING MONUMENT SODS) FITTING WITHIN PRIVATE LOTS SHALL BE MAINTAINED BY THE HOMEOWNER.
- 15) REFER TO ZONING CASE FOR ANY OTHER VARIANCES APPLYING TO THIS DEVELOPMENT.
- 16) IT IS NOT REQUIRED FOR STORM FLOW TO REMAIN IN UNDERGROUND STORM SEWER SYSTEMS UNTIL THEY REACH RECEIVING DETENTION PONDS. IT IS ALLOWED FOR CURB INLETS TO DISCHARGE TO UNDERGROUND PIPE SYSTEMS THAT ULTIMATELY DISCHARGE TO THE NEAREST OPEN CHANNEL.

LINE TABLE

LINE #	LENGTH	DIRECTION
L1	11.91'	N 88° 05' 30" W
L2	103.82'	S 15° 16' 51" W
L3	58.58'	S 70° 43' 01" W
L4	92.54'	S 25° 54' 38" W
L5	41.27'	S 74° 19' 30" W
L6	43.04'	S 30° 15' 34" W
L7	64.42'	N 77° 18' 28" W
L8	10.00'	S 03° 22' 20" E

0 100 200 300 400 500 FEET

GRAPHIC SCALE

1" = 100'

APPROVAL BLOCK

"NOT APPROVED"	
CHAIRMAN, PLANNING & ZONING COMMISSION	DATE
"RECOMMENDED FOR APPROVAL"	
CHAIRMAN, PLANNING & ZONING COMMISSION	DATE
"APPROVED FOR PREPARATION OF FINAL PLAT"	
MAYOR, CITY OF NEVADA, TEXAS	DATE

LEGAL DESCRIPTION

BEING 71.79 ACRES OF LAND SITUATED IN THE W. ROGERS SURVEY, ABSTRACT NO. 748, COLLIN COUNTY, TEXAS, BEING A PART AND OUT OF THAT CERTAIN CALLED 74.16 ACRE TRACT OF LAND DESCRIBED IN DEED TO MOBLEY FAMILY LIVING TRUST, RECORDED IN INSTRUMENT NO. 2001-0103551, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS, (O.P.R.C.T.), SAID 71.79 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2-INCH IRON ROD STAMPED "TOPOGRAPHIC" SET IN THE NORTH RIGHT-OF-WAY LINE OF WEST FARM-TO-MARKET ROAD 6, FOR THE SOUTHWEST CORNER OF SAID MOBLEY TRACT, THE SOUTHWEST CORNER OF THIS 71.79 ACRE TRACT, AND BEING THE SOUTHEAST CORNER OF A 27.373 ACRE TRACT OF LAND RECORDED IN INSTRUMENT NO. 2010122200142124, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS, (O.P.R.C.T.);

THENCE NORTH 07°38'24" EAST, A DISTANCE OF 2,418.92 FEET TO A 1/2-INCH IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID MOBLEY TRACT, THE NORTHWEST CORNER OF THIS 71.79 ACRE TRACT; A DISTANCE OF 1,368.38 FEET TO A 1/2-INCH IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID MOBLEY TRACT AND THE NORTHEAST CORNER OF THIS 71.79 ACRE TRACT;

THENCE SOUTH 88°58'08" EAST, A DISTANCE OF 1,083.69 FEET TO A 1/2-INCH IRON ROD STAMPED "TOPOGRAPHIC" SET ON THE WEST LINE OF A CALLED 8.88 ACRE TRACT RECORDED IN INSTRUMENT NO. 20130913001293060, (O.P.R.C.T.), BEING THE NORTHEAST CORNER OF A CALLED 2.355 ACRE TRACT OF LAND RECORDED IN VOLUME 4758, PAGE 2225, DEED RECORDS, COLLIN COUNTY, TEXAS, (O.R.C.T.), AND THE MOST EASTERN SOUTHEAST CORNER OF THIS 71.79 ACRE TRACT;

THENCE ALONG THE NORTHWEST LINE OF SAID CALLED 2.355 ACRE TRACT THE FOLLOWING COURSES AND DISTANCES: NORTH 88°06'39" WEST, A DISTANCE OF 11.91 FEET TO A SET 1/2-INCH IRON ROD STAMPED "TOPOGRAPHIC";

SOUTH 15°06'51" WEST, A DISTANCE OF 102.82 FEET TO A FOUND 1/2-INCH IRON ROD, SOUTH 70°43'01" WEST, A DISTANCE OF 55.58 FEET TO A FOUND 1/2-INCH IRON ROD, SOUTH 25°54'38" WEST, A DISTANCE OF 92.54 FEET TO A FOUND 1/2-INCH IRON ROD;

SOUTH 74°19'30" WEST, A DISTANCE OF 41.27 FEET TO A SET 1/2-INCH IRON ROD STAMPED "TOPOGRAPHIC", FROM WHICH A 1/2-INCH IRON ROD FOUND, BEARS: SOUTH 66°30'40" WEST, A DISTANCE OF 0.41 FEET;

SOUTH 30°15'34" WEST, A DISTANCE OF 43.04 FEET TO A SET 1/2-INCH IRON ROD STAMPED "TOPOGRAPHIC", FROM WHICH A 1/2-INCH IRON ROD FOUND, BEARS: NORTH 35°49'48" WEST, A DISTANCE OF 1.35 FEET;

NORTH 77°18'28" WEST, A DISTANCE OF 64.42 FEET TO A SET 1/2-INCH IRON ROD STAMPED "TOPOGRAPHIC", FROM WHICH A 1/2-INCH IRON ROD FOUND, BEARS: NORTH 21°31'40" WEST, A DISTANCE OF 4.38 FEET;

SOUTH 49°15'35" WEST, A DISTANCE OF 367.82 FEET TO A 1/2-INCH IRON ROD STAMPED "TOPOGRAPHIC", SET ON THE NORTH RIGHT-OF-WAY LINE OF WEST FARM-TO-MARKET ROAD 6, BEING THE MOST SOUTHERN SOUTHEAST CORNER OF THIS 71.79 ACRE TRACT;

THENCE SOUTH 86°37'40" WEST WITH SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 499.58 FEET TO A SET 1/2-INCH IRON ROD STAMPED "TOPOGRAPHIC";

THENCE SOUTH 03°22'20" EAST, A DISTANCE OF 10.00 FEET TO A SET 1/2-INCH IRON ROD STAMPED "TOPOGRAPHIC";

THENCE SOUTH 86°37'40" WEST, A DISTANCE OF 348.40 FEET TO THE POINT OF BEGINNING AND CONTAINING A TOTAL OF 71.787 ACRES OF LAND, MORE OR LESS.

PRELIMINARY PLAT

BEAR CREEK ESTATES ADDITION

CITY OF NEVADA
COLLIN COUNTY, TEXAS

SUBMITTED:

12/18/2023

REVISION NUMBER

0

SHEET NUMBER

1

OES, INC. TEXAS REGISTERED PROFESSIONAL ENGINEERING FIRM F-11001

CONTACT: NATHAN OLSON
(940)-595-0528
705 JONES ST
FORT WORTH, TX 76102

LEGEND

- FY = FRONT YARD SETBACK
- RY = REAR YARD SETBACK
- SY = SIDE YARD SETBACK
- B-B = BACK TO BACK
- D.L. = BUILDING SETBACK LINE
- D.E. = DRAINAGE EASEMENT
- D.U.E. = DRAINAGE & UTILITY EASEMENT
- R.O.W. = RIGHT-OF-WAY

----- = PROPERTY BOUNDARY

----- = FEMA ZONE A LIMITS

ORDINANCE NO. 0112123

Zoning -Single Family District SF-1/2-20

Bear Creek Subdivision Cope Equities, Inc.

71.79 acre tract -

AN ORDINANCE OF THE CITY OF NEVADA, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF NEVADA AS HERETOFORE AMENDED, BY AMENDING THE ZONING OF A CONTIGUOUS PARCEL OF APPROXIMATELY 71.79 ACRES OF LAND, IN THE JOHN MCMINN SURVEY, Abstract No. 554 Collin County, Texas, SAID PARCELS OF LAND BEING ZONED AGRICULTURAL (AG) PRIOR TO THE PASSAGE OF THIS ORDINANCE, AND ALL 71.79 ACRES OF THE PROPERTY BEING ZONED SINGLE FAMILY SF-1/2-20 BY THIS ORDINANCE, PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF \$2,000.00 FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the governing body of the City of Nevada, in compliance with the laws of the State of Texas and the ordinances of the City of Nevada, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area and in the vicinity thereof, and in the exercise of its legislative discretion have concluded that the Comprehensive Zoning Ordinance of the City of Nevada should be amended to zone the land described herein;

WHEREAS, *Cope Equities*, ("OWNER") has requested zoning of this property as set forth in this Ordinance; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEVADA, TEXAS:

SECTION 1. ZONING The Comprehensive Zoning Ordinance of the City of Nevada, Texas, Ordinance 17-09, as heretofore amended, be, and the same is hereby amended by changing the zoning the apx. 71.79 acre tract (the "Property") from Agricultural to **SINGLE FAMILY SF-1/2-20** zoning,. The tract is as shown in the attached Exhibit A, a survey with attached legal description of the original tract and Property as follows:

Original tract of 73.335 acres. Located at FM 6 Nevada, TX75173; of which the Property being zoned BEING 71.79 acres of land situated in the 141. Rogers Survey, Abstract No. 748, Collin County, Texas, being a part and out of that certain called 74.16-acre tract of land described in deed to Mobley Family Living Trust, recorded in Instrument No. 2001-0105554, Official Public Records, of Collin County, Texas..

ORDINANCE NO.: 0112123

ZONING Bear Creek--Cope equities 71.79 acres SF ½-20

SECTION 2. SPECIAL CONDITIONS All onsite infrastructure, including roads and utilities, is to be constructed and paid for by the Developer. All provisions of the City of Nevada Comprehensive Zoning Ordinance and Subdivision Ordinance not specifically modified by this ordinance apply to the property zoned herein. Water and septic systems will be installed as required by the Nevada SUD and ordinances of Nevada. Additional Special Conditions follow:

- A. A minimum of thirty percent of the homes shall have "J-Swing" driveways.
- B. No local park or homeowners association is required in the subdivision. The park shown in the concept plan presented at the public hearings before the Planning and Zoning Commission and City Council may be revised as residential lots. In lieu of a park, the Applicant has agreed to contribute to the city park funds the sum of \$500.00 per platted residential lot, payable in full on the approval of the final plat of the subdivision.

SECTION 3. That the property shall be used only in the manner and for the purposes as required in the zoning classifications provided for by this Ordinance pursuant to the Amended Comprehensive Zoning Ordinance of the City of Nevada, as heretofore amended. Any dispute as to the operation, effect, or interpretation of this Ordinance shall be determined by the Nevada City Council at a meeting properly noticed and held on the subject.

SECTION 4. That should any sentence, paragraph, Subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 5. That all provisions of the ordinances of the City of Nevada in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Nevada not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 6. That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Nevada, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of \$2,000.00 for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

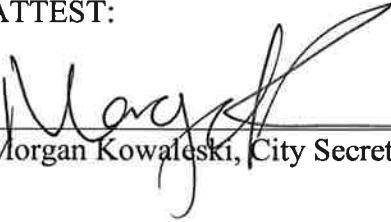
SECTION 7. In accordance with Section 52.011 of the Local Government Code, the caption of this Ordinance shall be published either (a) in every issue of the official newspaper of the City of Nevada for two days, or (b) one issue of the newspaper if the official newspaper is a weekly paper. An affidavit by the printer or the publisher of the official newspaper verifying the publication shall be filed in the office of the City Secretary.

ADOPTED this 11th day of November, 2023, by the Nevada City Council.

APPROVED:


Ben Ponce, Mayor

ATTEST:


Morgan Kowaleski, City Secretary

APPROVED AS TO FORM:

James E. Shepherd, City Attorney

Attachments, incorporated herein as part of the Ordinance

Exhibit A. Property --- Survey and Legal Description

Exhibit b. Concept plan presented by Owner as part of Zoning application

ORDINANCE NO.: _____

ZONING Bear Creek--Cope equities 71.79 acres SF ½-20



Russell Newton
Planning and Zoning Commission Chair
City of Nevada
424 FM 6
Nevada, TX 75173

January 4, 2024

RE: Bear Creek Estates Addition Preliminary Plat
HEI Job Number 385001-86.31

Dear Mr. Newton,

Hayter Engineering has reviewed the Bear Creek Estates Addition Preliminary Plat. Our review was for general conformance and shall not relieve the developer or the developer's surveyor or design engineer of full responsibility for the adequacy and integrity of the survey and design, or for conformance to Local, State, and Federal codes.

Construction plans and specifications were not submitted and as such Hayter Engineering's review was of the preliminary plat only. After review, Hayter Engineering recommends that the Bear Creek Estates Addition Preliminary Plat be approved with the following conditions:

1. Per the City's Subdivision Ordinance Section 17 "...all figures and letters shall be of such size that if reduced to half scale the information is readable and distinct".
 - a. It is not possible to read the notes for the FM 6 culverts, NTMWD easement, and TxDOT ROW.
 - b. There are a number of instances where text is on top of other text making it difficult or impossible to read both. For example, the text within Lots 14 and 17.
2. Per the City's Subdivision Ordinance Section 17 (2)(c), please include the name, address, and telephone number of the owner/subdivider.
3. Preliminary Plat Note No. 7 should be updated to read "All lots to be provided water by Nevada SUD". (Subdivision Ordinance Section 17 (3)).
 - a. It is understood that a specific plan for proposed water and drainage facilities will be included with the engineering design plans and therefore not required to be shown on this preliminary plat.
4. Per the City's Subdivision Ordinance Section 17 (4), please include a location map of the proposed subdivision.

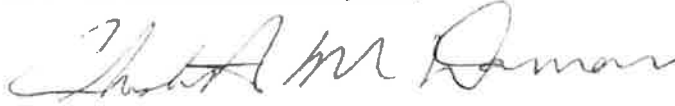
Practical Infrastructure Solutions

4445 SE Loop 286 | Paris, TX 75460 | haytereng.com
TxEng F-315 | TxSurv F-10028600 | OSBPE/LS #603 | ASBPE #2521 | LA #EF6529

If you have any questions regarding the comments for this preliminary plat, please do not hesitate to call (903.785.0303) or email (cdonnan@haytereng.com).

Sincerely,

HAYTER ENGINEERING, INC.



Christopher M. Donnan, P.E., CFM
Principal/Project Manager



Agenda Item # 5

ORDINANCE NO. 010323

Comprehensive Zoning Ordinance Amendment

Adding Half Acre SF District

AN ORDINANCE OF THE CITY OF NEVADA, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF NEVADA AS HERETOFORE AMENDED, BY ESTABLISHING AND PROVIDING REGULATIONS FOR A HALF ACRE MINIMUM SINGLE FAMILY ZONING DISTRICT (SF ½ 20) AS SET FORTH HEREIN; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF \$2,000.00 FOR EACH OFFENSE; PROVIDING A PUBLICATION CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the governing body of the City of Nevada, Texas, in compliance with the laws of the State of Texas and the ordinances of the City of Nevada have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area and in the vicinity thereof, and in the exercise of its legislative discretion have concluded that the Comprehensive Zoning Ordinance of the Town of Nevada should be amended to zone the land described herein;

NOW, THEREFORE, be it ordained by the City Council of the City of Nevada, Collin County, Texas:

Article 1. Regulations. The provisions of the new half acre zoning district to be added to the Comprehensive Zoning Ordinance are as set forth below and in Exhibit A, in new sections Section 3.1 A through Section 10.2.

1. Article 2, Section 2.1 SF ½-20 is added to the chart
2. Article 3. Section 2.1, subsection D. is added as shown in Ex. A to this ordinance.

Article 2. 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.

Article 3. Repealer Clause.

All provisions of the ordinances of the City of Nevada in conflict with the provisions of this ordinance do not apply to this SF ½ 20 zoning district, and all other provisions of the ordinances of the City of Nevada not in conflict with the provisions of this ordinance shall remain in full force and effect.

Article 4. Penalty Clause.

Any person, firm, or corporation (collectively referred to as a "Person") violating any of the provisions of this Ordinance, upon conviction shall be punished by a fine not to exceed the sum of Two Thousand (\$2000.00) Dollars for each offense. Each and every day such violation shall continue shall be deemed to constitute a separate offense.

Article 5. Publication and Effective Date.

It appears that this Ordinance needs to be adopted in order to protect the public interest, comfort, and general welfare and development of the City of Nevada, 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 provide.

PASSED AND APPROVED this the 17TH day of January, 2023 A.D. by the Town Council of the City of Nevada, Collin County, Texas.



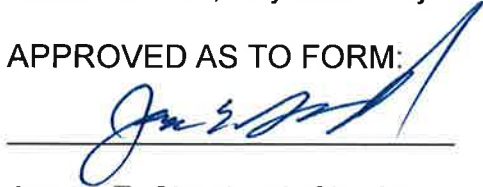
Kerrie Longoria
Ben Ponce, Mayor Pro-Tem
Kerrie Longoria

ATTEST:

A handwritten signature in black ink, appearing to read 'Deuce Waters', written over a horizontal line.

Deuce Waters, City Secretary

APPROVED AS TO FORM:

A handwritten signature in blue ink, appearing to read 'James E. Shepherd', written over a horizontal line.

James E. Shepherd, City Attorney



ARTICLE 2 DISTRICTS AND ZONING DISTRICT MAP

SECTION 2.1 ZONING DISTRICTS ESTABLISHED

To regulate the use of land and buildings, and to regulate the location, height, bulk and size of buildings and other structures built on the land, the following district is created:

Abbreviated Designation	Zoning District Name
Residential Districts	
SF-1/2/20	Single Family District

ARTICLE 3 RESIDENTIAL DISTRICT REGULATIONS

SECTION 3.1 RESIDENTIAL DISTRICTS

The Comprehensive Master Plan calls for the establishment of residential areas throughout Nevada in order to preserve and replicate the rural environment. These districts provide for residential development and agricultural uses which will preserve the rural amenities and character

D. the Single-Family one-half acre minimum zoning district

Single Family SF ½ -20)

1. Purpose: SF ½ 20 is a single family residential district for detached houses on individual lots and requiring a minimum lot size of 1/2 acre.
2. Permitted Uses: Single family residential, school, and local government.
3. Development Standards: Following are the yard, lot and space requirements for the district.

Figure D-3-1 - Single Family District (SF ½ 20)	
Lot Size (Minimum)	
Lot Area	Minimum 1/2 acre
Lot Width (feet)	110
Lot width of corner Lots (feet)	110
Lot Depth (feet)	150
Lot Depth of Double Front Lots (feet)	150
Dwelling Regulations (Minimum)	
Minimum Square Footage	2,000
Design Standards Level of Achievement	See Section 3.4 Residential Design Standards
Yard Requirements—Main Structures (Minimum)	
Front Yard (feet)	50
Side Yard (feet)	15
Side Yard of Corner Lots (feet)	20
Side Yard of allowable nonresidential use (feet)	30
Rear Yard (feet)	20

Lot Coverage	45%
Height of Structures (Maximum)	
Main Structure (feet)	40
Accessory Structure (feet)	30

4. SPECIAL REQUIREMENTS FOR SF ½ 20 INCLUDE THE FOLLOWING:

- a. ALL PROVISIONS OF THE COMPREHENSIVE ZONING ORDINANCE APPLICABLE TO THE SINGLE FAMILY ZONING DISTRICT OF SF 1/22 WHICH ARE NOT IN DIRECT CONFLICT WITH THE PROVISIONS OF THOSE IN THIS ORDINANCE FOR THE NEW DISTRICT OF SF ½ 20 SHALL APPLY TO THE NEW DISTRICT.
- b. No multi-family use in the SF ½ 2000 district is permitted.
- c. FIFTY FOOT RIGHT OF WAY FOR ALL ROADS NOT DESIGNATED AS COLLECTORS, COUNTY ROADS, OR TXDOT.
- d. THIRTY-FOOT-WIDE CONCRETE PAVING PER CITY SPECIFICATIONS FROM BACK OF CURB TO BACK OF CURB. DRAINAGE IS TO BE PROVIDED EITHER WITH CURB AND STORM SEWER OR ROLLED CURB AND IN-STREET DRAINAGE. BARROW ("BAR") DITCHES ARE NOT TO BE USED UNLESS REQUIRED OR APPROVED BY THE CITY ENGINEER. ALL PROVISIONS OF CITY DRAINAGE REQUIREMENTS OTHERWISE APPLY, INCLUDING RETAINAGE OR DETENTION PONDS AS REQUIRED.
- e. NO FRONT ENTRY GARAGES. J-TURN ENTRY IS APPROVED. OTHER METHODS OF ACCESSING THE GARAGE MAY BE PROPOSED FOR CITY APPROVAL.
- f. ROOFS SHALL A PITCH OF 10:12, OR STEEPER.
- g. FRONT SETBACK FROM THE PROPERTY LINE SHALL BE NOT LESS THAN 50 FEET
- h. SIDE YARD SETBACK FROM THE PROPERTY LINE SHALL BE NOT LESS THAN 20 FEET
- i. Lot coverage shall not exceed 45%
- j. THERE SHALL BE A RECREATION AREA OF NOT LESS THAN ONE ACRE FOR EACH 75 HOME SITES ON THE PLAT. THIS AREA IS TO BE MAINTAINED BY THE HOMEOWNER'S ASSOCIATION OF THE SUBDIVISION. IT MAY INCLUDE A POOL, A TENNIS, PICKLEBALL OR BASKETBALL COURT, OR CHILDREN'S PLAYGROUND, OR OTHER USE APPROVED BY THE CITY.
- k. Accessory buildings shall not be used as rental or residential units of any kind. The exterior of the Accessory Building is preferred to match the exterior of the residence.
- l. Sidewalks of four feet in width are preferred and may be built in the street right of way.

- m. Conduit for fiber optic communications or other wired services for telephone, television and computer uses is required to be installed in the right of way of all residential streets in a manner approved by the City for installation of such services.
- n. Aerobic septic systems are not permitted on lots of less than one-acre Homes within the SF ½ 2000 District may not be constructed or occupied without an approved 'On Site Sewer System' for the residence; or being connected to an approved sanitary sewer system. No Atmospheric Spray heads for an aerobic septic system may be used for a 1/2 - .99 acre lot. . Low pressure drip systems or the equivalent are acceptable if approved by the city inspector.

Agenda Item # 6

Sec. 4.15.2. Schedule of residential height and area regulations.

Section 4.15.2 - SCHEDULE OF RESIDENTIAL HEIGHT AND AREA REGULATIONS														
		R-1	R-1.5	R-2	R-3	R-4	R-5	R-6	R-7	2-F	TH ⁽⁸⁾	MF-12 ⁽⁶⁾	MF-18 ⁽⁶⁾	M-H
Minimum	Lot Area (sq. feet)	40,000	30,000	18,000	12,000	9,000	7,500	6,000	5,000	8,000	2,160	12,000	14,000	4000
	Lot Area/Dwelling Unit	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	3,000	2,400	n/a
	Front Yard ⁽⁴⁾ (in feet)	40	35	30	30	25	25	20	20	25 ⁽⁵⁾	15 ⁽⁸⁾	50 ⁽¹⁾⁽⁵⁾	50 ⁽¹⁾⁽⁵⁾	25
	Rear Yard (in feet)	25	25	25	20	15	15	10	10	15	10 ⁽⁸⁾	20 ⁽²⁾	20 ⁽²⁾	15
	Side Yard ⁽³⁾ (in feet)	n/a	n/a	n/a	n/a	n/a	n/a	1 & 9 or 5 & 5		15	6 ⁽⁸⁾	25 ⁽²⁾	25 ⁽²⁾	15
	Side Yard ⁽³⁾ (% of lot width)	10	10	10	10	10	10	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	Corner Lot Side Yard (in ft)	25	20	15	15	15	15	15	15	15	15 ⁽⁸⁾	20 ⁽²⁾	20 ⁽²⁾	15
	Lot Width (in feet)	150	125	100	80	70	65	55 ⁽⁷⁾	45 ⁽⁷⁾	65	24	85	85	42
	Lot Depth (in feet)	150	125	120	120	110	110	100	90	90	90	110	110	85
	Buildable Area (sq. feet)	7,200	7,200	7,200	4,600	3,600	3,000	n/a	n/a	3,000	n/a	4,800	5,600	n/a
	Dwelling unit Size (sq. ft.)	2,400	2,400	2,000	1,800	1,600	1,600	1,200	1,000	1,000	1,200	500	500	n/a
	Average du size/project	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	850	775	n/a
	Park Land/du (sq. feet)	436	436	436	436	436	436	436	436	436	436	436	436	n/a
	Open Space/du (sq. ft.)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	667	581	581	25
	Building Materials	100% Masonry Exterior ⁽⁹⁾												

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Maximum	Percent Lot Coverage	30	30	35	35	55	55	55	55	40	75	45	50	n/a
	Dwelling units/acre(s q. ft.)	1	1.5	2.1	3	3.8	4.6	5.2	6.2	9.6	10.8	12.1	18	n/a
	Building Height (feet)	35	35	35	35	35	35	35	35	35	35	35	35 ⁽¹⁾	35
	Building Height (stories)	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5 ⁽¹⁾	2.5

⁽¹⁾ A building in the CBD may be erected to a height of 80 feet and eight stories if set back from all required yard lines a distance of one foot for each additional foot above 35 feet.

⁽²⁾ Fifty feet when abutting any single-family residential district.

⁽³⁾ Minimum side yards apply except where located across a public street from a front yard where the front yard setback shall also apply to the side yard.

⁽⁴⁾ Side or rear entry garage access is required unless the front of the garage is 20 feet or more behind the front or side building setback line.

⁽⁵⁾ No required parking shall be allowed within the required front yard.

⁽⁶⁾ No portion of any structure within 100 feet of any single-family residential district or any front property line shall be more than two stories in height.

⁽⁷⁾ Minimum lot width of 65 feet required for lots without rear alleys.

⁽⁸⁾ Property developed for townhome use shall also comply with section 6.06.14.

⁽⁹⁾ The exterior walls of all buildings, exclusive of doors and windows, shall be constructed of 100 percent brick, stone masonry, or stucco materials per elevation. For the purposes of this section, cementitious fiber board shall not be considered a masonry material.

(Ord. No. 2293-6-04, § 1(4.15.2), 6-8-2004; Ord. No. 2339-9-04, § 1, 9-28-2004; Ord. No. 2593-2-07, § 1(Exh. A), 2-13-2007; Ord. No. 3125-11-12, § 1, 11-27-2012; Ord. No. 3562-3-18, § 2.B—D, 3-27-2018)

ORDINANCE NO. ____17-09____

(Revised Comprehensive Zoning Ordinance)

AN ORDINANCE OF THE CITY OF NEVADA, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF NEVADA AS HERETOFORE AMENDED, BY ESTABLISHING AND PROVIDING REGULATIONS FOR ZONING DISTRICTS AS SET FORTH HEREIN; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF \$2,000.00 FOR EACH OFFENSE; PROVIDING A PUBLICATION CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the governing body of the City of Nevada, Texas, in compliance with the laws of the State of Texas and the ordinances of the City of Nevada have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area and in the vicinity thereof, and in the exercise of its legislative discretion have concluded that the Comprehensive Zoning Ordinance of the Town of Shady Shores should be amended to zone the land described herein;

NOW, THEREFORE, be it ordained by the City Council of the City of Nevada, Collin County, Texas:

Article 1. Regulations. The provisions of the Comprehensive Zoning Ordinance are as set forth below, in Section 1.1 through Section 10.2.

Article 2. 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.

Article 3. Repealer Clause.

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

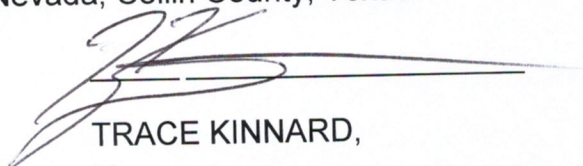
Article 4. Penalty Clause.

Any person, firm or corporation (collectively referred to a "Person") violating any of the provisions of this Ordinance, upon conviction shall be punished by a fine not to exceed the sum of Two Thousand (\$2000.00) Dollars for each offense. Each and every day such violation shall continue shall be deemed to constitute a separate offense.

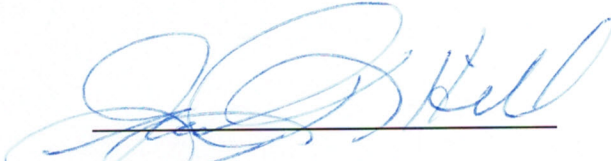
Article 5. Publication and Effective Date.

It appears that this Ordinance needs to be adopted in order to protect the public interest, comfort, and general welfare and development of the City of Nevada, 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 provide.

PASSED AND APPROVED this the 12th day of September 2017 A.D.
by the Town Council of the City of Nevada, Collin County, Texas.

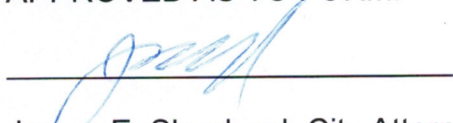

TRACE KINNARD,
Mayor

ATTEST:



Judy Hill, City Secretary

APPROVED AS TO FORM:



James E. Shepherd, City Attorney

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APPROVALS/AMENDMENTS

RESOLUTION/ ORDINANCE NO.	APPROVAL DATE	DESCRIPTION

ARTICLE 1 GENERAL PROVISIONS

SECTION 1.1 ENACTING CLAUSE

This ordinance shall be known, cited and referred to as the Zoning Ordinance of the City of Nevada.

SECTION 1.2 PURPOSE

Regulations in this ordinance are established in accordance with the Comprehensive Plan for the purpose of promoting the health, safety, morals, and general welfare of the citizens of the City of Nevada. All of the zoning regulations are designed to:

- A. Implement the City of Nevada's Comprehensive Plan;
- B. Encourage and facilitate the most appropriate use of land throughout the City;
- C. Ensure logical, quality growth within the City;
- D. Promote the character of areas of the City;
- E. Conserve and stabilize the value of property;
- F. Provide adequate open space for light and air;
- G. Secure safety from fire, panic and other dangers;
- H. Lessen congestion on streets, roads and highways;
- I. Facilitate adequate provision of utilities and facilities such as transportation, water, sewage, schools, parks and other public facilities;
- J. Protect environmental assets of the City; and
- K. Ensure quality development that will promote economic development and preserve and enhance the quality of life in the City.

SECTION 1.3 RELATIONSHIP TO OTHER PLANS

This ordinance is intended to implement the policies and recommendations contained in the Comprehensive Plan, the Thoroughfare Plan and the Open Space Plan. If a zoning request differs from the recommendations in these plans, the City Attorney may be requested to prepare the necessary revisions to the applicable plan and process the revision concurrently with the zoning request.

SECTION 1.4 EFFECTIVE DATE

This ordinance shall become effective from and after its adoption and publication as required by law, subject to the following:

- A. Any construction in progress and construction for which unexpired building permits have been issued in accordance with the prior ordinance shall be allowed to proceed and any such uses or structure, upon completion, shall be non-conforming uses or structures if they do not conform to the new ordinance.
- B. Pending applications for zoning changes submitted prior to the effective date of the ordinance shall be processed in accordance with the adopted requirements in effect at the time the application for the permit is filed and, if the City Council determines that a zoning change is justified and should be made, then the change or amendment shall be classified and placed into the proper zoning district where the use and occupancy is permitted as contained in this ordinance.

SECTION 1.5 ENFORCEMENT

A. Compliance Required

- 1. It shall be unlawful to erect, construct, reconstruct, alter, maintain or use any building or land area in violation of any provision of this ordinance.

2. No permit, certificate, license or other document or oral approval, the use of which is subject to the provisions of these regulations shall be issued by any department, agency, or board until it has been determined that all substantive requirements have been met and all procedures have been followed.
3. Offenses committed and all liabilities incurred prior to the effective date of any subsequent amendments to this ordinance shall be treated as though all prior applicable regulations were in full force and effect for the purpose of sustaining any suit, action or prosecution with respect to such offenses and liabilities.

B. Penalty for Violation

1. Any person or corporation who violates any of the provisions of this ordinance or fails to comply with any of the requirements, or builds or alters any building or use in violation of any detailed statement or plan submitted and approved is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than 2000 dollars and each day such violation shall be permitted to exist shall constitute a separate offense.
2. The owner or owners of any building or premises or part thereof, where anything in violation of this ordinance is placed, and any architect, builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of any such violation shall be guilty of a separate offense and upon conviction shall be fined as provided above.
3. A person commits an offense if he owns, uses or controls a premise and fails to comply with any of the provisions of this ordinance.
4. It is a defense to prosecution under this ordinance that a person is in compliance with an order of the Board of Adjustment that specifically authorizes otherwise unlawful conduct under this ordinance.

C. Civil Action

In addition to being enforced in the Nevada Municipal Court as a criminal violation, this ordinance may be enforced through civil court action as provided by State law.

D. Revocation of Development Permit

1. The City shall have the power to revoke any permit or development approval for the violation of any of these regulations or conditions imposed in the granting of a development permit. Revocation of a development permit requires:
 - a. A public hearing where the City Council shall determine the nature and extent of the violation of the development permit;
 - b. Proper notice to the permittee;
 - c. Written notice from the Mayor which shall give the permittee the reasons for the proposed cancellation of the permit; and
 - d. A finding by the Council that reasonable corrective measures have not been done by the permittee and that revocation of the development permit is required.
2. The Council in its discretion may impose a conditional revocation of a development permit.
3. The Mayor shall have the right to order immediate compliance with any provision of this ordinance or any condition of a development permit dealing with a direct health or safety issue. If immediate compliance is not obtained, the Mayor shall order immediate cessation of operation, cut off utility access, and refer the matter to the Council for consideration of revocation of the permit.

E. Enforcement Authority

The provisions in this ordinance may be enforced by the Mayor, the Building Official, the City Attorney, or any other designated representative of the City.

F. Effects of Private Covenants

Nothing in this ordinance shall be construed to render inoperative any restriction established by covenants running with the land, unless such restrictions are prohibited or are contrary to the provisions of these regulations. In the event of a conflict, this ordinance controls. The City does not enforce private contractual deed restrictions or restrictive covenants on private property, unless the City has specifically agreed to do so by ordinance.

SECTION 1.6 INTERPRETATIONS

Unless the context clearly indicates otherwise, the following rules apply in interpreting this ordinance:

- A. Words used in the present tense include the future tense.
- B. Words in the singular include the plural, and words in the plural include the singular.
- C. The word "lot" includes the words "building site," "site," "plot" or "tract."
- D. The word "shall" is mandatory and not discretionary.
- E. The word "may" is optional and discretionary.
- F. The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied"
- G. All references in this Ordinance to "Mayor" shall be interpreted to be the Mayor, or the Mayor's designee, in the event a Director of Planning and Development has not been appointed or hired, or the position is vacant.
- H. All references to the Planning and Zoning Commission, or "Commission" shall be disregarded unless and until the Council by ordinance has appointed a Commission. Any reference in this ordinance to the "Chairman" of the P&Z shall be interpreted as to the Mayor, or the Mayor's designee.

SECTION 1.7 SEVERABILITY

If any portion of this ordinance is held to be invalid or unconstitutional, the remainder of the ordinance shall not be invalid, but shall remain in full force and effect.

SECTION 1.8 SAVING/REPEALING

By the passage of this Ordinance, no presently illegal use shall be deemed to have been legalized unless specifically such use falls within a use district where the actual use is a conforming use. Otherwise, such uses shall remain nonconforming uses where recognized, or an illegal use, as the case may be. Should any part of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Any and all provisions of any ordinance in conflict with this Ordinance are hereby repealed; but such repeal shall not abate any pending prosecution for violation of the repealed Ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the Ordinance.

SECTION 1.9 ESTOPPEL/WAIVER

The failure of the City of Nevada to enforce any term or condition of this Ordinance shall not constitute a waiver or estoppel of any subsequent violation of this Ordinance.

ARTICLE 2 DISTRICTS AND ZONING DISTRICT MAP

SECTION 2.1 ZONING DISTRICTS ESTABLISHED

In order to regulate the use of land and buildings, and to regulate the location, height, bulk and size of buildings and other structures built on the land, the following districts are created:

Abbreviated Designation	Zoning District Name
Residential Districts	
AG-2/20	Agricultural District
SF-1/22	Single Family District
SF-1/4 th /12	Single Family District
Commercial Districts	
NS	Neighborhood Service
CR	Community Retail
CC	Corridor Commercial District
BG	Business Government
Industrial District	
LI	Light Industrial District
HI	Heavy Industrial District
Special Purpose Districts	
PD	Planned Development District
FP	Floodplain District

SECTION 2.2 ZONING DISTRICT MAP

A. Adoption of the Official Zoning District Map

The boundaries of each zoning district are delineated and shown on the official Zoning District Map of the City of Nevada. The official Zoning District Map, together with all notations, references, dimensions, designations and other information shown on the map, is adopted and made part of this ordinance, as amended, by reference. The official Zoning District Map shall be stored, maintained, and kept current by the City Secretary.

B. Amendments

No change to the official Zoning District Map shall be authorized without the approval of a rezoning application. The application shall be processed in accordance with the requirements of Article 8 Development Review Procedures of this ordinance, as amended. No change to the official Zoning District Map shall be authorized or become effective without final action of the Council or a court of competent jurisdiction. No application for zoning shall be accepted for filing unless annexation of the property for which the zoning is sought has been completed.

C. Consistency with Comprehensive Master Plan

No amendment or rezoning shall be approved unless it is consistent with the goals, objectives and policies of the Comprehensive Master Plan.

SECTION 2.3 RULES FOR INTERPRETING ZONING DISTRICT BOUNDARIES

A. Boundary Rules

The following rules shall apply in determining uncertain boundaries of a district as shown on the official Zoning District Map:

1. Where a boundary follows a public street or alley, the centerline of the street shall be the boundary.
2. Where a boundary follows a platted lot line, the lot line shall be the boundary.
3. Where a boundary follows a city limit line, the city limit line shall be the boundary.
4. Where a boundary follows a railroad or utility line, the boundary is the established center line of the railroad or utility right-of-way. If no centerline is established, the boundary is midway between the right-of-way lines.
5. Where a boundary follows the centerline of streams, rivers, canals, lakes or other bodies of water, the boundary is the centerline. The centerline is interpreted as being midway between the shorelines of the body of water. If the centerline changes, the boundaries are construed as moving with the centerline.
6. In cases where district boundary lines are indicated as approximately paralleling a street, alley, right-of-way, easement line or other feature existing at the time of the enactment of this ordinance, as amended, they shall be construed as parallel to or extensions of the street, alley, right-of-way, easement line, or other feature, unless otherwise specifically dimensioned on the official Zoning District Map.
7. In instances where district boundary lines divide a parcel of unsubdivided property, the precise location of the district boundary shall be determined by the use of the scale appearing on the official Zoning District Map, unless the boundary is indicated by a specific dimension on the official Zoning District Map.
8. Where any public right-of-way is officially vacated or abandoned, the land use district regulations applied to abutting property shall extend to the former centerline of the vacated or abandoned right-of-way.

B. Determination and Appeal

The Mayor or the Mayor's designee shall determine the location of the district boundary when uncertainty of boundaries exist that cannot be resolved by referencing A. Boundary Rules, above. Any person who is aggrieved by that determination may appeal to the Council. Appeals shall be made in writing to the Mayor within 10 days of the decision.

SECTION 2.4 TEMPORARY ZONING, ANNEXED TERRITORY

A. Annexed Territory

All territory annexed into the city shall be temporarily classified as AG-2/20 (Agricultural District), or, in the alternative, the zoning district shown for the property on the Comprehensive Plan. Either may be requested by the applicant as permanent zoning established by the Council. The procedure for establishing permanent zoning on annexed territory shall conform to the procedure established by law for the adoption of original zoning regulations.

B. Temporary Agricultural Rules

In an area temporarily classified as AG-2/20 (Agricultural District):

1. No person shall erect, construct or proceed or continue with the erection or construction of any building or structure in any newly annexed territory without first applying for and obtaining a building permit or certificate of occupancy from the Building Official or the Council as may be required.
2. No permit for the construction of a building or use of land shall be issued by the Building Official other than a permit which will allow the construction of a building permitted in the AG-2/20 (Agricultural District), unless and until such territory has been classified in a zoning district other than the AG-2/20 (Agricultural District) by the Council in the manner prescribed by law except as provided in 3 below.
3. An application for a permit for any other use than that specified in 2, above, shall be made to the City Secretary and referred to the City Council for consideration. The action and recommendation concerning the permit shall take into consideration the appropriate land use for the area. The Council, may, by majority vote, authorize the issuance of a building permit or certificate of occupancy or may disapprove the application.

SECTION 2.5 REGULATIONS APPLICABLE TO ALL DISTRICTS

A. Applicability

The following regulations shall apply to all zoning districts in this ordinance, as amended.

B. General

1. No land or structure shall be used, nor intended for any use, other than those uses permitted in the district where the land or structure is located.
2. No structure shall be erected, reconstructed, enlarged, structurally altered, or moved in such a manner as to evade conformity with height, bulk, lot area, use and other regulations for the district where the structure is located.
3. No yard provided adjacent to a structure for the purpose of complying with provisions of this Zoning Ordinance, as amended, shall be considered as providing any part of a yard for another building on the same lot or on an adjacent lot.
4. If the regulations in this section 2.5 are in conflict with applicable provisions in specific zoning districts below, the provisions in the zoning districts apply.

C. Accessory Structures

1. Attached accessory buildings shall conform to the regulations applicable to the main building to which they are attached. Attached buildings are defined as any building sharing a common roof with the primary structure.
2. Detached accessory buildings shall be subject to all of the following regulations, in addition to any other applicable regulations of this chapter. NOTE: Accessory buildings in AG-2/20 zoning districts directly associated with the support of a bona fide private agricultural use of the property have some differentiating requirements noted separately under the various headings below.

a. Number of Buildings:

- (1) No more than two (2) accessory structures may be placed on any residential or commercial lot.
- (2) AG-2/20: The number of accessory structures that may be placed on an AG-2/20 lot is limited by lot coverage (see 4.b.2.b).

b. Lot coverage:

- (1) The combined floor area of all accessory buildings shall not exceed ten (10) percent of lot coverage. In no case shall the combined area of the primary structure and accessory building(s) exceed the maximum percentage of lot coverage allowed for the zoning district on which the structures are placed.
- (2) AG-2/20: Barns and/or stables shall be limited in area to ten (10) percent of lot coverage.

c. Setback Requirements:

- (1) Street: Accessory buildings shall not extend beyond a platted front, side or rear building line adjacent to a street. If no building line exists adjacent to a street on an approved plat, the building shall not be located closer than ten (10) feet from the property line.
- (2) Easement: No accessory structure shall be located within any easement.
- (3) Front: Accessory buildings shall not be located closer to the front property line than the main building or the front yard setback requirement for that zoning district, whichever is greater.
- (4) Side: Accessory buildings shall not be located closer than ten (10) feet to the side property line when the accessory building is located behind the main building. When the accessory building is located in the side yard, the setback for the accessory building will be the same as the setback requirement for the main building.
- (5) Rear: When the accessory building is a garage or carport with rear access, the rear setback shall be a minimum of twenty (20) feet from the property line. All other accessory buildings shall not be located closer than ten (10) feet to the rear property line.
- (6) Other Structures - Accessory buildings, other than carports, shall not be located within five (5) feet of any other structure.
- (7) AG-2/20: Barns and/or stables shall not be located within fifty (50) feet of any property line or dwelling

d. Roof:

- (1) The minimum roof slope for all accessory structures shall be 3:12, unless the accessory structure is prefabricated, pre-finished, and covers less than two (2) percent of the lot or is a carport.
- (2) The color and materials of the roof of the accessory structures must closely resemble the color and materials of the roof of the main structure, unless the accessory structure is a prefabricated, pre-finished, and covers less than (2) percent of the lot or is a carport.

e. Exterior Walls:

- (1) Accessory structures are required to be constructed with exterior walls composed of metal with a baked-on enamel or vinyl finish, vinyl, wood structure that is prefinished and prefabricated, composite masonry façade, or the same masonry content required of the main structure.
- (2) No pressure treated wood, corrugated metal, or plywood is permitted as exterior finish.

f. Height:

- (1) Accessory structures shall be limited to a height of not more than twenty (20) feet.
- (2) AG-2/20: Accessory structures shall be limited to a height of not more than twenty-five (25) feet.

g. Notes:

AG-2/20: Commercial equestrian or rodeo arenas whether enclosed, partially enclosed, or open air shall require a Specific Use Permit as provided in Section 5.4 "Special Use Permits" of this ordinance.

3.

4. Solar electric panels-

- (f) (1) Solar electric panels must be installed on the roof of the residence or accessory building, must not be visible to the street on which the home fronts, must be installed in compliance with all manufactures requirements, as well as all applicable city electrical and building codes, State of Texas requirements, and must be maintained in operating order or be removed on notice and hearing before the city council if not in compliance.
- (2) Failure to follow the requirements of this section 4. Regarding Solar Electric Panels is a violation of this ordinance, and each day a violation exists is a separate offense. Plans and an application must be filed and a filing fee paid before an application for a solar electric permit may be issued by the city. Inspection fees by the city are to be reimbursed to the city as they are incurred.
- (3). The City Council may adopt additional regualtions for Solar Electric Panels, or similar solar generating devices by separate ordinance.

ARTICLE 3 RESIDENTIAL DISTRICT REGULATIONS

SECTION 3.1 RESIDENTIAL DISTRICTS

The Comprehensive Master Plan calls for the establishment of residential areas throughout Nevada in order to preserve and replicate the rural environment. These districts provide for residential development and agricultural uses which will preserve the rural amenities and character.

A. Agricultural District (AG-2/20)

1. Purpose: Land within Nevada which is presently used for agricultural purposes and to which urban services may not yet be available should continue to be used for such agricultural purposes until needed for urban purposes in conformity with the City's Comprehensive Master Plan. Livestock may be maintained indoors and outdoors within the Agricultural District. It is anticipated that lands currently zoned and used for agricultural purposes will eventually be used for more urban purposes as the City develops. Newly annexed areas that are predominantly used for agricultural purposes will be zoned as an agricultural district until other zoning is required.
2. Permitted Uses: See Use Chart in Article 5, Section 5.1.
3. Development Standards: Following are the yard, lot and space requirements for the Agricultural District, including density, height, lot and unit size.

Figure A-3-1 - Agricultural District (AG-2/20)	
Lot Size	
Lot Area	Minimum 2 acres
Lot Width (feet)	200
Lot width of corner Lots (feet)	230
Lot Depth (feet)	300
Lot Depth of Double Front Lots (feet)	300
Dwelling Regulations	
Minimum Square Footage	2,000
Design Standards Level of Achievement	See Section 3.4 Residential Design Standards
Yard Requirements – Main Structures	
Front Yard (feet)	50
Side Yard (feet)	20
Side Yard of Corner Lots (feet)	50
Side Yard of allowable nonresidential use (feet)	30
Rear Yard (feet)	50
Rear Yard Double Front Lots (feet)	50
Lot Coverage	45%
Height of Structures	
Main Structure (feet)	40
Accessory Structure (feet)	25

4. Additional Provisions:

- a. Refer to additional requirements in Article 7, General Development Regulations. See also the Animal Control Ordinance for regulations on numbers and types of animals allowed in each zoning district.
- b. A minimum separation of 100 feet between agricultural buildings and dwelling units on the same lot shall be maintained. Agricultural buildings for the purpose of this provision means those buildings used of the raising of crops or animals, or for the storage of agricultural equipment, supplies, or products.
- c. A minimum setback of 100 feet from the property line shall be provided for any agricultural building.
- d. Non-Enclosed attached patio covers, although an addition to and part of the main structure shall be exempt from the rear yard setback requirements above. Patio covers shall be allowed to extend into the rear setback no closer than 10 feet from the rear property line provided maximum lot coverage is not exceeded.

B. Single Family (SF-1/22)

1. Purpose: SF-1/22 is a single family residential district for detached houses on individual lots and requiring a minimum lot size of 1 acre. The cultivation of agricultural crops and livestock are allowed.
2. Permitted Uses: See Use Chart in Article 5, Section 5.1.
3. Development Standards: Following are the yard, lot and space requirements for the Single Family, including density, height, lot and unit size.

Figure B-3-1 - Single Family District (SF-1/22)	
Lot Size	
Lot Area	Minimum 1 acres
Lot Width (feet)	100
Lot width of corner Lots (feet)	175
Lot Depth (feet)	200
Lot Depth of Double Front Lots (feet)	200
Dwelling Regulations	
Minimum Square Footage	2,200
Design Standards Level of Achievement	See Section 3.4 Residential Design Standards
Yard Requirements – Main Structures	
Front Yard (feet)	50
Side Yard (feet)	20
Side Yard of Corner Lots (feet)	50
Side Yard of allowable nonresidential use (feet)	30
Rear Yard (feet)	50
Rear Yard Double Front Lots (feet)	50
Lot Coverage	45%
Height of Structures	
Main Structure (feet)	40
Accessory Structure (feet)	20

4. Additional Provisions:

- a. Refer to additional requirements in Article 7, General Development Regulations.
- b. A minimum separation of 50 feet between agricultural buildings and dwelling units on the same lot shall be maintained.
- c. A minimum separation of 100 feet between agricultural buildings and a dwelling unit on a separate lot shall be maintained, if the agricultural building is used for the raising of animals, otherwise the separation is 50 feet.
- d. Agricultural buildings for the purpose of this provision means those buildings used for the raising of crops or animals, or for the storage of agricultural equipment, supplies, or products.
- e. The provisions of a subsequently adopted animal control ordinance, or nuisance ordinance, will the provisions of this Zoning Ordinance regarding animal control.

C. Single Family (SF-1/4 /12)

1. Purpose: SF-(SF-1/4 /12 is a single family residential district for detached houses on individual lots and requiring a minimum lot size of 1/4th acre.
2. Permitted Uses: See Use Chart in Article 5, Section 5.1.
3. Development Standards: Following are the yard, lot and space requirements for the Single Family, including density, height, lot and unit size.

Figure C-3-1 Single Family District (SF-1/4 /12)	
Lot Size	Needs Revisions----
Lot Area	Minimum 1/4th acre
Lot Width (feet)	100
Lot width of corner Lots (feet)	175
Lot Depth (feet)	100
Lot Depth of Double Front Lots (feet)	100
Dwelling Regulations	
Minimum Square Footage	1,200
Design Standards Level of Achievement	See Section 3.4 Residential Design Standards
Yard Requirements – Main Structures	
Front Yard (feet)	25
Side Yard (feet)	10
Side Yard of Corner Lots (feet)	20
Side Yard of allowable nonresidential use (feet)	30
Rear Yard (feet)	25
Rear Yard Double Front Lots (feet)	50
Lot Coverage	45%
Height of Structures	
Main Structure (feet)	40
Accessory Structure (feet)	20

4. Additional Provisions:

- a. Refer to additional requirements in Article 7, General Development Regulations.
 - b. A minimum separation of 50 feet between agricultural buildings and dwelling units on the same lot shall be maintained.
 - c. A minimum separation of 100 feet between agricultural buildings and a dwelling unit on a separate lot shall be maintained, if the agricultural building is used for the raising of animals, otherwise the separation is 50 feet.
 - d. Agricultural buildings for the purpose of this provision means those buildings used for the raising of crops or animals, or for the storage of agricultural equipment, supplies, or products.
 - e. The following provisions are in effect until the City Council enacts an Animal Control Ordinance, at which time these provisions are repealed to the extent in conflict.
Livestock animals and Swine are expressly prohibited. Animals which constitute a nuisance under the terms of the nuisance ordinance are prohibited.
 - f. Homes within the SF ¼ 1200 District may not be constructed, or occupied, without an approved On Site Sewer System for the residence; or being connected to an approved sanitary sewer system.
5. Location
- a. Houses and lots facing or contiguous to the following Nevada streets are zoned as the SF-1/4th/12 Single Family Zoning District:
 - Warren St (SH 6 through end of Warren south)
 - Center St (SH 6 through end of Center south)
 - Eve St (SH 6 through end of Center south)
 - Collin St (FM 1138 to East St)
 - Kerens St (FM 1138 to East St)
 - Slating St
 - Evans St
 - Cole St (SH 6 through end of Cole south)

Figure C-5-1 SF-1/4 /12 boundary map



SECTION 3.2 RESIDENTIAL DESIGN STANDARDS

A. Desirable Design Attributes

All properties must meet base requirements provided in this section for Land Design, Street and Sidewalks, and Architectural Standards. In addition, properties must also select a certain number of desirable design standards from each of these categories. The available desirables are detailed in the following sections.

B. Purpose of New Residential Design Standards

1. Land Design Standards. The purpose of the Land Design Standards is to provide for public sidewalks and pathways, and to provide public access to open space, to provide enhancements along pathways.
2. Street and Sidewalk Standards. The purpose of the Street and Sidewalk Standards is to provide for street treatments, pedestrian sidewalk and crosswalk standards, and to address location criteria of subdivisions adjacent to major thoroughfares.
3. Architectural Standards. The purpose of the Architectural Standards is to provide standards for exterior facades, roof quality, and repetition of residential unit designs, garage doors, and façade upgrades in village residential areas.

C. Design Standards Review

1. All residential development shall achieve at a minimum the required number of desirable design attributes in Figure 3-9, Subsections A-C.
2. New Residential Details of the Land Design Standards are included in Subsection D, details of the Street and Sidewalk Standards are included in Subsection E, and details of the Architectural Standards are in Subsection F.

Figure 3-8 – Design Standards Index

Category	Districts	Figure
Land Design Requirements		See Figure 3-9(A)
Street and Sidewalk		See Figure 3-9(B)
Architectural Requirements		See Figure 3-9(C)

Figure 3 New Residential Development Requirements

a. Land Design Requirements (For all Residential Districts)		
Element	A. Base Standard (All Development Must Comply Fully with All Listed Below)	B. Desirable (Each Development Must Select 3 Of The 6 Desirables Listed Below)
Public Open Space Easements		30 ft wide buffer with 8 ft wide trail to rear of houses beside open space and perpendicular 30' wide access from street. Single-loaded street along open space.
Perimeter Screen Along Thoroughfares		40 ft wide buffer, w/6 ft wrought iron between brick or stone columns (50 ft o.c.) or landscaped earthen berm (3:1 slope) Increase buffer width by 10%, slip street/parkway with no residential lots backing or siding on thoroughfare
Perimeter Walkways and Landscape		<p>Mixture of large/canopy and small/ornamental trees and 8 ft walk/trail.</p> <p>b. Provide benches at nodes when adjacent to open space.</p> <p>c. Large canopy trees 50 ft. o.c. and 5 ft concrete walk.</p>
Lighting and Furnishings along open space easements and trails	Decorative paving and cross-walks at street connectors.	<p>Trees 30 ft o.c. maximum, with down lighting and ground-level lights.</p> <p>b. Exercise apparatus every ¼ mile.</p> <p>c. Solar-controlled lighting on 10-12 ft decorative poles every 100 ft, common throughout. Benches with backs every 1/2 mile or portion thereof when adjacent to open space.</p>

b. Street and Sidewalk Requirements (For all Residential Districts)		
Element	A. Base Standard (All Development Must Comply Fully with All Listed Below)	B. Desirable (Each Development Must Select 3 Of The 6 Desirables Listed Below)
Curvilinear Streets	Curvilinear streets (minimum 25% between 3 & 23 degrees).	
Entry Features and Medians	Architectural features on stone screen wall or stone monument (no brick) within landscaped median to first cross street, with decorative paving and cross-walks.	Wrought iron accent panels, or water feature, or 2 or more different type/color of stone (can be synthetic or cultured).
Signage at Entries	Incorporated into screen wall or monument sign within median and illuminated by means other than street lights.	
Street Name Signs	Including block numbers, incorporated with street lighting coordinated throughout, in compliance with state regulations.	Unique neighborhood design, or back- lighted.
Pedestrian Crosswalks	7 ft. wide, connected system of decorative pavers.	10 ft or wider, decorative pavers.
Sidewalk Locations	5 ft concrete, both sides of street, meandering continuous pathway.	
Mail Boxes	Paired at lot line .. Number plaque, brick same as residence.	Stone, same house exterior trim.
Sidewalk Lighting		
Perimeter Alleys		

c. Architectural Requirements (For all Residential Districts)		
Element	A. Base Standard (All Development Must Comply Fully with All Listed Below)	B. Desirable (Each Development Must Select 3 Of The 6 Desirables Listed Below)
Building Bulk and Articulation		Minimum 25% of street façade offset minimum 2 ft, minimum 60% total area on 1st floor of all 2-story
House Numbers	Stone plaque with number beside main entry	Lighted front wall plaque
Exterior Façade Material	100% brick, stone or masonry stucco, with 20% stone or decorative brick accent	
Porch	20 square feet covered front entry, and 50 sq ft covered back or side entry	60 square feet or larger front entry, or connected wrap-around two or more sides, or pitched cover incorporated into roof lines of house
Chimneys	Chimney enclosed with masonry matching exterior walls and capped	40% stone to match house accent material
Roof Pitch	8:12 minimum roof pitch; with articulation, dormers or hip/gable	
Roof Materials	Architectural-grade overlap shingles, tile or standing seam metal, no wood shingles, Paint rooftop accessories to match	
Roof Eaves	No wood fascia or soffit	
Repetition of floor plan and elevation	7 lots skipped on same side of street before repeating similar floor plan and elevation, 4 lots skipped opposite side of street, and no identical or flipped floor plans side by side or directly across street	9 lots skipped on same side of street before repeating same or flipped, and 6 lots skipped on opposite side of street

c. Architectural Requirements Con't (For all Residential Districts)		
Element	A. Base Standard (All Development Must Comply Fully with All Listed Below)	B. Desirable (Each Development Must Select 3 Of The 6 Desirables Listed Below)
Garage entry	No doors facing primary street front. On a 2 & 1 configuration, single door may face street. Garage shall be a minimum of 500 square feet.	Garage shall be a minimum of 600 square feet in size.
Dwelling Size	Minimum dwelling size exclusive of garages and breezeways	
Fencing	Wood or wrought iron.	Board on Board or Wrought Iron
Landscaping	Established front lawn and minimum 2 trees and 5 shrubs in front yard	Automated, subsurface irrigation system
Outdoor Lighting	Front entry and drive/garage illuminated by standard porch light	Front façade and drive/garage illuminated by down-light (tree-or house- mounted) or up-light (house-mounted), and front- and side-yard activity area illuminated, wired to interior.
Conservation/Sustainability	Complies with Energy component of Building Code	Certified by USGBC or LEEDS for energy and water.

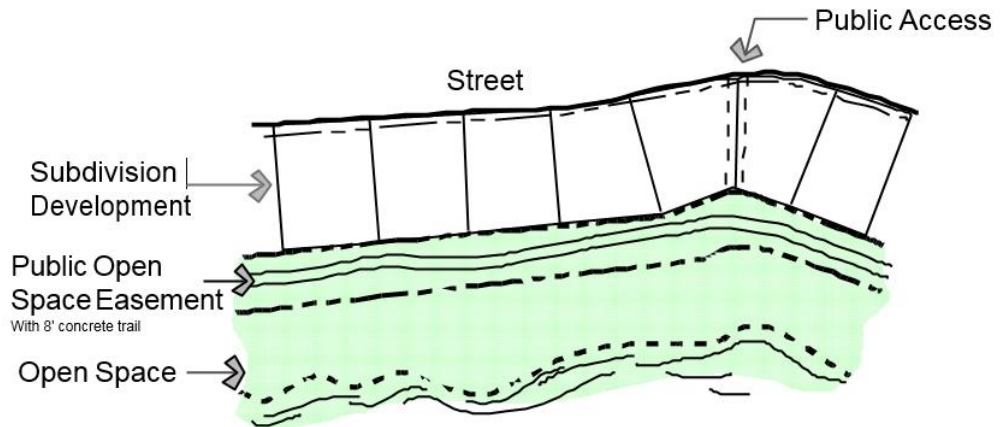
D. Land Design Standards – New Residential Requirements

Desired Land Design requirements are achieved by projects in accordance with the following criteria:

1. Provision of Public Pathways - Public Open Space Easements

a. Desirable Design Attributes

- (1) An open space easement of a 30 feet wide buffer with 8 feet wide trail to rear of houses beside open space and a perpendicular 30 feet wide access from street. Trail to be constructed to the City's standards in the easement, if any open space occurs in the residential development in the following situations:
 - (a) adjacent to the 100-year flood plain line,
 - (b) adjacent to an Hi-Power Electrical transmission easement, or creek or river easement right-of-way line
- (2) The public pathway system easement(s) to be connected along existing or planned utility rights-of-way and/or public property lines to any existing or planned public trail system on abutting land. Locate the public open space easement to provide for future connections to be made by others across intervening property to any existing or planned public trail system on land that does not abut the development.



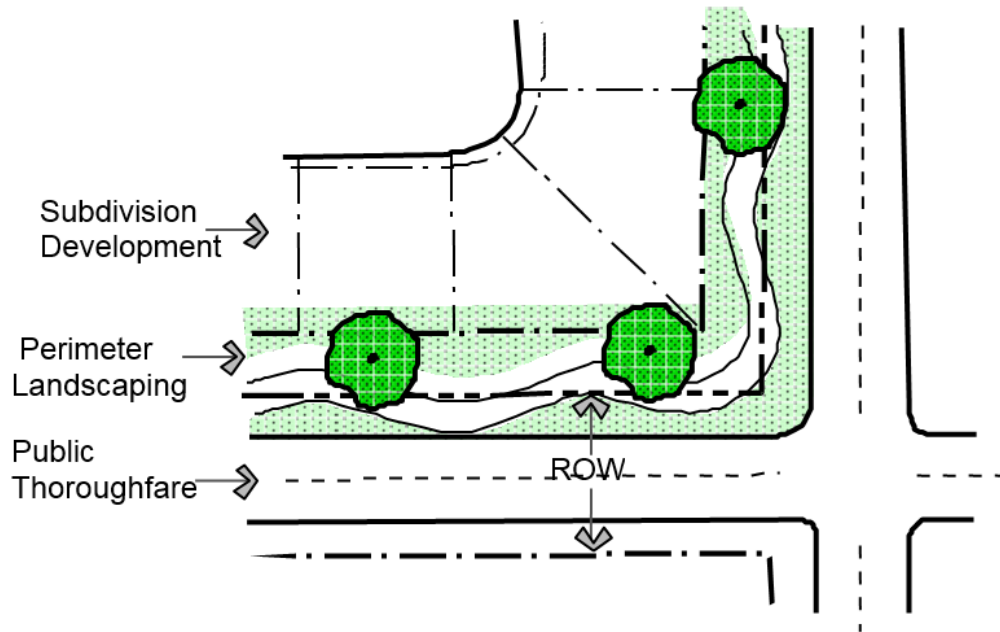
(b) Required

Provide single-loaded street along open space. No residential lot shall back to public open space.

2. Provision of Public Pathways – Perimeter Screening along a Thoroughfare

a. Desirable Design Attributes

A 40 feet wide buffer, with a 6 feet wrought iron fencing between brick or stone columns (50 ft o.c.) or a landscaped earthen berm (3:1 slope). Such perimeter screening is desired along all residential streets that consist of a 4 lane divided thoroughfare with a right-of-way width of 100 feet or greater.



- b. Desirable Design Attributes- additional
Increase buffer width by 10%. Face residential lots to slip street/parkway with no residential lots facing, backing or siding on thoroughfare.

3. Provision of Public Pathway – Perimeter Walkways and Landscape

- a. Base Standard
All Residential Developments shall provide a 5-foot minimum concrete public walkway in the right of way at the front of each lot in the subdivision. with a 10-foot minimum width landscape buffer at the perimeter of the development to provide access to the subdivision. Large canopy trees shall be provided at 50 ft o.c. The walkway may be located partially in the landscape buffer and partly within the street right-of-way parkway and must be placed a minimum of one foot off the curb. Minimum size for shade trees shall be 3 inches in caliper and 14 to 16 feet in height. Ornamental shade trees shall have a minimum diameter of 3 inches, while ornamental flowering trees shall be eight to ten feet in height.

The following trees and shrubs are recommended for landscaping and screening purposes:

- 1. Large Trees:

Pecan	Red Oak
Burr Oak	Water Oak
Southern Magnolias	Live Oak
Bald Cypress	

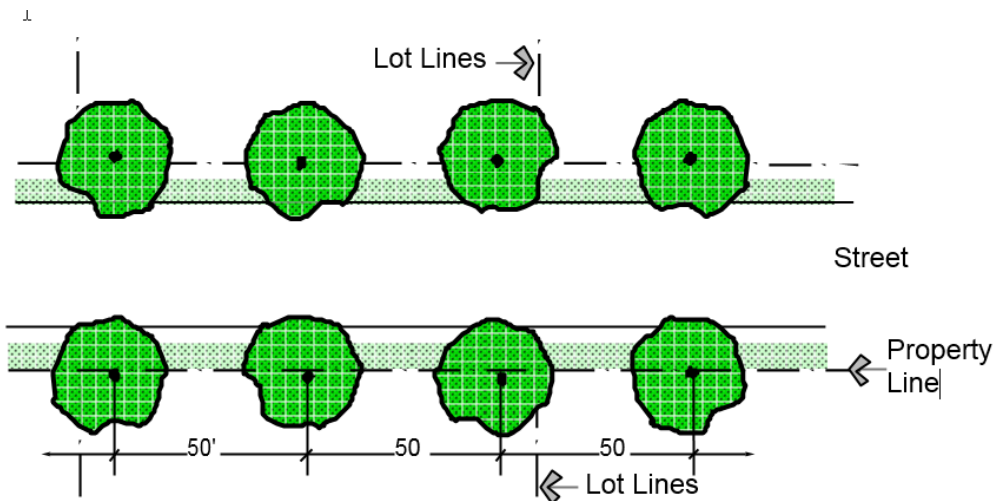
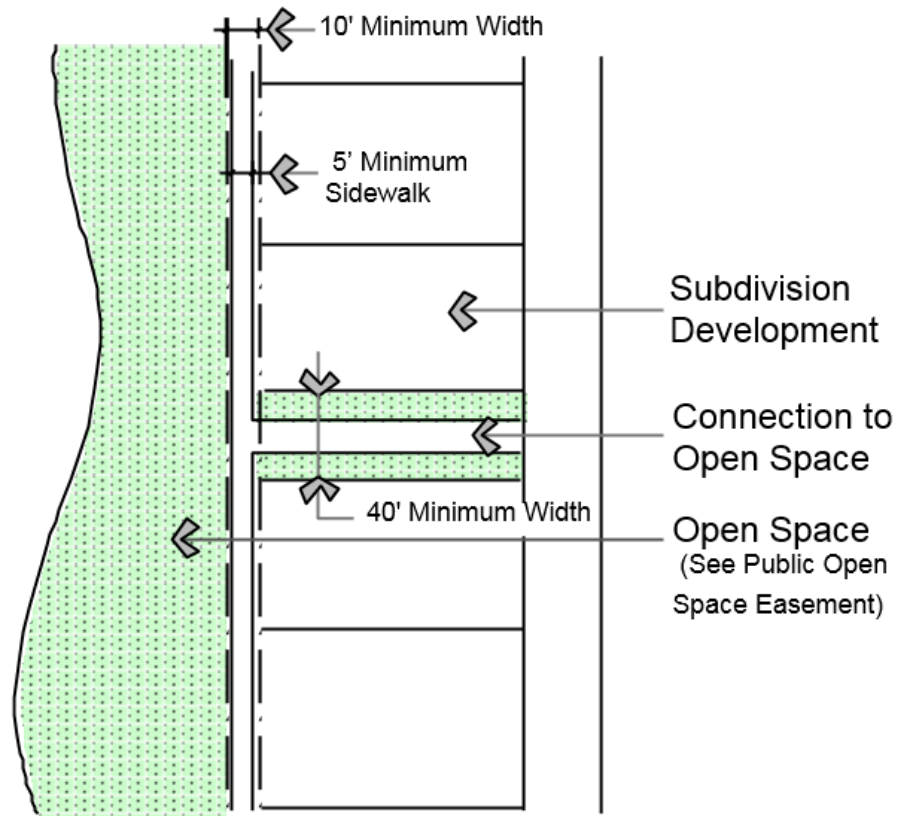
2. Small Trees:

Yaupon Hollies	Crape Myrtle
Wax Myrtle	Cherry Laurel
Red Bud Japanese	Black Pine
Cedar Elm	
3. Evergreen Shrubs:

Red Tip Photinia	Burford Holly
Nellie R. Stevens	Chinese Holly
Yaupon Holly	Clearra
Nandinnia	Dwarf Crape Myrtle
Japanese Ligustrum	Waxleaf Ligustrum
Abelia	Junipers
Barberry	Asian Jasmine
Honeysuckle	English Ivy
Boston Ivy	Liriope
Monkey Grass	Virginia Creeper
Vinca	Mondon Grass
Ophia Pogon	Elaeagnus
Purple Sage	Pistachio

The following trees are discouraged for landscaping and screening purposes:

Silver Maple	Hackberry
Green Ash	Arizona Ash
Mulberry	Cottonwood
Mimosa	Syberian Elm
American Elm	Willow
Sycamore	



- b. Desirable Design Attributes
Mixture of large/canopy and small/ornamental trees and 8 ft walk/trail, benches at node when adjacent to open space.

4. Lighting and Furnishings Along Open Space, Easements and Trails

- a. Desirable Design Attributes
(1) On open space easements, public walkways and trails provide: Solar- controlled lighting on 10-12

- feet decorative poles every 100 feet, common throughout.
- (2) Benches with backs which meet the city's standard park bench, at a minimum spacing of one bench per 1/2 mile, or any portion thereof when adjacent to open space.
- (3) Provide decorative paving and cross-walks at street connectors.
- (4) Provide detention ponds, fountains or pools within buffer areas not adjacent to open space development.
- (5) Provide trees at a maximum of 30 feet o.c. with down lighting and ground-level lights.
- (6) Provide facilities for a balanced exercise program as part of the walkway system every ¼ mile.

E. Street and Sidewalk Standards – New Residential Requirements

Desired street and sidewalk requirements are achieved in accordance with the following criteria:

1. Street Treatments - Curvilinear Streets

a. Base Standard

Subdivisions with curvilinear streets allow streets to follow original topography, reduce visual monotony of lot appearance, reduce speeds through residential neighborhoods, and discourage cut-through traffic. Subdivisions which develop curvilinear streets that meet the following standards are desirable in the City of Nevada.

- 1) Twenty-five percent of the street lengths in a subdivision, excluding major or secondary thoroughfares, should be curvilinear in design.
- (2) The term curvilinear in design shall refer to any street segment which is designed with a degree of curvature not less than 3 degrees 30 minutes and not greater than 22 degrees 55 minutes, and which shall offset a minimum distance of 30 feet measured perpendicular to the initial tangent line of the curve. Computation of percentage of curvilinear street shall utilize the centerline of all residential streets within the subdivision.

b. Desirable Design Attributes None

2. Street Treatments – Entry Features and Medians

a. Base Standard

All entrances to a residential subdivision shall have architectural features on stone screen wall or stone monument (no brick) within landscaped median to first cross street, with decorative paving and cross-walks. Entry

- walls/monuments shall be illuminated by means other than street lights.
 - b. Desirable Design Attributes
All entrances to a residential subdivision shall have wrought iron accent panels, or water feature, or 2 or more different type/color of stone (can be synthetic or cultured).
- 3. Street Treatments – Signage at Entries
 - a. Base Standard
Signage identifying a subdivision must be incorporated into the screen wall, or monument sign within the median at the subdivision entry and shall be illuminated by means other than street lights.
 - b. Desirable Design Attributes
None
- 4. Street Treatments – Street Name Signs
 - a. Base Standard
Block numbers shall be incorporated with street lighting that is coordinated throughout the subdivision, all in compliance with state law.
 - b. Desirable Design Attributes
Incorporate unique street name signs within the neighborhood or provide backlit signs.
- 5. Street Treatments – Pedestrian Crosswalks
 - a. Base Standard
All crosswalks within a Residential development are to be 7 feet wide, and must connect to a pedestrian sidewalk system of decorative pavers with pedestrian ramps complying with the American with Disabilities Act, to provide a clear, continuous pedestrian and circulation system throughout a subdivision.
 - b. Desirable Design Attributes
Use of decorative concrete pavers 10 feet or wider at all crosswalks within a subdivision.
- 6. Pedestrian Sidewalks - Sidewalk Locations
 - a. Base Standard
5 feet wide concrete pedestrian sidewalks shall be located on both sides of the street, in the right-of-way of every internal street, and shall form a meandering continuous pedestrian pathway system throughout the development.
 - b. Desirable Design Attributes
None
- 7. Mail Boxes
 - a. Base Standard
Mail boxes shall be paired at the lot line and shall provide number plaque and brick to match the residence.

- b. Desirable Design Attributes:
Pair mailboxes at lot line and incorporate stone and same house exterior trim to mail boxes.

8. Pedestrian Sidewalks - Sidewalk Lighting

- a. Base Standard
Decorative street lighting shall be provided along residential streets throughout all Residential Developments, providing low illumination with solar controls on decorative poles with spacing ranging from 250 feet to 350 feet between lights placed on alternating sides of the street. A Street Lighting Plan must be submitted to the City Engineer for approval. The City Engineer is authorized to alter the distance requirement if needed in an effort to achieve the best lighting arrangement possible.
- b. Desirable Design Attributes:
None

9. Perimeter Alleys

- a. Base Standard
Alleyways adjacent to major thoroughfares shall be screened from view from the public street with 6 foot decorative or solid masonry or concrete walls, wherever they are located parallel to the public street. Landscape planting may be placed on the public street side of the wall, but will not alone be considered to satisfy the screening requirement. No lots shall face thoroughfare.
- b. Desirable Design Attributes:
None

F. Architectural Standards – New Residential Requirements

1. Building Bulk and Articulation

- a. Base Standard
In order to avoid large blank facades, variations in the elevation of residential facades facing a public street shall be provided in both the vertical and horizontal dimensions. At least 25 percent of the façade shall be offset a minimum of 2 feet either protruding from or recessed back from the remainder of the façade. A minimum of 60 percent of the total area shall be on the 1st floor of all 2 story dwellings.
- b. Desirable Design Attributes
None

2. House Numbers

- a. Base Standard
All single family residential units shall have stone plaque with residence address beside the main entry of the dwelling unit. The residence address must also be posted at the rear of all homes with an alley.

- b. Desirable Design Attributes
Provide a lighted front wall plaque on all residential dwelling units.

3. Exterior Façade Material

- a. Base Standard

All single family residential units shall have a minimum of one-hundred (100) percent of the exterior facade composed of kiln-fired clay brick or stone laid masonry units or masonry stucco, with 20 percent stone or decorative brick accent, excluding windows, doors and other openings. Glazing shall not exceed twenty-five (25) percent of the front elevation of the residence. Dormers, second story walls or other elements supported by the roof structure may be composite masonry materials if approved by the Building Official as having the same durability as masonry or stone and when offset at least two (2) feet from the first floor exterior wall. Wood, vinyl siding and Exterior Insulation and Finishing Systems ("EIFS") materials shall not be used for exterior walls. The Building Official may grant exceptions to the above minimum standards for new construction when the material and installation are approved by the Building Official as having the same demonstrated durability as masonry and when one or more of the following conditions are met:

- (1) When other materials are required to blend with the historic architecture of the house.
- (2) When the construction is new infill construction and more than sixty percent (60%) of the existing residential structures along both sides of the street and between the two nearest intersection streets of the proposed location do not meet the above minimum standards, new construction may be permitted which is demonstrated to be equal in durability to that used in the majority of existing structures.
- (3) When a special architectural style for a specific location of individual residence or subdivision of residences is approved by the Planning and Zoning Commission and the Building Official determines that the material will have the same durability as masonry.

- b. Appeals Regarding Material
If the Building Official determines that a product does not demonstrate the same durability as masonry, the applicant may appeal that decision to the City Council.
- c. Desirable Design Attributes
None

4. Exterior Facades – Porch

a. Base Standard

The front entry of any single family residential unit, which is the entry facing the street on which the unit is located, shall have a covered front entry of a minimum of 40 square feet floor area. There shall be a minimum of 100 square feet covered area at the back or side entry.

b. Desirable Design Attributes:

A covered front porch with a minimum floor area of 60 square feet or larger, or connected wrap-around on two or more side, or pitched cover incorporated into the roof line of the house.

5. Exterior Facades - Chimneys

a. Base Standard

Chimney flues for fireplace chimneys are to be within a chimney enclosed with masonry matching exterior walls of the residential unit and capped.

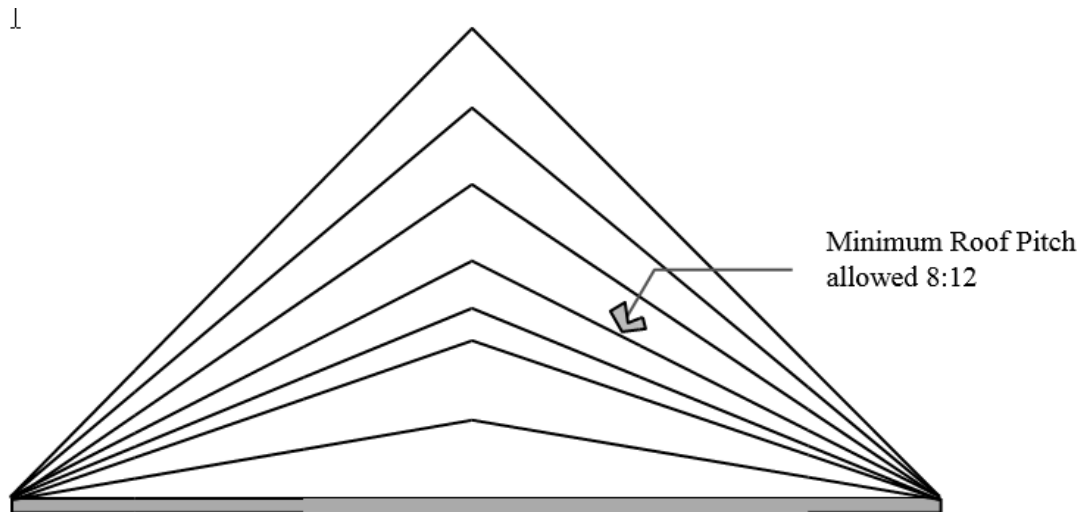
b. Desirable Design Attributes:

Fireplace chimneys shall incorporate 40 percent stone, matching the accent exterior façade materials of the house.

6. Roofs and Roofing - Roof Pitch

a. Base Standard

All single family residential units shall have a minimum roof pitch of 8:12, articulation, dormers or a combination of hip and gable roofing.



b. Desirable Design Attributes
None

7. Roofs and Roofing - Roofing Materials

a. Base Standard

All single family residential units shall have architectural-grade overlap shingles, tile or standing seam metal. Wood shingles are not permitted. Plumbing vents, attic vents, and other rooftop accessories are to be painted to match the roof shingle color.

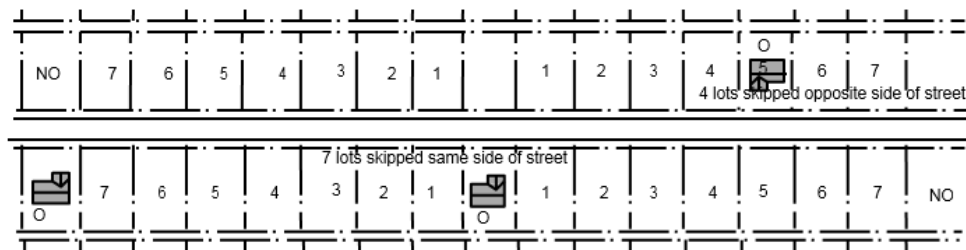
- b. Desirable Design Attributes
None

8. Roofs and Roofing - Roof Eaves

- a. Base Standard
No wood fascia or soffits are permitted.
- b. Desirable Design Attributes
None

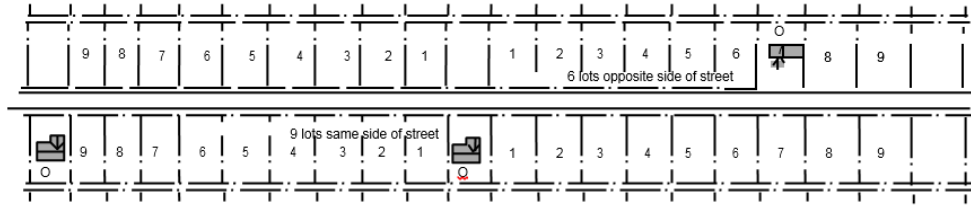
9. Repetition of Residential Unit Designs – Repetition of Floor Plan and Elevation

- a. Base Standard
A minimum of seven (7) platted residential lots must be skipped on the same side and four (4) lots must be skipped on the opposite side of a street before rebuilding the same single family residential unit with an identical (or nearly identical) street elevation design. The same floor plan shall not be repeated on neighboring, side by side lots or directly across the street.



Identical or nearly identical floor plan means that the layout, size and function of the rooms are essentially the same. Identical or nearly identical street elevation design means little or no variation in the articulation of the facade, height or width of facade, placement of the primary entrances, porches, number and placement of windows, and other major architectural feature. It does not mean similar colors, materials, or small details.

- b. Desirable Design Attributes
A minimum of 9 platted residential lots skipped on the same side and 6 skipped on the opposite side of a street before rebuilding the same single family residential unit with an identical (or nearly identical) street elevation design. The same floor plan shall not be repeated on neighboring, side by side lots, or directly across the street.



10. Garage Entry

a. Base Standard

Garage doors shall not be located on the primary street elevation of a single family residential unit. The primary street would be the addressed street front. When a three car garage is constructed on a lot in a 2 & 1 configuration, the single car door may face the street. Garages may face the street on a corner lot side yard. Each garage shall be a minimum of 500 square feet which includes a minimum of 100 square feet of storage space.

b. Desirable Design Attributes

Each garage shall be a minimum of 600 square feet which includes a minimum of 200 square feet of storage space.

11. Dwelling Size

a. Base Standard

The total square feet of floor space within the outside dimensions of a residential dwelling unit including each floor level, but excluding carports, garages, and breezeways.

b. Desirable Design Attributes

None

12. Fencing (If provided)

a. Base Standard

- (1) Front yard fences shall be permitted to a height of 4 feet maximum and constructed of wood or wrought iron.
- (2) Side and rear yard fences shall be permitted to a height of 8 feet maximum and constructed of wood or wrought iron.

b. Desirable Design Attributes

Fences constructed of board on board or wrought iron

13. Landscaping

a. Base Standard

Each residential dwelling shall have an established front lawn with a minimum of 2 trees and 5 shrubs.

b. Desirable Design Attributes

Each residential dwelling unit shall have an automated, subsurface irrigation system.

14. Outdoor Lighting

a. Base Standard

All residential dwelling units shall have an illuminated standard porch light at the front entry and drive/garage.

b. Desirable Design Attributes

Front façade and drive/garage shall be illuminated by down-light (tree or house mounted) or up-light (house mounted), and front and side yard activity area illuminated and wired to the interior of the house.

15. Conservation/Sustainability

a. Base Standard

Each residential dwelling unit must comply with the energy component of the Building Code.

b. Desirable Design Attributes

Each residential dwelling unit is certified by United States Green Building Council (USBG) or Leadership in Energy and Environmental Design (LEED).

ARTICLE 4 NON-RESIDENTIAL DISTRICT REGULATIONS

SECTION 4.1 COMMERCIAL DISTRICTS

Commercial land uses provide retail goods and personal services as well as employment opportunities to support the local residential population, and provide public sales tax revenues. To serve the future population, three types of commercial categories exist, defined by their primary service function. Commercial districts provide a focus for institutional, commercial, and entertainment and service-related uses for neighborhood residents. Residential uses within and immediately adjacent to the commercial district provide a customer base for businesses located within it.

A. Neighborhood Service District (NS)

1. Purpose: The Neighborhood Service District allows for convenience retail shopping, personal services, and professional offices principally serving the needs of the neighborhoods within and around the City. Commercial development within the village center in the NS district should be compatible in scale, character and intensity with the surrounding residential neighborhoods.
2. Permitted Uses: See Use Chart in Article 5, Section 5.1.
3. Development Standards: Following are the yard, lot and space requirements for the Neighborhood Service District.

Figure 4-1 – Neighborhood Service District (NS)	
Height	
Height of Main Structure (feet)	36
Number of Stories	2
Residential Proximity	3 : 1 slope from residential lot line
Building Placement and Coverage	
Front Yard (feet)	25
Side Yard (feet)	10
Rear Yard (feet)	10
Lot Coverage	45%
Buffering and Screening	
Nonresidential Use Adjacent to Single Family	Double Side & Rear Setback – 10' required landscaping w/screening
Service and Loading Areas	Not visible from public street or adjacent residential uses

4. Additional Provisions:
Refer to additional requirements in Article 7, General Development Regulations.

B. Community Retail District (CR)

1. Purpose: The Community Retail District allows for the development of higher intensity uses providing shopper and consumer goods, retail and personal services. Community Retail districts support several neighborhoods and are located adjacent to commercial corridors, business parks or industrial parks within the Comprehensive Plan.
2. Permitted Uses: See Use Chart in Article 5, Section 5.1.

3. Development Standards: Following are the yard, lot and space requirements for the Community Retail District.

Figure 4-2 – Community Retail District (CR)	
Height	
Height of Main Structure (feet)	36
Number of Stories	2
Residential Proximity	3 : 1 slope from residential lot line
Building Placement and Coverage	
Front Yard (feet)	25
Side Yard (feet)	10
Rear Yard (feet)	10
Lot Coverage	45%
Buffering and Screening	
Nonresidential Use Adjacent to Single Family	Double Side & Rear Setback – 10' required landscaping w/screening
Service and Loading Areas	Not visible from public street or adjacent residential uses

4. Additional Provisions:
Refer to additional requirements in Article 7, General Development Regulations.

C. Commercial Corridor District (CC)

1. Purpose: The Commercial Corridor District allows for the retail, personal service, office and light commercial needs of the residents of Nevada at a scale, character and intensity that is higher than allowed in the Community Retail Districts. The Commercial Corridor District has enhanced design and development standards to ensure the urban design quality and image recommended in the Comprehensive Plan.
2. Permitted Uses: See Use Chart in Article 5, Section 5.1.
3. Development Standards: Following are the yard, lot and space requirements for Commercial Corridor District.

Figure 4-3 – Commercial Corridor District (CC)	
Height	
Height of Main Structure (feet)	50
Number of Stories	4
Residential Proximity	3 : 1 slope from residential lot line
Building Placement and Coverage	
Front Yard (feet)	25
Side Yard (feet)	10
Rear Yard (feet)	10
Lot Coverage	50%
Buffering and Screening	
Nonresidential Use Adjacent to Single Family	Double Side & Rear Setback – 10' required landscaping w/screening

Service and Loading Areas	Not visible from public street or adjacent residential uses
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4. Additional Provisions:
Refer to additional requirements in Article 7, General Development Regulations.

D. Business Government District (BG)

1. Purpose: The Business Government District is intended to serve as a pedestrian-friendly center for governmental, office, cultural, entertainment and light commercial uses.
2. Permitted Uses: See Use Chart in Article 5, Section 5.1.
3. Development Standards: Following are the yard, lot and space requirements for the Business Government District.

Figure 4-4 – Business Government District (BG)	
Height	
Height of Main Structure (feet)	50
Number of Stories	4
Residential Proximity	3 : 1 slope from residential lot line
Building Placement and Coverage	
Front Yard (feet)	25
Side Yard (feet)	10
Rear Yard (feet)	10
Lot Coverage	50%
Buffering and Screening	
Nonresidential Use Adjacent to Single Family	Double Side & Rear Setback – 10' required landscaping w/screening
Service and Loading Areas	Not visible from public street or adjacent residential uses

4. Additional Provisions:
Refer to additional requirements in Article 7, General Development Regulations.

SECTION 4.2 INDUSTRIAL DISTRICTS

The purpose of the Industrial Districts is to provide a location where the major employment base of the community can be located with minimum impact on residential neighborhoods. Within the industrial districts the primary focus should be industrial and commercial uses that serve regional, state and national markets with support retail, office, and business-serving industrial uses as needed.

A. Light Industrial District (LI)

1. Purpose: Light Industry includes less-intensive assembly, warehousing and distribution of products from previously prepared materials and parts. Excluded uses include, but are not limited to meat packing, chemicals and petroleum processing and manufacturing and foundries.
2. Permitted Uses: See Use Chart in Article 5, Section 5.1.
3. Development Standards: Following are the yard, lot and space requirements for the Light Industrial District.

Figure 4-5 – Light Industrial District (LI)	
Height	
Height of Main Structure (feet)	50

Number of Stories	4
Residential Proximity	3 : 1 slope from residential lot line
Building Placement and Coverage	
Front Yard (feet)	25
Side Yard (feet)	10
Rear Yard (feet)	25
Lot Coverage	50%
Buffering and Screening	
Nonresidential Use Adjacent to Single Family	Double Side & Rear Setback – 25' required landscaping w/screening
Service and Loading Areas	Not visible from public street or adjacent residential uses

4. Additional Provisions:

Refer to additional requirements in Article 7, General Development Regulations.

B. Heavy Industrial District (HI)

1. Purpose: Heavy Industrial generally includes the more intensive processing and manufacturing of raw materials into usable products, and such operations normally create the most obnoxious consequences. Heavy Industrial requires access to regional transportation (highway and rail) and resources (water) as well as special utilities, and should be isolated or buffered from other land uses on larger campus settings.
2. Permitted Uses: See Use Chart in Article 5, Section 5.1.
3. Development Standards: Following are the yard, lot and space requirements for the Heavy Industrial District.

Figure 4-6 – Heavy Industrial District (HI)	
Height	
Height of Main Structure (feet)	50
Number of Stories	4
Residential Proximity	3 : 1 slope from residential lot line
Building Placement and Coverage	
Front Yard (feet)	25
Side Yard (feet)	25
Rear Yard (feet)	25
Lot Coverage	50%
Buffering and Screening	
Nonresidential Use Adjacent to Single Family	Double Side & Rear Setback – 25' required landscaping w/screening
Service and Loading Areas	Not visible from public street or adjacent residential uses

4. Additional Provisions:

Refer to additional requirements in Article 7, General Development Regulations.

SECTION 4.3 NONRESIDENTIAL DESIGN STANDARDS

A. Desirable Design Attributes

All properties must meet base requirements provided in this section for Site Design, Landscaping, and Architectural Features. In addition, properties must also select a required number of desirable design standards from each of these categories. The available desirables are detailed in the following sections.

B. Purpose of Nonresidential Design Standards

1. Site Design Standards. The purpose of the Site Design Standards is to provide for building and parking placement, access drives and the location of service and loading areas.
2. Landscaping Standards. The purpose of the Landscaping Standards is to provide for landscaping in required yards, parking lots and street frontages.
3. Architectural Features. The purpose of the Architectural Features is to provide for exterior building materials, building articulation, form and massing, and architectural compatibility.

C. Design Standards Review

1. All nonresidential development shall achieve at a minimum the required number of desirables discussed in Figures 4-7 through 4-9.
2. Details of the Site Design Standards are included in Subsection D, details of Landscaping Standards are included in Subsection E, and details of the Architectural Features are in Subsection F.

New Nonresidential Development Requirements

Figure 4-7 Site Design Requirements

Element	A. Base Standard (All Development Must Comply Fully with All Listed Below)	B. Desirable (Each Development Must Select 4 Of The 8 Desirables Listed Below)
Building Placement	<ol style="list-style-type: none"> 1. Entrances and /or facades oriented to the street. 2. Building footprints no greater than 20,000 square feet in NS and CR Districts. 3. Multiple buildings placed to create plazas, courtyards, landscaped areas w/connecting walkways. 	<ol style="list-style-type: none"> 1. Building at the front yard line. 2. Individual buildings w/footprints = or < 10,000 square feet. 3. Front facade oriented to the street.
Parking Placement	<ol style="list-style-type: none"> 1. Parking spaces at least 10' from lot line. 	<ol style="list-style-type: none"> 1. Site plan with no more than 50% of parking in front of the building. 2. Building with no more than one row parking in front.
Access Drives	<ol style="list-style-type: none"> 1. Minimum width drive of 24', turning radius of 25'. 2. Access drive at least 150' from intersection. 3. Access drives serving developments greater than 30,000 sq.ft. shall have separated median, or be separated at least 150' from each other. 4. Landscaped treatment of entrances 	<ol style="list-style-type: none"> 1. Combined access points with adjacent tracts. 2. Direct connection between buildings and street.
Location of Service and Loading Areas	<ol style="list-style-type: none"> 1. Service and loading areas shall not be visible from a public street or adjacent residential lot. 2. Developments unable to meet the above are required to have masonry screening walls w/gates. 	<ol style="list-style-type: none"> 1. Not visible from public street but provide masonry screening.

Figure 4-8 Landscape Design Requirements

Element	A. Base Standard (All Development Must Comply Fully with All Listed Below)	B. Desirable (Each Development Must Select 4 Of The 8 Desirables Listed Below)
Landscaping in Required Yards	<ol style="list-style-type: none"> 1. At least 20 % of site shall be landscaped in NS, CR, CC, & BG Districts; 10% of site in CR & CC Districts for single buildings of 100,000 sq ft. or more; 10% of site in LI and HI Districts. 2. Landscaping is required in the front yard. 3. Landscaping is required in side and rear yards adjacent to, or across the street from residential. 	<ol style="list-style-type: none"> 1. Landscaping that exceeds the minimum by 10%. 2. Landscaping in side and rear yard not otherwise required.
Landscaping of Parking Lots	<ol style="list-style-type: none"> 1. Site plans requiring more than 12 spaces required to have 50 sq.ft. of landscaping per space. 2. No parking space further than 60' from landscaped area on site. 3. Parking rows 12 spaces or longer shall have landscaped islands at end. 4. All parking rows shall have landscaped areas at least every 12 spaces. 	<ol style="list-style-type: none"> 1. Landscaping 10% or more in excess of 50 sq.ft./space. 2. Parking lots with no space further than 40 feet from a landscaped area. 3. Landscaped pedestrian connection to main entrance.
Visual Screening	<ol style="list-style-type: none"> 1. Required screening in strip at least 5' wide, plants 3' in height when planted, include one flowering tree for every 20 linear feet of area. 	
Landscaping of Street Frontages	<ol style="list-style-type: none"> 1. At least 50% of required front yard developed as landscaped buffer, at least 10' in width. 2. Trees required in buffer, in groves or belts on a 30 – 40' spacing. 3. Required trees at least 3" in caliper. 4. At least 4' meandering concrete walkway on perimeter when adjacent to thoroughfare. 	<ol style="list-style-type: none"> 1. Use of rock walls or other natural landscape features. 2. Increase in minimum width of landscape buffer by 20%. 3. Provision of special benches, pedestrian lighting other streetscape elements.

Figure 4-9 Architectural Design Requirements		
Element	A. Base Standard (All Development Must Comply Fully with All Listed Below)	B. Desirable (Each Development Must Select 3 Of The 6 Desirables Listed Below)
Building Materials	<ol style="list-style-type: none"> 1. Buildings constructed of a masonry product with at least 20% stone on front façade in NS, CR, CC, BG, LI and HI Districts. Tilt wall construction is permissible in LI and HI districts. 2. Roofs with pitch greater than 2:12 use specified roofing materials. 3. Buildings should copy architectural styles and details, design themes, building materials, and colors of the surrounding new development context w/in 200 ft of a corner. 	<ol style="list-style-type: none"> 1. Use of two complementary primary facade materials to help achieve facade articulation, visual variety and/or architectural detailing. 2. Copy same style entire block.
Building Articulation, Form and Massing	<ol style="list-style-type: none"> 1. Walls not exceed height width ratio of 1 to 2 without variation in massing of facade. At least 25% of facade offset at least 4'. 2. Entrances must be emphasized with architectural elements. 3. Ground floor facades in NS, CR, & CC Districts required specified features along 60% of length. 	<ol style="list-style-type: none"> 1. Application of base standards to facades not facing a public street. 2. Use of Architectural detailing and/or materials to provide variety in visual appearance.
Architectural Compatibility	<ol style="list-style-type: none"> 1. Buildings in the NS and CR Districts shall be architectural compatible with surrounding neighborhoods. 2. Buildings in CC & BG Districts adjacent or within 200' of residential areas shall be architecturally compatible. 	<ol style="list-style-type: none"> 1. Buildings with pitch roofs meeting minimum requirement of residential development. 2. Buildings with hip roof sections, dormers or two or more gable roof sections at right angles to each other.

D. Site Design Standards

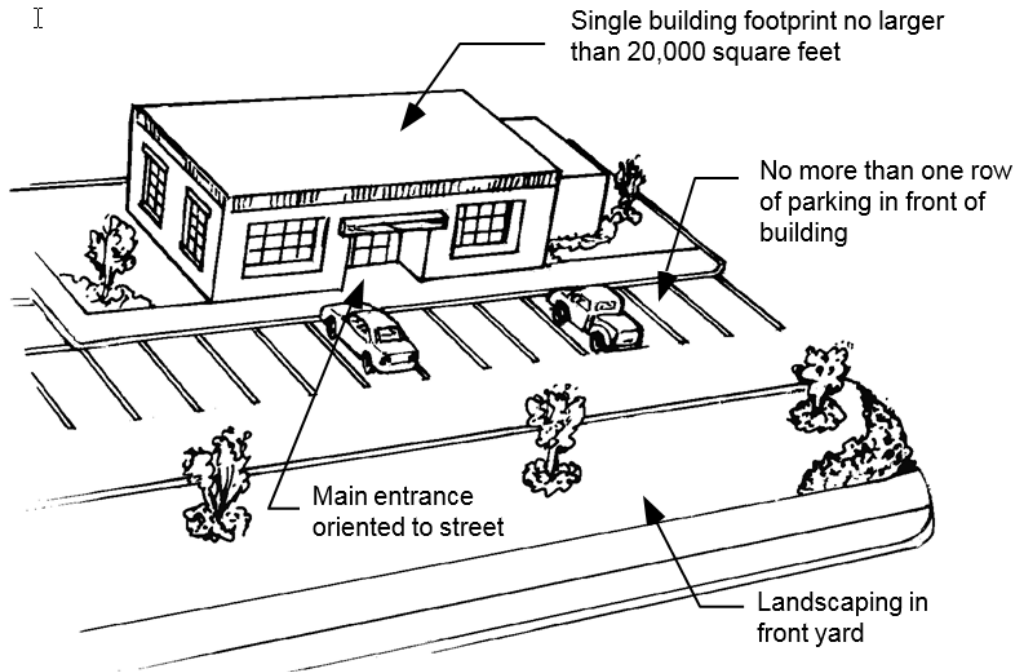
Desired Site Design requirements are achieved by projects in accordance with the following criteria:

1. Building Placement

a. Base Standard

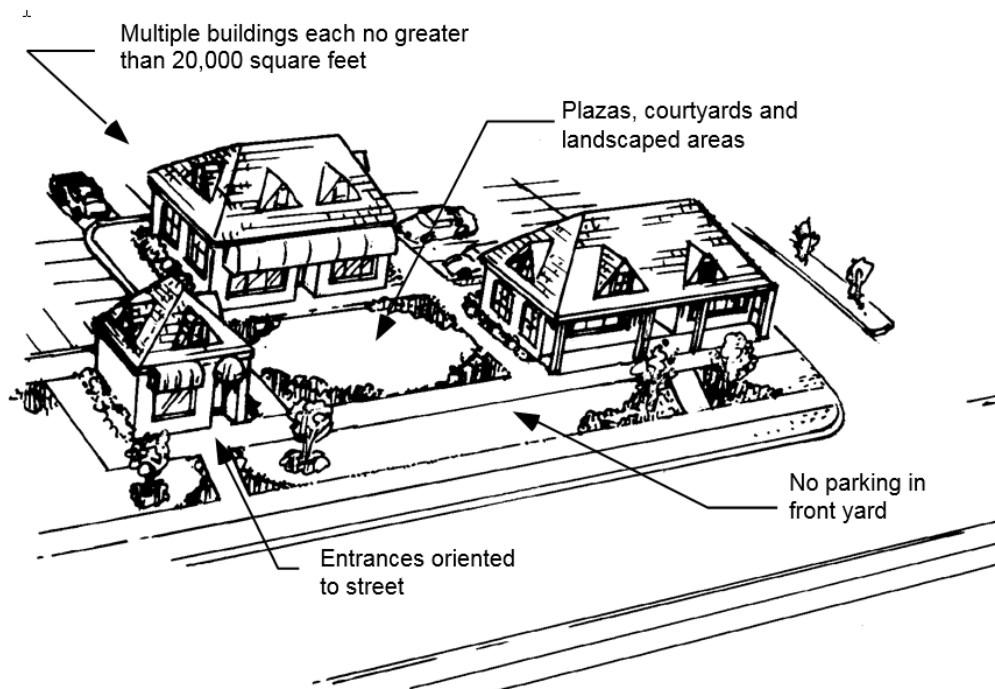
- (1) Buildings shall be placed with their entrance and/or main facade oriented to the street.
- (2) Building footprints shall be no greater than 20,000 square feet in the NS and CR Districts.

FIGURE 4-10 - BUILDING PLACEMENT



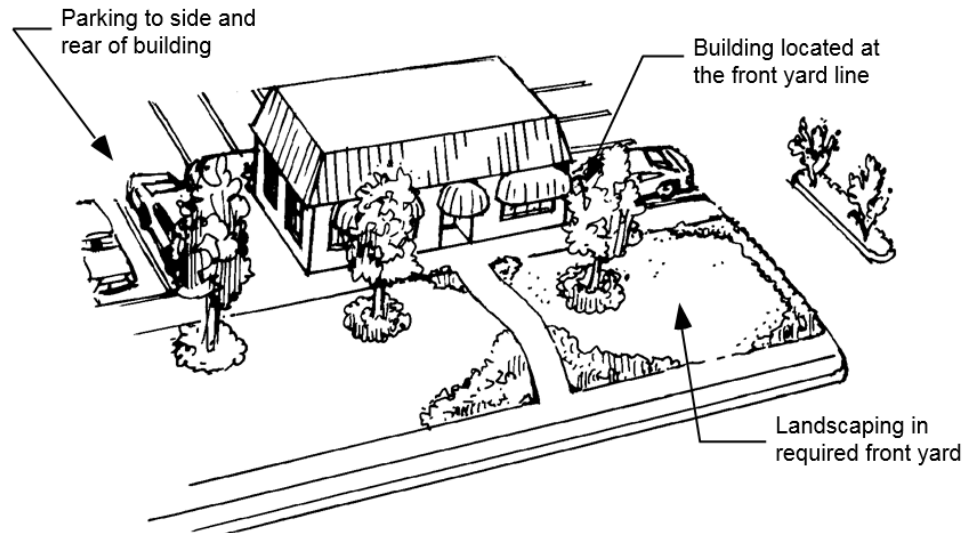
- (3) Multiple buildings on a single site shall be placed in such a manner as to create plazas, courtyards, and landscaped areas with connecting pedestrian ways between buildings. (NS, CR, CC)

FIGURE 4-11 - BUILDING PLACEMENT



- b. Desirable Design Attributes
 - (1) Locate buildings at the front yard line with no parking in the front.
 - (2) Individual buildings with footprints no greater than 10,000 square.
 - (3) Provide a direct connection between a building's main entrance and the public street, not using a portion of a parking lot.
- 2. Parking Placement
 - a. Base Standard
 - (1) Parking spaces shall be located at least 10 feet from the nearest residential lot line.
 - b. Desirable Design Attributes
 - (1) Provide site plans with no more than 50% of parking in front of the main building.
 - (2) Provide site plans with no more than one row of parking in front of the main building.

FIGURE 4-12 - PARKING TO SIDE AND REAR OF BUILDING



3. Access Drives

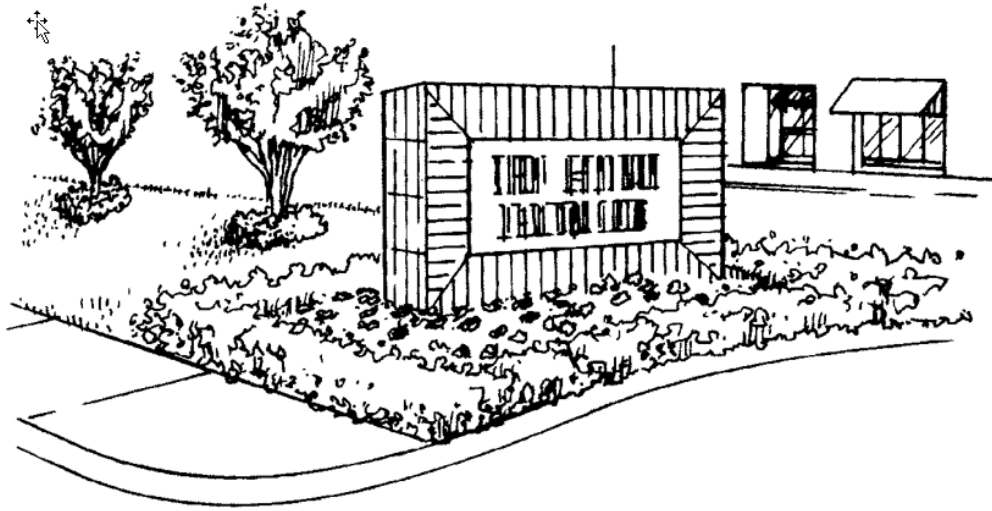
a. Base Standard

- (1) All access drives shall have a minimum development standards adopted by the City of Nevada.
- (2) Access drives shall be located at least 150 feet from an intersection except when the site is too small to meet this requirement. In those cases, the site plan shall meet the desirable requirements.
- (3) Access drives serving developments with more than 30,000 square feet of development shall have a separated median, or be located at least 150 feet from each other, or as required by the City of Nevada development standards whichever is greater.
- (4) Provide landscaped entrances with the following treatments:
 - (a) Decorative monuments sign using rock, brick or other natural materials.
 - (b) Plantings of seasonal flowers and/or flowering shrubs;
 - (c) Flowering trees or large trees from the approved plant list or sculptural artwork or a combination of the two.

b. Desirable Design Attributes

- (1) Combined access points with adjacent tracts and on-site internal circulation.
- (2) Direct connection between buildings and street.

FIGURE 4-13 - LANDSCAPE TREATMENT OF ENTRANCES



4. Location of Service Areas and Loading

a. Base Standard

- (1) Service areas and loading areas shall be located where they are not visible from a public street or from adjacent residential lots.
- (2) Service or loading areas which cannot fully meet the above requirement shall have a masonry screening wall with gates which prevent visibility from a public street or adjacent residential lot. Masonry materials must match or complement the masonry materials of the building.

b. Desirable Design Attributes

Service and loading areas shall not be visible from a public street or adjacent residential lot, but which provide screening using a masonry screening wall with gates to screen the area from on-site areas.

E. Landscaping

Desired Landscaping Design requirements are achieved by projects in accordance with the following criteria:

1. Landscaping in Required Yards

a. Base Standard

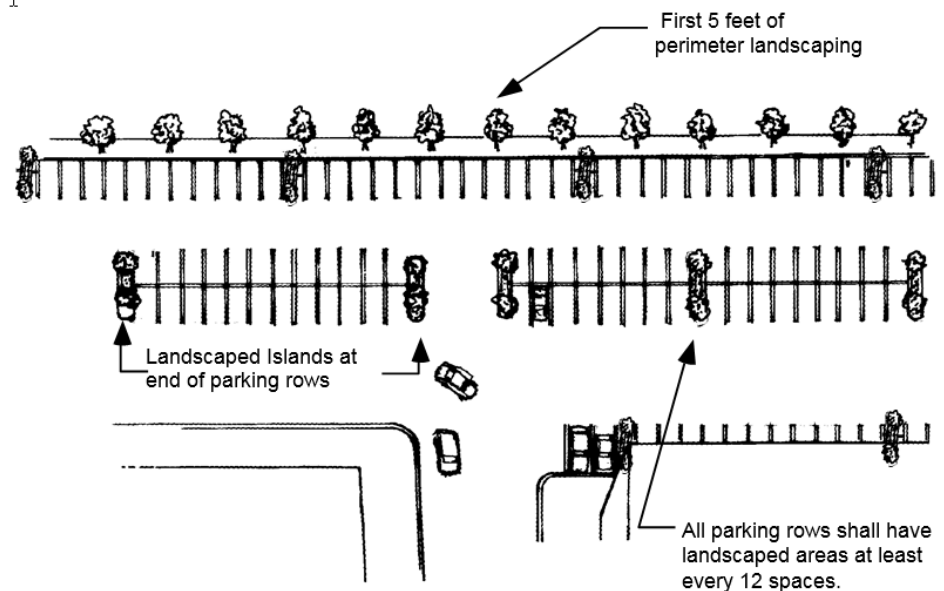
- (1) At least 20 percent of the site shall be landscaped in NS, CR, CC, and BG Districts, and at least 10 percent of the site in LI and HI Districts shall be landscaped. If a single building of 100,000 square feet or more is to be constructed on a single lot in CR or CC Districts then only 10% of the site will be required to be landscaped.
- (2) Landscaping is required in the front yard.
- (3) Landscaping is required in the side and rear yards when adjacent to or across the street from a residential use.

b. Desirable Design Attribute

- (1) Landscaping that exceeds the minimum by 10 percent.

- (2) Provide the following landscape conditions in the side and rear yards of a development, not otherwise required because of residential adjacency:
 - (a) The landscape area is at least 10 feet in width;
 - (b) The landscape area has shrubs at least 3 feet in height planted within the landscape strip; and
 - (c) The landscape area includes at least one flowering tree for every 20 linear feet of planting area. Trees may be planted in groves or bands as long as the required numbers of trees are provided.
2. Landscaping of Parking Lots
 - a. Base Standard
 - (1) All site plans with required parking more than 12 spaces are required to have 50 sq. ft. of landscaped area for each parking space. In calculating parking lot landscaped area, all areas surrounded by parking spaces are counted, plus the first five feet of perimeter landscaped area, if any.
 - (2) No parking space shall be further than 60 feet from a landscaped area on the site.
 - (3) Parking rows 12 spaces or longer shall have landscaped islands at the ends.
 - (4) All parking rows shall have landscaped areas at least every 12 spaces.

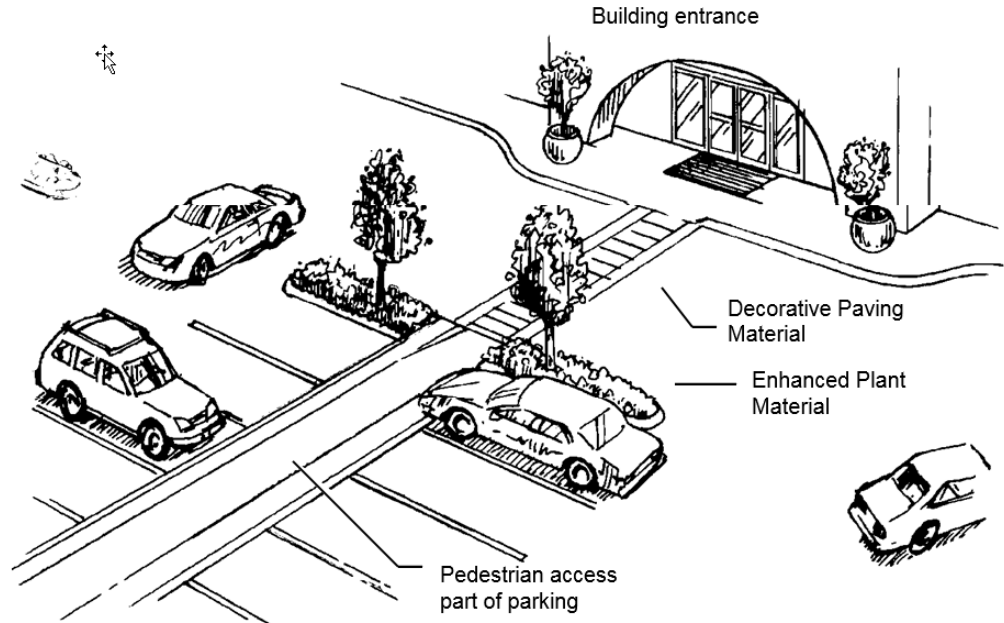
FIGURE 4-14 - PARKING LOT LANDSCAPING



- b. Desirable Design Attribute
 - (1) Landscaping in parking lots which exceed the 50 square feet of landscape area per parking space by 10 percent or more.
 - (2) Provide parking lots in which no parking space is further than 40 feet from a landscaped area.
 - (3) Provide parking lots which offer landscaped pedestrian connections from the parking lot to the main entrance. To

qualify, the pedestrian connection must be separate from the parking spaces and drives, and connect to a central location within the lot to the building, and be developed with enhanced paving, and enhanced plant materials.

FIGURE 4-15 - PEDESTRIAN ACCESS FROM PARKING LOT



3. Visual Screening
 - a. Base Standard

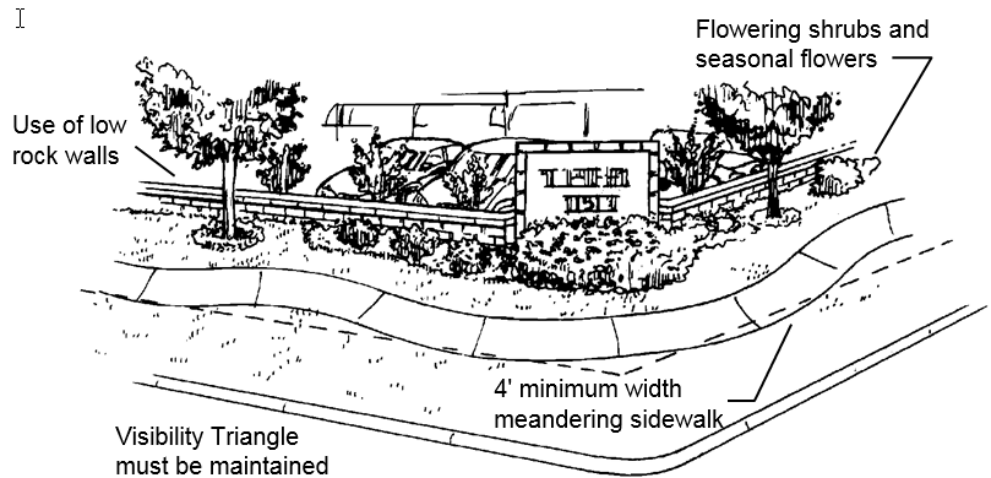
Service and loading areas are required to be screened using landscape materials which meet the following conditions:

 - (a) The service area shall be bordered by a landscaped strip at least 5 feet in width;
 - (b) The shrubs shall be at least 3 feet in height when planted and within the landscape strip; and
 - (c) The screening shall include at least one flowering tree for every 20 linear feet of landscape area.
 - b. Desirable Design Attribute

None
4. Landscaping of Street Frontages
 - a. Base Standard
 - (1) At least 50 percent of the required front yard, excluding any access drives, must be developed as a landscaped buffer. The landscaped buffer must be at least 10 feet in width.
 - (2) Trees shall be planted within the landscaped buffer along all public streets. To the extent possible, trees should be planted in groves or belts on 30 feet to 40 feet spacing depending on tree species.
 - (3) Required trees must be at least 3 inches in caliper, measured at a point 12 inches above grade.
 - (4) All nonresidential development shall provide a 4-foot minimum width meandering concrete public walkway

around the development perimeter when adjacent to a public thoroughfare. The meandering walkway may be located partially in the landscape buffer and partly within the street right of way parkway and must be placed at least one foot off of the curb.

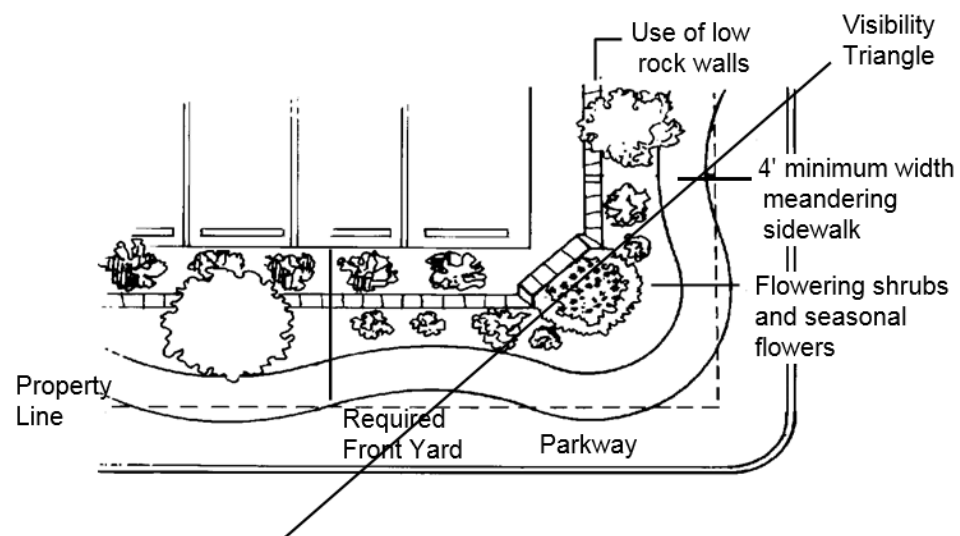
FIGURE 4-16 - LANDSCAPING OF STREET FRONTAGES



b. Desirable Design Attribute

- (1) Utilize low rock walls or other natural landscape features, flowering shrubs and seasonal flowers within the landscape.
- (2) Increasing the minimum width of the landscaped buffer by 20 percent.
- (3) Provide special benches, lighting, or other streetscape amenities along the walkway.

FIGURE 4-17 - LANDSCAPING OF STREET FRONTAGES

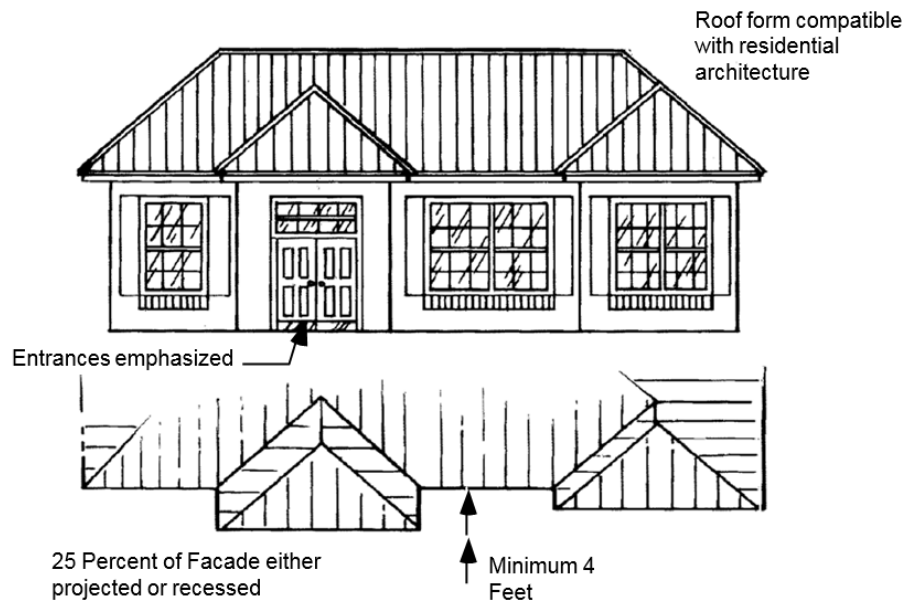


F. Architectural Features

Desired Architectural Design requirements are achieved by projects in accordance with the following criteria:

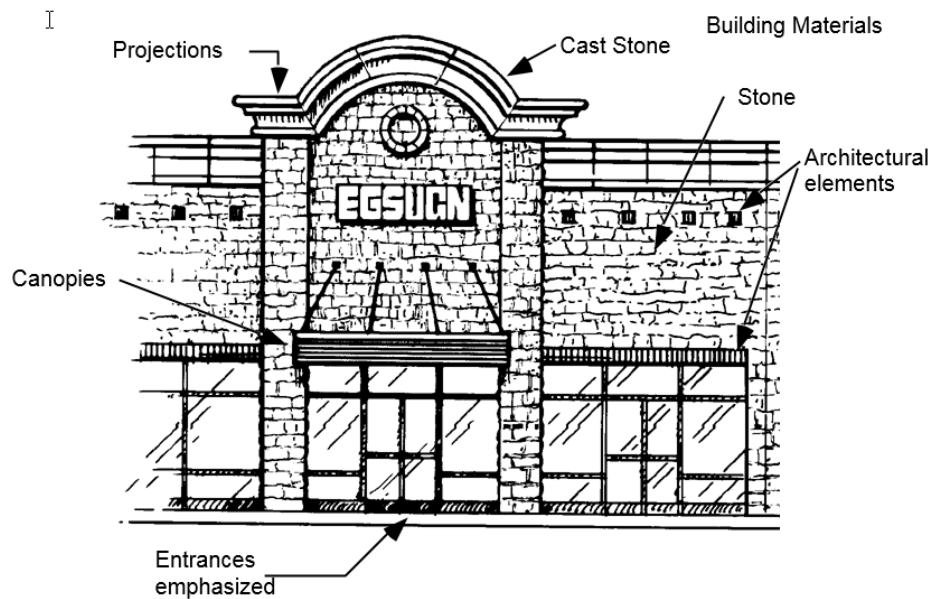
1. Building Materials
 - a. Base Standard
 - (1) Primary materials for buildings in the NS, CR, CC, BG, LI and HI districts shall be constructed of a masonry product with at least 20 percent stone on the front façade. Approved masonry materials include, but are not limited to brick, stone, cast stone, decorative concrete, concrete block, stucco or cementitious fiberboard. Tilt wall construction is permissible in LI and HI districts.
 - (2) EFIS shall not be considered acceptable primary material but shall be accepted when applied as accent or architectural features and shall not exceed 20% of any façade face.
 - (3) Roofs with a pitch greater than 2:12 shall have roofing materials of architectural grade dimension asphalt shingles, concrete or clay roofing tiles, standing seam metal roofing, or slate roofing shingles.
 - (4) Facades, rooflines, and exterior treatment of structures shall be compatible in design, color and materials with surrounding new development within 200 feet of a corner.
 - (5) Subject to the Mayor's or the Mayor's designee's evaluation of alternative exterior material's aesthetic appropriateness, durability and strength, an applicant may appeal alternative design and exterior material inconsistent with adopted standards to City Council.
 - b. Desirable Design Attributes
 - (1) To achieve façade articulation, visual variety and/or architectural detailing buildings shall use two complementary primary facade materials.
 - (2) Provide the same style of building materials throughout the entire block.
2. Building Articulation, Form and Massing
 - a. Base Standard
 - (1) In order to avoid large blank building facades, variations in the elevation of building facades facing a public street shall be provided in both the vertical and horizontal dimensions. Walls shall not exceed a height to width ratio of 1 to 2 without substantial variations in massing that include a change in height and either a projective or recessed element. At least 25 percent of the facade shall be offset a minimum of 4 feet either protruding from or recessed back from the remainder of the facade in NS, CR, CC and BG Districts. At least 20 percent of the front façade shall be offset a minimum of 4 feet either protruding from or recessed back from the remainder of the faced in LI and HI Districts.

FIGURE 4-18 - BUILDING ARTICULATION



- (2) Entrances to buildings shall be emphasized through providing projections, recessed areas, canopies, projections in height, or other architectural elements.
- (3) Ground floor facades facing a public street in a NS, CR, CC or BG district shall have arcades, display windows, entry areas, awnings, or other such features along at least 60 percent of their horizontal length.

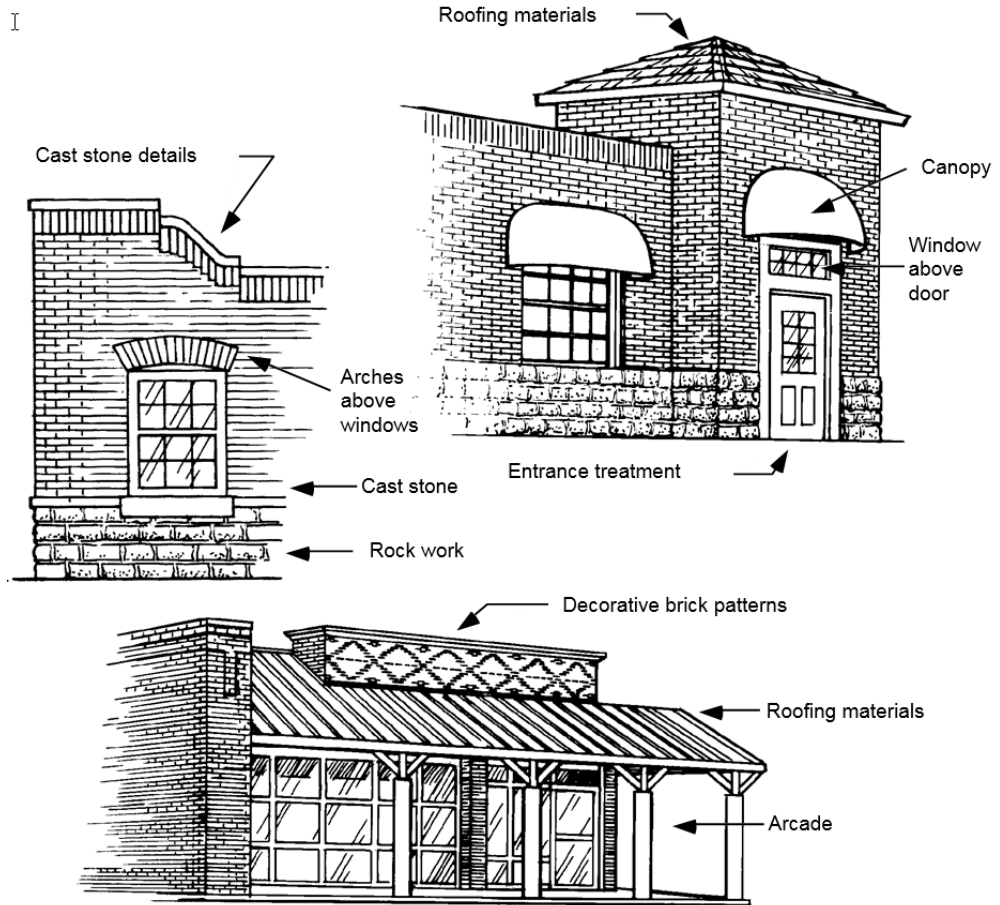
FIGURE 4-19 - BUILDING ARTICULATION



- b. Desirable Design Attributes
 - (1) Application of the base standard to facades not facing a public street, but visible from a public street.

- (2) Use of architectural detailing to provide variety in the visual appearance of the facade of the building. Architectural detailing may be achieved by the harmonious use of materials, colors, or textures.

FIGURE 4-20 - ARCHITECTURAL DETAILS



3. Architectural Compatibility

a. Base Standard

- (1) Buildings in the NS and CR districts shall be designed to maintain architectural compatibility with the residential architecture of the surrounding areas. This may be achieved through the use of building materials, pitched roofs, window and door treatments, landscaping around the base of the buildings, or by other means.
- (2) Buildings within the CC District that are adjacent to residential zoning, or within 200 feet of residential zoning shall be designed to maintain architectural compatibility with adjacent residential architecture. This may be achieved through the use of building materials, pitched roofs, window and door treatments, landscaping around the base of the buildings, or by other means.

b. Desirable Design Attributes:

Buildings with pitch roofs which meet the minimum pitch requirements of residential developments (6:12).

Buildings with pitch roofs developed with hip roof sections, dormers, or two or more gable roof sections at right angles to one another.

ARTICLE 5 USE REGULATIONS

SECTION 5.1 LAND USE CHARTS

Buildings, structures and land shall be used only in accordance with the uses permitted in the following Land Use Tables, subject to all other applicable requirements of this ordinance.

Figure 5-2 District Abbreviations

Abbreviated Designation	Zoning District Name
Residential Districts	
AG-2/20	Agricultural District
SF-1/22	Single Family District
SF-1/4 th /12	Single Family District
Commercial Districts	
NS	Neighborhood Service
CR	Community Retail
CC	Corridor Commercial District
BG	Business Government
Industrial District	
LI	Light Industrial District
HI	Heavy Industrial District
Special Purpose Districts	
PD	Planned Development District
FP	Floodplain District

Figure 5-1 Interpretation of Land Use Charts

Symbol	Meaning
P	The use is permitted as a principal use in that zoning district by right. Additional requirements for this use may be required and are listed in Section 5.2 Listed Uses, Additional Provisions.
P*	The use is permitted; however special provisions are required when located in this district. These provisions are listed in Section 5.2 Listed Uses, Additional Provisions.
S	The use is permitted in that zoning district only after first obtaining a Special Use Permit (SUP) as set forth in 5.4 Special Use Permits.
T	The use is permitted in that zoning district only after first obtaining a Temporary Use Permit (TUP) as set forth in Section 5.5 Temporary Uses and may include additional provisions. A blank square means that the use is not allowed in that zoning district as a principal use.

Figure 5-3 Land Use Tables

PERMITTED USES	Residential Districts			Non-Residential Districts						Parking
A. Agricultural & Animal Related	AG-2/20	SF-1/22	SF- 1/4 /12	NS	CR	CC	BG	LI	HI	
1. Animal Boarding Kennel with Outside Pens	S					S			P	1 per 325 sq ft of main structure
2. Animal Boarding/ Kennel without Outside Pens	S			S	S	P*		P*	P*	1 per 325 sq ft
3. Animal Production	P*									Per approved Site Plan
4. Commercial Greenhouse or Nursery	P*			P*	P*	S			P	1 per 300 sq ft of main structure
5. Crop Production	P*	P*								none
6. Stable (Commercial)	S								P*	1 per 3 stalls

P=Permitted P*=Permitted with additional requirements when located in this district.

S=Special Use Permit T=Temporary Use Permit (L)=Loading spaces are required

PERMITTED USES	Residential Districts			Non-Residential Districts						Parking
B. Residential & Lodging	AG-2/20	SF-1/22	SF-1/4 /12	NS	CR	CC	BG	LI	HI	
1. Assisted Living Apartment				S	P*	S				1 per room (L)
2. Bed & Breakfast Inn	S	S	S	S	P*					1 per room
3. Boarding or Rooming House				P*	P*					1 per room (L)
4. Hotel or Motel					S	P		P	P	1.25 per room (L)
5. Manufactured Home										2 per dwelling
6. Manufactured Home Park										2 per dwelling
7. Multifamily Dwelling										2 per dwelling
8. Single Family Dwelling, Attached	P	P	P							2 per dwelling
9. Single Family Dwelling, Detached	P	P	S							2 per dwelling

P=Permitted P*=Permitted with additional requirements when located in this district.

S=Special Use Permit T=Temporary Use Permit (L)=Loading spaces are required

PERMITTED USES	Residential Districts			Non-Residential Districts						Parking
C. Institutional & Community Service	AG-2/20	SF-1/22	SF-1/4 /12	NS	CR	CC	BG	LI	HI	
1. Cemetery or Mausoleum	S	S							P	Per approved site plan
2. Church/House of Worship	P	P	P	P*	P*	P*	P*	P*	P*	1 per 250 sq ft
3. Civic Center				P	P	P	P	P	P	1 per 300 sq ft
4. College or University	S	S		S	S	P	P	P	P	9 per classroom* (L)
5. Cultural Arts Facility				P*	P*	P	P	P	P	1 per 325 sq ft (L)
6. Day Care Facility	S	S		P*	P*	P*		P*	P*	4 per classroom*
7. Group Home	P*	P*		P*	P*	P*	P*	P*	P*	1 per 2 beds
8. Hospital or Sanitarium					P	P				1 per 2 beds (L)
9. Library				P	P	P	P	P	P	1 per 325 sq ft
10. Mortuary or Funeral Home					S	P			P	1 per 250 sq ft
11. Nursing, Convalescent Home or Hospice					P	P				1 per 4 beds (L)

P=Permitted P*=Permitted with additional requirements when located in this district.
S=Special Use Permit T=Temporary Use Permit (L)=Loading spaces are required

PERMITTED USES	Residential Districts			Non-Residential Districts						Parking
C. Institutional & Community Service Cont	AG-2/20	SF-1/22	SF-1/4 /12	NS	CR	CC	BG	LI	HI	
12. School (Public or Private) Elementary	P*	P*	S	P*	P*	P*	P*	P*	P*	1.5 per classroom (L)
13. School (Public or Private) Secondary	P*	P*	S	P*	P*	P*	P*	P*	P*	7 per classroom
14. School, Business	S	S	S			P		P	P	9 per classroom
15. School, Technical or Trade	S	S	S			P		P	P	9 per classroom (L)

P=Permitted P*=Permitted with additional requirements when located in this district.

S=Special Use Permit T=Temporary Use Permit (L)=Loading spaces are required

PERMITTED USES	Residential Districts			Non-Residential Districts						Parking
D. Office	AG-2/20	SF-1/22	SF-1/4 /12	NS	CR	CC	BG	LI	HI	
1. Financial Institution (with drive-thru)				S	P	P		P		1 per 400 sq ft (L)
2. Financial Institution (without drive-thru)				P	P	P		P	P	1 per 300 sq ft (L)
3. Financial Institution, Alternative				S	S	S		S	S	1 per 250 sq ft (L)
4. General Office				P	P	P		P	P	1 per 400 sq ft (L)
5. Medical Clinic				P*	P	P		P*	P*	1 per 350 sq ft (L)

P=Permitted P*=Permitted with additional requirements when located in this district.
S=Special Use Permit T=Temporary Use Permit (L)=Loading spaces are required

PERMITTED USES	Residential Districts			Non-Residential Districts						Parking
E. Recreational, Entertainment & Amusement	AG-2/20	SF-1/22	SF-1/4 /12	NS	CR	CC	BG	LI	HI	
1. Commercial Amusement or Recreation (Low-Density Inside)				S	P	S		S		1 per 300 sq ft
2. Commercial Amusement or Recreation (High-Density Inside)				S	P	S		S		1 per 100 sq ft
3. Commercial Amusement or Recreation (Outside)					S	S		S		Per approved SUP
4. Community Park, Recreation Center, or Golf Course (Public)	P	P	P	P	P	P	P	P	P	Per approved site plan
5. Country Club or Golf Course (Private)	P	P	P	S	S	P		P	P	4 per green
6. Golf Driving Range	S	S	S	S	S	S		S		1.25 per tee (L)
7. Health Club				P*	P	P		P	P	1 per 200 sq ft
8. Neighborhood Park or Playground	P	P	P	P	P	P	P	P	P	Per approved site plan (L)
9. Sexually-Oriented Business									S	1 per 150 sq ft (L)
10. Shooting Range, Indoor						S			S	1 per 400 sq ft (L)
11. Theater					P	P		S		1 per 200 sq ft

P=Permitted P*=Permitted with additional requirements when located in this district.

S=Special Use Permit T=Temporary Use Permit (L)=Loading spaces are required

PERMITTED USES	Residential Districts			Non-Residential Districts						Parking
F. Retail, Personal Service & Commercial	AG-2/20	SF-1/22	SF-1/4 /12	NS	CR	CC	BG	LI	HI	
1. Animal Clinic or Hospital	S			S	P	P				1 per 400 sq ft (L)
2. Automobile Rental				S	P*	P		P*	P	1 per 400 sq ft (L)
3. Automobile Repair, Major						S		S	P	1 per 400 sq ft (L)
4. Automobile Repair, Minor				S	P	P		P	S	1 per 300 sq ft (L)
5. Body Art Studio								P*	P*	1 per 150 sq ft (L)
6. Car Wash				S	S	S				Per approved SUP (L)
7. Club or Lodge (Non-profit)				P	P	P				1 per 200 sq ft (L)
8. Contractor's Maintenance Yard								S	P	1 per 500 sq ft main structure (L)
9. Dry Cleaning or Laundry, Drop-Off or Self Service				P	P	P		P	P	1 per 350 sq ft (L)
10. Cleaners (Commercial)						S		P*	P*	1 per 1000 sq ft (L)
11. Equipment Rental				S	S	S		P	P	1 per 500 sq ft main structure (L)
12. Food Processing				S	P*	P		P		1 per 1000 sq ft (L)
13. General Merchandise Store				P	P	P	P*	P		1 per 400 sq ft (L)

P=Permitted P*=Permitted with additional requirements when located in this district.

S=Special Use Permit T=Temporary Use Permit (L)=Loading spaces are required

PERMITTED USES	Residential Districts			Non-Residential Districts						Parking
F. Retail, Personal Service & Com., Cont	AG-2/20	SF-1/22	SF-1/4 /12	NS	CR	CC	BG	LI	HI	
14. Grocery Store				S	P	P				1 per 300 sq ft (L)
15. Home Improvement Center, Lumber, Brick, or Building Materials						P		P	P	1 per 400 sq ft (L)
16. Household Equipment & Appliance Repair				P	P	P		P	P	1 per 500 sq ft (L)
17. Motor Vehicle Fueling Station				S	P	P		P	P	Per site plan (L)
18. Pawn Shop								P		1 per 250 sq ft (L)
19. Personal Service Use				P	P	P		P		1 per 250 sq ft (L)
20. Restaurant with Drive-in or Drive-through Service					P*	P*		P *		1 per 150 sq ft (L)
21. Restaurant without Drive-in or Drive-through Service				P*	P*	P*	P*	P*	P*	1 per 75 sq ft (L)
22. Truck, Machinery & Heavy Equipment Sales, Service or Repair								S	S	1 per 600 sq ft of main structure (L)
23. Vehicle Display, Sales or Service						P		P		1 per 500 sq ft (L)

P=Permitted P*=Permitted with additional requirements when located in this district.

S=Special Use Permit T=Temporary Use Permit (L)=Loading spaces are required

PERMITTED USES	Residential Districts			Non-Residential Districts						Parking
F. Retail, Personal Service & Com., Cont	AG-2/20	SF-1/22	SF-1/4 /12	NS	CR	CC	BG	LI	HI	
24. Beer & Wine Package Sales				S	S	S				1 per 250 sq ft (L)
25. Antique Shop (Inside Sales)				S	P*	P*				1 per 250 sq ft (L)
26. Secondhand Goods				S	P*	P*				1 per 250 sq ft (L)
27. Used Merchandise Resale/Consignment or Thrift Shop				S	P*	P*				1 per 250 sq ft (L)

P=Permitted P*=Permitted with additional requirements when located in this district.

S=Special Use Permit T=Temporary Use Permit (L)=Loading spaces are required

PERMITTED USES	Residential Districts			Non-Residential Districts						Parking
G. Utility, Transportation & Public Service	AG-2/20	SF-1/22	SF-1/4 /12	NS	CR	CC	BG	LI	HI	
1. Airport, Heliport or Landing Field						S		P	P	Per approved site plan (L)
2. Animal Shelter								P	P	1 per 750 sq ft of main structure
3. Commercial Bus Station, Terminal or Service Facility							S	P	P	Per approved site plan (L)
4. Commercial Radio or TV Transmitting Station						S	S	P	P	Per approved site plan (L)
5. Electric Substation or Gas Regulator Station								S	P	Per approved site plan
6. Helipad	S	S				S	S	P	P	Per approved site plan
7. Local Utilities	P*	P*	S	P*	P*	P*	P*	P*	P*	Per approved site plan
8. Mounted Antenna	S	S	S	P*	P*	P*	P*	P*	P*	none
9. Police or Fire Station	P	P	S	P	P	P	P	P	P	Per approved site plan
10. Post Office		S	S	P	P	P	P	P	P	Per approved site plan (L)
11. Radio, Television or Microwave Tower	S					S	S	S	S	Per approved SUP
12. Railroad Yard									S	Per approved site plan

P=Permitted P*=Permitted with additional requirements when located in this district.

S=Special Use Permit T=Temporary Use Permit (L)=Loading spaces are required

PERMITTED USES	Residential Districts			Non-Residential Districts						Parking
G. Utility, Trans. & Public Service Cont.	AG-2/20	SF-1/22	SF-1/4 /12	NS	CR	CC	BG	LI	HI	
13. Sewage Treatment Plant	S	S							S	Per approved SUP
14. Telecommunications Tower				S	S	S	S	P*	P*	Per approved site plan
15. Telephone Exchange without Shops or Offices	P	P		S	P	S		P	P	Per approved site plan
16. Transit Passenger Shelter	S			P	P	P	P	P	P	Per approved site plan
17. Utility or Government Installation other than listed				S	S	S		P	P	Per approved site plan
18. Water Treatment Plant, Reservoir or Water Storage								P	P	Per approved site plan

P=Permitted P*=Permitted with additional requirements when located in this district.

S=Special Use Permit T=Temporary Use Permit (L)=Loading spaces are required

PERMITTED USES	Residential Districts			Non-Residential Districts						Parking
H. Industrial & Manufacturing	AG-2/20	SF-1/22	SF-1/4 /12	NS	CR	CC	BG	LI	HI	
1. Asphalt or Concrete Batch Plant									S	Per approved SUP (L)
2. Industrial (Inside)								P*	P*	1 per 1000 sq ft (L)
3. Industrial (Outside)								S	S	Per approved site plan (L)
4. Light Assembly & Fabrication						P		P	P	1 per 1000 sq ft (L)
5. Mining	S								S	Per approved SUP
6. Printing & Publishing						P		P	P	1 per 750 sq ft
7. Salvage or Reclamation of Products (Inside)									S	1 per 1000 sq ft (L)
8. Salvage or Reclamation of Products (Outside)									S	Per approved SUP (L)

P=Permitted P*=Permitted with additional requirements when located in this district.

S=Special Use Permit T=Temporary Use Permit (L)=Loading spaces are required

PERMITTED USES	Residential Districts			Non-Residential Districts						Parking
I. Wholesale, Distribution & Storage	AG-2/20	SF-1/22	SF-1/4 /12	NS	CR	CC	BG	LI	HI	
1. Auto Auction									S	Per approved site plan (L)
2. Contractor's Maintenance Yard						P*		P	P	Per approved site plan (L)
3. Freight Terminal									S	Per approved site plan (L)
4. Landfill									S	Per approved SUP
5. Livestock Auction Pens or Sheds									S	Per approved SUP (L)
6. Mini-warehouse (Self-storage)								S	S	1 per 20 units
7. Office Showroom/Warehouse					S	P		P	P*	1 per 750 sq ft (L)
8. Outside Storage								S	S	Per approved site plan (L)
9. Recycling Collection Center					S	S		S	S	Per approved site plan (L)
10. Warehouse/ Distribution Center								S	S	1 per 1500 sq ft (L)

P=Permitted P*=Permitted with additional requirements when located in this district.

S=Special Use Permit T=Temporary Use Permit (L)=Loading spaces are required

PERMITTED USES	Residential Districts			Non-Residential Districts						Parking
J. Accessory Uses	AG-2/20	SF-1/22	SF-1/4 /12	NS	CR	CC	BG	LI	HI	
1. Accessory Agricultural Buildings	P*	S								None
2. Accessory Community Center (Private)	P*	P*		P*	P*	P*		P*	P*	1 per 300 sq ft
3. Accessory Game Court (Private)	P*	P*		P*	P*	S		P*	P*	None / Per approved site plan
4. Accessory Outside Display of Merchandise				P*	P*	P*		P*		None
5. Accessory Outside Sales					P*	P*				1 per 500 sq ft
6. Accessory Outside Storage					S			P*	P*	None
7. Amateur Communication Tower	P*	P*		P*	P*	P*		P*	P*	None
8. Caretakers Quarters/Domestic or Security Unit	S			P	P	P		P	P	1 per 1000 sq ft
9. Home Occupation	P*	P*								None
10. Private Stable	P*	P*								None
11. Swimming Pool (Private)	P*	P*		P*	P*	P*		P*	P*	None

P=Permitted P*=Permitted with additional requirements when located in this district.

S=Special Use Permit T=Temporary Use Permit (L)=Loading spaces are required

PERMITTED USES	Residential Districts			Non-Residential Districts						Parking
K. Temporary Uses	AG-2/20	SF-1/22	SF-1/4 /12	NS	CR	CC	BG	LI	HI	
1. Christmas Tree Sales				T	T	T		T	T	1 per 1000 sq ft
2. Occasional Sale/Garage Sale	P	P								None
3. Seasonal Sales Stand	T				T	T				1 per 1000 sq ft
4. Temporary Concrete or Asphalt Batch Plant	T			T	T	T		T	T	Per approved site plan
5. Temporary Construction Yard, or Construction or Sales Office				T	T	T	T	T	T	1 per 300 sq ft
6. Temporary Crop Production	p	T		T	T	T		T	T	None
7. Temporary Grazing	T	T		T	T	T		T	T	None
8. Temporary Living Quarters	T	T								2 per dwelling
9. Traveling Show, Carnival or Circus					T	T				Per approved site plan

P=Permitted P*=Permitted with additional requirements when located in this district.

S=Special Use Permit T=Temporary Use Permit (L)=Loading spaces are required

SECTION 5.2 LISTED USES

All permitted districts, required parking, and loading are outlined in Section 5.1 Land Use Charts.

A. Agricultural & Animal-Related Uses

1. Animal Boarding/Kennel with Outside Pens

Definition: A facility or area for keeping 4 or more dogs, cats, or other household pets outside, or where grooming, breeding, boarding, training or selling of animals is conducted as a business. This use does not include Animal Clinics or Hospitals.

2. Animal Boarding/Kennel without Outside Pens

a. Definition: A facility or area for keeping 4 or more dogs, cats, or other household pets, or where grooming, breeding, boarding, training in conjunction with selling of animals is conducted as a business, and where all activities are conducted indoors. This use does not include Animal Clinics or Hospitals.

b. Additional Provisions:

All permitted districts when adjacent to a residential use:

- (1) Rooms containing cages or pens are not permitted to have windows, doors, or other penetrations on exterior walls.
- (2) Areas designated for holding, boarding, or grooming of pets are limited to no more than 10 percent of the gross floor area.

3. Animal Production

a. Definition: Animal production means an area used for the raising of animals and the development of animal products on a commercial basis. Typical uses include cattle and sheep ranching, dairy farming, fish farming, and the raising of poultry. Additional Provisions: AG-2/20 Districts:

- (1) Site must be surrounded by agricultural or industrial zoning or a major arterial on all sides.
- (2) This use shall not be operated on an area less than 5 acres.
- (3) The area used for the production of animals shall be set back from the front, side and rear property line a minimum of 100 feet.
- (4) The area used for the production of large animals, which includes but are not limited to cows, sheep, goats, and horses, shall not be located closer than one-half of a mile to any residential zoning district, and one-quarter of a mile to any commercial zoning district.
- (5) Structures may be erected for a private stable, pen, barn, shed or silo for raising, treating, and storing products raised on the premises. A dwelling unit is also permitted.

SF-1/22 Districts:

- (1) Site must be surrounded by Agricultural or a major arterial on all sides.
- (2) This use shall not be operated on an area less than 10 acres.
- (3) Equine species only. Swine and poultry prohibited.
- (4) The area used for the production of animals shall be set back from the front and rear property line a minimum 150 feet, and from the side property line a minimum of 75 feet.
- (5) Structures may be erected for a private stable, pen, barn, shed or silo for raising, treating, and storing products raised on the

premises as an accessory structure only, and may not exceed 2% of the lot area.

4. **Commercial Greenhouse or Nursery**

- a. Definition: Commercial greenhouse & nursery means a facility for the cultivation of plants within a protected environment on a commercial basis.
- b. Additional Provisions:
 - AG District: Limited retail sales are permitted on-site subject to the following conditions:
 - (1) Retail sales are permitted at all times as part of the commercial greenhouse and nursery use when the retail sales do not exceed 10 percent of the total greenhouse floor area.
 - (2) Up to 100 percent of the total greenhouse floor area may be devoted to retail sales activities during an occasional greenhouse sale. No more than 4 occasional greenhouse sales may be conducted during any 12-month period. Each occasional greenhouse sale shall be limited in duration to no more than 3 consecutive calendar days.
 - NS & CR Districts:
 - (1) Use shall be limited to 5,000 square feet of land area.
 - (2) Inside retail sales permitted.
 - (3) All outside storage shall be screened from adjacent properties and streets.

5. **Crop Production**

- a. Definition: Crop production means an area used for the raising or harvesting of agricultural crops intended to provide food or fiber.
- b. Additional Provisions:
 - (1) Crop production shall require at least a 5-acre land area.
 - (2) Structures maybe erected for a private pen, barn, shed or silo of the treating and storing of products raised on the premises.

6. **Stable, Commercial**

- a. Definition: Commercial stable means a facility for the business of boarding or renting horses to the public.
- b. Additional Provisions: All permitted districts:
 - (1) Commercial stables shall require at least a 5-acre area. Animal/land ratio shall comply with requirements of the City of Nevada Health Code.
 - (2) A commercial stable shall have sufficient drainage and other facilities so as not to create offensive odors, insect or rodent breeding, or other nuisances.
 - (3) A pen, corral, or similar enclosure shall have a minimum front setback of 50 feet and a minimum side setback of 30 feet from the property line. In addition, they may not be located any closer than 100 feet to the dwelling on the premises or 100 feet to any property line. This provision does not apply to perimeter fences which may be located along the property line.
 - (4) Additional parking may be required for the parking of trailers if any events are planned or conducted on the property which will draw

horses from other stables or other conditions are specifically identified that require parking of horse trailers on the property.

B. Residential & Lodging Uses

1. Assisted Living Apartment

- a. Definition: An establishment that furnishes, in one or more facilities, food and shelter to five or more persons who are unrelated to the proprietor of the establishment and that provides personal care services as defined by Chapter 247 of the Texas Administrative Code. Personal care services include assistance with meals, dressing, movement, bathing, or other personal needs or maintenance; the administration of medication; or the general supervision or oversight of a person's physical and mental well-being. The term does not include a Nursing, Convalescent Home or Hospice.
- b. Additional Provisions: All permitted districts:
 - (1) Retirement housing may contain suites for the use of residents. Suites are defined as one or more rooms designed to accommodate one family containing living, sanitary and sleeping facilities, but not containing a kitchen.
 - (2) One dwelling unit or suite may be designated as caretakers.
 - (3) The facility shall have access to a collector or larger street.

2. Bed & Breakfast Inn

- a. Definition: A house, or portion of a house, where short term lodging rooms and meals are provided. The operator of the inn shall live on the premises or in adjacent premises.
- b. Additional Provisions: All permitted districts:
 - (1) The number of guest rooms is limited to 6.
 - (2) Cooking facilities for guest rooms are not permitted.
 - (3) Individual guest occupancy is limited to no more than one month in any 3- month period.CR district:
 - (1) This use may only be permitted in existing structures.
 - (2) The renovation of existing structures to accommodate this use shall maintain the existing character of the neighborhood.

3. Boarding or Rooming House

- a. Definition: Boarding or rooming houses means a facility that has 5 or fewer guest rooms that are rented separately to occupants.
- b. Additional Provisions: All permitted districts:
 - (1) This use may serve meals to the occupants.
 - (2) This use may not have kitchens in the guest rooms.NS & CR districts:
 - (1) This use may only be permitted in existing structures.
 - (2) The renovation of existing structures to accommodate this use shall maintain the existing character of the neighborhood.

4. Hotel or Motel

- a. Definition: Hotel means a building or group of buildings whose main function is to provide rooms for temporary lodging where entrance to each room is gained from a completely enclosed area and which structure may also contain a restaurant, conference rooms, and various personal service shops. Motel means a building or group of buildings whose main function is to provide rooms for temporary lodging in which the rooms are directly accessible from an outdoor parking area.

- b. Additional Provisions:
DTH: No motels are permitted.
- 5. Single Family Dwelling, Detached
Definition: Single family dwellings means one dwelling unit located on a lot.

C. Institutional & Community Service Uses

- 1. Cemetery or Mausoleum
Definition: Cemeteries & mausoleum means:
 - (1) A cemetery is a place designated for burial of the dead.
 - (2) A mausoleum is a building with places for the entombment of the dead.
- 2. Church/House of Worship
 - a. Definition: Church means a facility used for people to gather together for public worship, religious education, or other religious activities.
 - b. Additional Provisions: All permitted districts:
 - (1) The following structures, when located on top of a church building, are excluded from the height measurements of the church building:
 - (a) belfries, bell towers, campaniles, or carillons;
 - (b) crosses;
 - (c) cupolas, spires, or steeples; or
 - (d) similar architectural appurtenances used as religious symbols.
 - (2) A rectory, convent, or monastery is permitted as an accessory use. These accessory uses may be located on a separate lot and are not subject to the area limitations in Article 3 Residential District Regulations.
- 3. Civic Center
Definition: A Civic Center is a building or complex of buildings that house municipal offices and services, and which may include, but are not limited to, cultural, recreational, athletic, convention or entertainment facilities owned, managed, or operated, in whole or in part by a governmental agency.
- 4. College or University
Definition: A college or university is an academic institution of higher learning beyond the level of secondary school.
- 5. Cultural Arts Facility
 - a. Definition: Cultural arts facilities means a facility for the development, production, and presentation of the visual and performing arts, including live theater, dance, music, painting, sculpture, and crafts.
 - b. Additional Provisions:
NS & CR districts: Structure shall be no more than 10,000 square feet in area.
- 6. Day Care Facility
 - a. Definition: Day care facility means a facility that provides care, training, education, custody, treatment, or supervision for 7 or more persons who are unable to care for themselves and who are not related by blood, marriage, or adoption to the owner or operator of the facility, whether or not the facility is operated for profit or charges for the services it offers. This use does not include:
 - (1) A facility that is accessory to a use, such as a shopping center, business, religious institution or other establishment, where children or adults are cared for during short periods of time while

- parents or persons responsible for them are engaging in activities related to the primary use; or
 - (2) A facility that operates solely for educational instruction to children in grades kindergarten through at least grade two, that does not provide custodial care for more than one hour during the hours before or after the customary school day.
 - b. Additional Provisions: All permitted districts:
 - (1) No overnight accommodations shall be provided.
 - (2) State license required.
- 7. Group Home
 - a. Definition: A facility providing food and shelter, personal guidance, care, rehabilitation services, or supervision for not more than 6 disabled persons, regardless of their legal relationship to one another, and 2 supervisory personnel. A group home is a community-based residential home operated by the Texas Department of Mental Health and Mental Retardation Act, which provides services to disabled persons, or a nonprofit entity certified by the Texas Department of Human Resources as a provider under the intermediate care facilities for the mentally retardation program.
 - b. Additional Provisions:
 - (1) State license required.
 - (2) No group home shall be established within 750 feet of another group home.
- 8. Hospital or Sanitarium

Definition: Hospitals & sanitariums mean an institution where sick or injured patients are given medical treatment.
- 9. Library

Definition: Library means a nonprofit establishment for the loan or display of books.
- 10. Mortuary or Funeral Home

Definition: Mortuary, funeral home means a facility in which dead bodies are prepared for burial or cremation and where funeral services may be conducted.
- 11. Nursing, Convalescent Home or Hospice
 - a. Definition: Nursing, convalescent home or hospice means an establishment, in single or multiple facilities, which provides lodging and skilled nursing care for elderly, disabled, chronically ill or convalescent patients. The facility may also provide minor medical treatment under the direction and supervision of a physician.
This use does not include:
 - (1) A hotel or similar place that furnishes only food and lodging, or either, to its guests;
 - (2) A hospital; or
 - (3) An assisted living apartment.
 - b. Additional Provisions: MF District:
 - (1) The minimum parcel size required shall be 10,000 square feet.
 - (2) The maximum number of beds per acre shall be 50.
 - (3) Facility shall be located on a collector street or larger.
- 12. School, Public or Private, Elementary
 - a. Definition: Schools, public or private, elementary means an educational institution that has a curriculum for kindergarten and/or elementary education.
 - b. Additional Provisions: All permitted districts:

Pick-up and drop-off areas which will accommodate 4 school buses shall be provided on-site.

13. School, Public or Private, Secondary
 - a. Definition: Schools, public or private, secondary means an educational institution that has a curriculum for secondary education, or post-secondary education.
 - b. Additional Provisions: All permitted districts:
 - (1) Secondary schools shall be located on a collector or larger street.
 - (2) Pick-up and drop-off areas which will accommodate 6 school buses shall be provided on-site.
14. School, Business
Definition: School, business means a facility offering instruction and training in a service or the arts such as secretarial, barbering, cosmetology, commercial arts, computer operations, and similar training.
15. School, Technical or Trade
Definition: School, technical or trade means an establishment offering instruction and training in technical and skilled trades or crafts such as auto repair, cooking, welding, bricklaying, machinery operation, electronic and electrical services, plumbing, or other similar trades or crafts.

D. Office Uses

1. Financial Institution, with drive-through
 - a. Definition: Bank headquarters or branch of a financial institution with drive-through window means a facility granted a charter under the Texas Department of Banking as a state-chartered bank, savings and loan, or credit union for the custody, loan or exchange of money, and the extension of credit that provides drive-in window service for customers in motor vehicles. This term excludes a check cashing or payday loan establishment, loan or mortgage broker, stockbroker or other financial institution without a state bank charter. An automatic teller machine is not considered a bank.
 - b. Additional Provisions:
The minimum stacking space for the first vehicle stop for a commercial drive-through shall be 100-feet, and 40-feet thereafter, for any other stops.
2. Financial Institution, without drive-through
Definition: Bank headquarters or branch of a financial institution without drive-through window means a facility granted a charter under the Texas Department of Banking as a state-chartered bank, savings and loan, or credit union for the custody, loan or exchange of money, and the extension of credit that does not provide drive-in window service for customers in motor vehicles. This term excludes a check cashing or payday loan establishment, or other financial institution without a state bank charter. An automatic teller machine is not considered a bank.
3. Financial Institution, Alternative
 - a. Definition: A non-depository, check cashing business, payday advance or loan establishment, money transfer business holding a Money Transmission or Currency Exchange license with the Texas Department of Banking, car title loan business or a stand-alone automatic teller machine on a single lot as a primary use.
 - b. Additional Provisions: In addition to requiring a Specific Use Permit, an Alternative Financial Institution as defined in Section 5.1.D.3, shall comply with the following regulations:
 - (1) Hours of operation shall be established by City Council;

- (2) No outside queuing;
 - (3) Must have an indoor waiting area large enough to accommodate all customers;
 - (4) A lot containing an alternative financial institution shall be located at least 1,000 feet from any lot containing another alternative financial institution, as measured in a straight line between the nearest point from one property line to the other property line.
 - (5) No lot containing an alternative financial institution shall be located within 500 feet of the rights-of-way for any 4 lane divided or greater thoroughfare as indicated on the most current Thoroughfare Plan.
 - (6) A lot containing an alternative financial institution shall be located at least 300 feet from any lot zoned or used for residential purposes, as measured in a straight line between the nearest points of one property line to the other property line.
- 4. General Office
Definition: General office means a place for the regular transaction of business.
 - 5. Medical Clinic
 - a. Definition: Medical clinic means a facility for examining, consulting with, and treating patients with medical, dental, or optical problems on an out-patient basis.
 - b. Additional Provisions:
NS District: If the building is over 5,000 square feet, an SUP is required.
LI and HI Districts: May only occupy up to 10 percent of the gross floor area of a building.

E. Recreational, Entertainment & Amusement Uses

- 1. Commercial Amusement or Recreation, Inside
 - a. Low-Density
Definition: Low-Density Commercial Amusement, Inside means a facility wholly enclosed in a building that offers entertainment or games of skill to the general public for a fee, where the space used by the equipment for the games or entertainment preclude occupancy of a majority of the floor space. These types of uses include, but are not limited to bowling alleys, miniature golf, and practice cages.
 - b. High-Density
Definition: High-Density Commercial Amusement, Inside means a facility wholly enclosed in a building that offers entertainment or games of skill to the general public for a fee, where a majority of the floor area is usable for occupancy. This use typically include but are not limited to billiard parlors, arcades, and other coin- operated machines.
- 2. Commercial Amusement or Recreation, Outside
Definition: Commercial amusement, outside means a facility offering entertainment or games of skill to the general public for a fee where any portion of the activity takes place outside.
- 3. Community Park, Recreation Center, or Golf Course, Public
Definition: Community park, recreation center, or golf course means a large scale recreation facility or park owned or operated by a public agency and available to the general public, typically over 10 acres in size and equipped with active recreation facilities and equipment which draws patrons from the entire community.
- 4. Country Club or Golf Course, Private

Definition: Country Club or Golf Course with private membership means a private recreational club containing a golf course and a club house that is available only to the country club membership and their guests.

5. Golf Driving Range

Definition: Golf Driving Range is an area used for hitting golf balls. A driving range may include an indoor management office.

6. Health Club

a. Definition: An establishment that provides facilities for aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities, and saunas, showers, massage rooms, and lockers.

b. Additional Provisions:

MF and MH District: Health club shall be integrated into the residential development and shall be open to residents only.

NS District: If the building is over 5,000 square feet, an SUP is required.

7. Neighborhood Park or Playground

a. Definition: Neighborhood park or playground means a recreation facility or park owned or operated by a public agency and available to the general public, typically under 10 acres in size and equipped with passive recreation facilities and limited equipment which draws patrons from the immediate neighborhood.

b. Permitted Districts: See Land Use Charts in Section 5.1.

c. Required Parking:

When parking is required, the number shall be determined during a site plan review process that considers:

(a) The proposed mix of recreation uses and their operating characteristics;

(b) Experience with similar recreation facilities; and

(c) The following general standards when applicable:

i. 3 spaces for every game court;

ii. One space for every additional 150 square feet of floor area in structures; and

iii. 70 spaces for every playing field or diamond used for league play.

d. Required Loading: None

e. Additional Provisions: No parking is required when the use: is less than 3 acres in size, is completely located within a residential neighborhood, has no structural facilities beyond playground equipment, and is not adjacent to a collector or larger street. Otherwise parking is determined by the site plan.

8. Sexually-Oriented Business

a. Definition: An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or massage establishment.

b. Additional Provisions: This use shall meet all requirements of the Chapter 26 "Businesses" of the City of Nevada Code, Article III Massage Establishments and Article IV Sexually Oriented Businesses.

9. Shooting Range, Indoor

Definition: Indoor shooting range means an indoor facility where individuals may discharge firearms in a controlled setting for the purposes of testing accuracy, for training, or for sport.

10. Theater
Definition: Theater means a facility for showing motion pictures or staging theatrical performances or other performing arts to an audience inside an enclosed structure.

F. Retail, Personal Service & Commercial Uses

1. Animal Clinic or Hospital
 - a. Definition: Animal clinic means a facility for the diagnosis, treatment, and hospitalization of animals including, but not limited to dogs, cats, birds, and horses.
 - b. Additional Provisions:
All permitted districts when adjacent to a residential use:
 - (1) Rooms containing cages or pens are not permitted to have windows, doors, or other penetrations on exterior walls.
 - (2) Areas designated for holding, boarding, or grooming of pets are limited to no more than 10 percent of the gross floor area.
2. Automobile Rental
 - a. Definition: Automobile rental means a facility for the rental of vehicles including automobiles, vans, and light trucks under 6,000 pounds gross vehicle weight.
 - b. Additional Provisions: CR and L I Districts:
 - (1) Passenger vehicles only.
 - (2) No more than 20 rental vehicles shall be stored on the site at any one time.
3. Automobile Repair, Major
Definition: Garage for repair & rebuilding of personal vehicles means a facility for the repair, maintenance, and restoration of vehicles under 6,000 pounds gross vehicle weight. This use includes engine rebuilding and body work and painting necessary for the restoration of motor vehicles.
4. Automobile Repair, Minor
 - a. Definition: Auto service center means a facility for the servicing or minor repair of automobiles. This use may include the retail sales of lubricating oils, tires, or parts for use in motor vehicles. Minor repairs include replacement of engine, transmission, chassis and drive train parts, tune-up and adjustments of motor vehicle engines and systems, and the replacement and repair of minor body parts such as windshields and windows and body trim parts. This use does not include rebuilding of engines or the restoration and painting of motor vehicles.
 - b. Additional Provisions: NS District:
 - (1) All activities and operations shall be conducted entirely within an enclosed structure.
 - (2) Noise from bells or loudspeakers shall not be audible beyond the property line at any time.
 - (3) Openings in service bays shall not face public rights-of-way and shall be designed to minimize visual intrusion into adjoining properties.
5. Body Art Studio
 - a. Definition: An establishment whose services include tattooing and/or body piercing. Tattooing shall mean the placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or

puncture the skin. Body piercing shall mean the creation of an opening in an individual's body, other than ear piercing, to insert jewelry or another decoration.

- b. Additional Provisions: Certifications of Occupancy for Body Art Studios must be held by a person licensed by the State of Texas, and such facilities must meet all environmental health requirements of the City of Nevada. Body Art Studios must be set back 1,000 feet from any other Body Art Studio; Residential Zoning District; Church; Public, Private or Parochial School; and Day Care.

6. Car Wash

- a. Definition: Car wash means a facility for the washing or cleaning of vehicles. A car wash may be:

- (1) a single unit type which has a single bay or a group of single bays with each bay to accommodate one vehicle only where a person uses a high pressure hose to wash the vehicle by hand; or
- (2) an automated single unit type which has a single bay to accommodate one vehicle at a time; or
- (3) a tunnel unit type which allows washing of multiple vehicles in a tandem arrangement while moving through the structure.

- b. Additional Provisions:

- (1) The following off-street stacking spaces are required:

Type of Car Wash	Total Number of Stacking Spaces Required
Single unit, not automated	2
Automated single	2
Tunnel unit	5

- (2) Bay openings shall not face public streets or adjoining residential properties.
- (3) All washing facilities shall occur under a roofed area with at least two walls.
- (4) Vacuuming and/or detailing area may be outside the building but shall not be within 50 feet of the front property line and shall not be closer than 100 feet from any residential district.
- (5) Vacuuming and/or detailing area may be outside the building, but shall not be within 200 feet of the rights-of-way for any 4 lane divided or greater thoroughfare as indicated on the most current Thoroughfare Plan.
- (6) The building shall not be less than 150 feet from any residential district.
- (7) A permanent screening fence or wall not less than six feet in height shall be constructed along any site property line which abuts a residential district. During site plan review, the council may allow a living screen to be combined with or in lieu of the solid screening.

7. Club or Lodge, Non-profit

Definition: Club or lodge, non-profit means a facility providing for the activities of private service organizations and clubs that operate on a non-profit basis.

8. Contractor's Maintenance Yard

Definition: Contractor's maintenance yard means a facility for the storage and maintenance of contractor's supplies and operational equipment.

9. Dry Cleaning or Laundry, Drop-Off or Self Service

a. Definition: Dry cleaning, laundry store means a facility for the cleaning of garments, principally for individuals. This use may be either:

- (1) a facility where patrons do their own cleaning; or
- (2) a facility where the cleaning is done by employees of the establishment.

b. Additional Provisions:

- (1) The minimum stacking space for the first vehicle stop for a commercial drive- through shall be 100-feet, and 40-feet thereafter, for any other stops.
- (2) DTH: No drive through window service.

10. Cleaners, Commercial

a. Definition: A Commercial Cleaners is a facility or area for cleaning items in bulk quantities such as clothes and linens. This definition includes cleaning for hospitals, restaurants, hotels, diaper cleaning services and other similar accounts, as well as rug and dry cleaning plants where on-premise retail services to individual households are incidental to the operation of the plant.

b. Additional Provisions:

Discharge of fumes into the atmosphere is prohibited.

11. Equipment Rental

a. Definition: Equipment Rental means a facility for renting tools and heavy equipment.

b. Additional Provisions: None.

12. Food Processing

a. Definition: A facility in which food for human consumption is provided in the final form, such as candy, baked goods and ice cream, and the food is distributed to retailers or wholesalers for resale on or off the premises. The term does not include food or beverage processing which uses any mechanized assembly line production of canned or bottled goods.

b. Additional Provisions:

CR District: Structure must be 10,000 square feet or less.

13. General Merchandise Store

Definition: General merchandise means a retail store for the sale or trade of general merchandise. Typical general merchandise includes clothing and other apparel, equipment for hobbies and sports, including bicycles, gifts, flowers and household plants, dry goods, toys, furniture, antiques, books and stationary, pets, drugs, auto parts and accessories, and similar consumer goods. The term "food store" includes a grocery, delicatessen, and convenience and specialty foods stores. This use does not include other uses in this article that are specifically listed.

14. Food Store

Definition: Food store means a retail store for the sale of food. This definition includes general merchandise stores, such as convenience stores, supercenters, and pharmacies that have 20% or more of the floor space, including aisle space, dedicated to food stuffs. This use does not include other uses in this article that are specifically listed.

15. Home Improvement Center, Lumber, Brick, or Building Materials

Definition: Home improvement centers, lumber, brick, or building materials means a facility for the sale of home, lawn, and garden supplies, bricks, lumber, and similar building materials.

16. Household Equipment & Appliance Repair

Definition: Household equipment and appliance repair means a facility for the repair of household and home equipment, including appliances, lawnmowers, power tools, and similar items.

17. Motor Vehicle Fueling Station

a. Definition: Motor Vehicle Fueling Station means a building or covered premises used for the dispensing and sale of fuels or oils and accessories for the motor vehicle trade, together with automatic car wash facilities.

b. Additional Provisions: NS District:

(1) SUP required and the additional conditions in 2 through 5 below.

(2) All commercial activities and operations shall be conducted entirely within an enclosed structure, except as follows:

(a) The dispensing of petroleum products, water and air from pump islands.

(b) The sale of items via vending machines which shall be located next to the main structure.

(3) Pump islands shall be located a minimum of 45 feet from a street right-of-way line. A canopy or roof structure over a pump island may be located no closer than 35 feet from the street right-of-way line.

(4) One off-street stacking space is required for each pump and water/air dispenser.

(5) No used or discarded automotive parts or equipment or disabled, junked, or wrecked vehicles shall be located in any open area outside the main structure.

(6) Noise from bells or loudspeakers shall not be audible beyond the property line at any time.

18. Pawn Shop

a. Definition: Pawn Shop means a facility licensed with the Consumer Credit Commissioner to loan money on the security of personal property and the sale of unclaimed property by a pawnbroker who is authorized to legally transact business in accordance with Chapter 371 of the Finance Code and as amended.

b. Additional Provisions: Must be licensed in accordance with the Texas Finance Code Chapter 371, and as amended.

19. Personal Service Use

Definition: Personal service use means a facility for the sale of personal services. Personal service uses include, but are not limited to a barber/beauty shop, shoe repair, a tailor, an instructional arts studio, a photographic studio, a handcrafted art work studio, a travel bureau, and duplicating shop.

20. Restaurant with Drive-in or Drive-through Service

a. Definition: Restaurant with drive-in or drive through service means

(1) A restaurant with drive-in service is an establishment principally for the sale and consumption of food where food service is provided to customers in motor vehicles for consumption on the premises.

(2) A restaurant with drive-through service is an establishment principally for the sale and consumption of food which has direct

window service allowing customers in motor vehicles to pick up food for off-premises consumption.

b. Additional Provisions:

- (1) The minimum stacking space for the first vehicle stop for a commercial drive-through shall be 100-feet, and 40-feet thereafter, for any other stops.
- (2) CR District: Drive through and stacking area shall not be located adjacent to residential uses.
- (3) The "Additional Provisions" listed in paragraph 21, subpart e., below, for "Restaurants without Drive-in or Drive-through Service" shall apply to Restaurants with Drive-in or Drive-through Service that sell alcohol.

21. Restaurant without Drive-in or Drive-through Service

- a. Definition: Restaurant without drive-in or drive through service means an establishment principally for the sale and consumption of food on the premises.
- b. Additional Provisions: Restaurants that sell alcohol shall be subject to compliance with the Texas Alcoholic Beverage Code, as it exists or may be amended, and to the following development criteria:
 - (1) Restaurants are only permitted to sell alcohol by right if the subject property was located within the City limits as of May 13, 2006. For property annexed into the City after May 13, 2006, a restaurant that sells alcohol must obtain a permit for a Private Club from the Texas Alcoholic Beverage Commission for the ability to sell alcohol.
 - (2) A restaurant that sells alcohol shall not be located closer than 300 feet to a church and/or public hospital measured along the property lines of the street fronts from front door to front door, and in direct lines across intersections.
 - (3) A restaurant that sells alcohol shall not be located closer than 300 feet to a public or private school measured in a direct line from property line to property line, and in direct lines across intersections.
 - (4) The distance between a restaurant that sells alcohol and a private school can be increased to 1,000 feet if the City Council receives a request from the governing body of the private school to do so.
 - (5) Restaurants that derive more than 75% of their revenue from the sale of alcohol are only permitted by specific use permit and may only be located in the zoning districts where the applicable type of restaurant is designated as "P*" on the Land Use Chart, Section 5.1, Subsection F, paragraph 20 or 21 of this Article 5.
- c. Additional Provisions for BG District: Restaurant Use must be incorporated into the Civic Center facility and owned, managed, operated, or contracted through, in whole or in part by a governmental agency.

22. Truck, Machinery & Heavy Equipment Sales, Service or Repair

Definition: Truck, machinery and heavy equipment sales, service or repair means a facility for the display, sales, servicing and, or repair of trucks, machinery and heavy equipment. This use includes farm equipment and recreational vehicles over 6,000 pounds in weight.

23. Vehicle Display, Sales or Service

Definition: Vehicle display, sales, and service means a facility for the display, service and retail sale of new or used automobiles, boats, trucks, motorcycles, motor scooters, recreational vehicles, aircraft, or trailers.

24. Beer & Wine Package Sales.

- a. Definition: An establishment, including but not limited to General Merchandise or Food Store of any size or Motor Vehicle Fueling Station, engaged in the selling of beer and/or wine to the general public for off-site personal or household consumption and rendering services incidental to the sale of such goods.
- b. Additional Provisions: Beer & Wine Package Stores shall be subject to compliance with the Texas Alcoholic Beverage Code, as it exists or may be amended, and to the following development criteria:
 - (1) The establishment shall not be located closer than 300 feet to a church and/or public hospital measured along the property lines of the street fronts from front door to front door, and in direct lines across intersections.
 - (2) The establishment shall not be located closer than 300 feet to a public or private school measured in a direct line from property line to property line, and in direct lines across intersections.
 - (3) The distance between a Beer & Wine Package Sales Establishment and a private school can be increased to 1,000 feet if the City Council receives a request from the governing body of the private school to do so.
 - (4) Beer sales are not permitted in residential areas. Residential areas include properties that are zoned in any Residential District category or a planned development that allows residential component, because these zoning districts are part of the neighborhood(s) within which they are located. Notwithstanding, a planned development ordinance may allow for Beer & Wine Package Sales at designated locations in the planned development that meet the requirements set forth herein.
 - (5) Beer & Wine Package Sales establishments that derive more than 75% of their gross revenue from the sale of beer and/or wine:
 - (a) Are permitted only by Specific Use Permit in the NS, CR, CC, LI, HI and DTH zoning districts;
 - (b) Shall not be located closer than 1,500 feet from another Beer & Wine Package Sales Establishment that derives more than 75% of its gross revenue from the sale of beer and/or wine, measured building-to-building (or outer wall of the lease space) in a straight line;
 - (c) Shall not be located closer than 800 feet from the building to the property line of a residential zoning district, including residential portions of a planned development zoning district; and
 - (d) Shall not be located closer than 1,500 feet from the property line of a City park, or the property line of a property owned by a church, public hospital, public or private school, public or private college/university, rehabilitation care institution, or child or adult day care, measured in a straight line from front door of the

establishment to the nearest property line of a residential zoning district, City park, church, public or private hospital, public or private school, public or private college/university, rehabilitation center, or child or adult day care.

25. Antique Shop (Inside Sales)
- a. Definition: A retail establishment engaged in the selling of works of art, furniture, or other artifacts of an earlier period, with all sales and storage occurring inside a building. An Antique Shop is differentiated from a "Used Merchandise Store, Resale or Consignment Shop", in that it does not market common, contemporary used household good, clothing or furnishes, rather it deals primarily in vintage and nostalgia items (generally over 50 years old) and in antiques (generally over 100 years old) from past ears.
 - b. Additional Provisions:
 - (1) SUP required in NS District.
 - (2) Outside displays are permitted only in areas designated on the site plan filed with the City.
 - (3) Outdoor display areas may not exceed five percent of the primary building floor area. (Building area is defined as the entirely enclosed portion of the primary building or lease space.)
 - (4) Outdoor display may occupy up to twenty percent of a covered sidewalk that is adjacent to the subject building. Such display shall not impede pedestrian use of the sidewalk and at least a five foot passable distance shall be maintained.
 - (5) All sales and storage occurs inside.
26. Secondhand Goods
- a. Definition: Secondhand Goods means a facility and/or Dealer who purchases regulated property for the purpose of resale. Regulated property means any new or used: Electronic equipment; business machines; photographic equipment; power tools; musical instruments; firearms; jewelry; crafted precious metals; compact discs and cassette tapes; or Recreational sporting goods and equipment.
 - b. Additional Provisions: All permitted districts:
 - (1) SUP required in NS District.
 - (2) A Secondhand facility and/or Dealer must adhere to the standards of Chapter 94 of the City Code of Ordinances and as amended.
 - (3) Outside displays are permitted only in areas designated on the site plan filed with the City.
 - (4) Outside placement of an item overnight is prohibited.
 - (5) Outdoor display areas may not exceed five percent of the primary building floor area. (Building area is defined as the entirely enclosed portion of the primary building or lease space.)
 - (6) Outdoor display may occupy up to twenty percent of a covered sidewalk that is adjacent to the subject building. Such display shall not impede pedestrian use of the sidewalk and at least a five foot passable distance shall be maintained.
 - (7) No outdoor display may be located in any portion of a parking lot.
 - (8) Outside sales of merchandise are prohibited.
27. Used Merchandise/Resale Shop/Consignment or Thrift Store:

- a. Definition: An establishment that generally markets common, contemporary used household goods, clothing or furnishings on a straight “for sale” or consignment basis. This term includes a used merchandise store that is operated by a non-profit, charitable or religious organization.
- b. Additional Provisions:
 - (1) SUP required in NS District
 - (2) Outside displays are permitted only in areas designated on the site plan filed with the City.
 - (3) Outdoor display areas may not exceed five percent of the primary building floor area. (Building area is defined as the entirely enclosed portion of the primary building or lease space.)
 - (4) Outdoor display may occupy up to twenty percent of a covered sidewalk that is adjacent to the subject building. Such display shall not impede pedestrian use of the sidewalk and at least a five-foot passable distance shall be maintained.

G. Utility, Transportation & Public Service Uses

- 1. Airport, Heliport or Landing Field
Definition: Airport, heliport, or landing field means a facility for the taking-off or landing of fixed or rotary wing aircraft.
- 2. Animal Shelter
Definition: Animal Shelter means a public or non-profit facility for the harboring of animals including, but not limited to dogs, cats, and other household pets.
- 3. Commercial Bus Station, Terminal or Service Facility
Definition: Commercial bus station and terminal means a privately owned or operated facility for the boarding and discharge of bus passengers.
- 4. Commercial Radio or TV Transmitting Station
Definition: Commercial radio & TV transmitting station means a facility for the transmission of commercial programming by radio or television within the commercial band of the electromagnetic spectrum.
- 5. Electric Substation or Gas Regulator Station
Definition: Electric substation & gas regulator station means a facility for the transforming of electricity or the reduction in gas pressure for distribution to individual customers.
- 6. Helipad
Definition: Helipad means a landing area used for the taking off or landing of helicopters for the purpose of picking up and discharging passengers or cargo. This facility is not open to use by any helicopter without prior permission having been obtained.
- 7. Local Utilities
 - a. Definition: Local utilities means electrical power, telephone, gas, water, and sewer drainage lines; air pollution monitoring stations and flood staging stations; and, unmanned, in-line facilities such as water wells, or pumping stations, telephone exchanges, switching, and transmitting equipment, including cellular telephone cell sites that are operated by the City or by a public service utility company. This use does not include any use otherwise listed in this Chapter.
 - b. Additional Provisions: All permitted districts:
Above-ground storage tanks are not permitted under this use.
- 8. Mounted Antenna

- a. Definition: Mounted Antenna means an antenna that is attached to a permitted structure.
- b. Additional Provisions: All permitted districts:
 - (1) Antennas mounted on buildings.
 - (a) Roof-mounted telecommunications antennas are allowed on buildings in all zoning districts, provided:
 - (b) a non-whip antenna does not exceed the height of the building by more than 10 feet and is screened from view from any adjacent public roadway, and
 - (c) a whip antenna does not exceed the height of the building by more than 15 feet and is located no closer than 15 feet to the perimeter of the building.
 - (d) Prior to installation of a roof-mounted antenna, the City shall be provided with an engineer's certification that the roof will support the proposed antenna and associated roof-mounted equipment.
 - (e) Roof-mounted antennas and associated equipment may be screened with enclosures or facades having an appearance that blends with the building on which they are located or by locating them so that they are not visible from an adjacent public roadway.
 - (2) Building-mounted telecommunications antennas of the non-whip type are allowed on nonresidential buildings in all zoning districts provided the antenna is mounted flush with the exterior of the building so that it projects no more than thirty inches from the surface of the building to which it is attached; and the antenna's appearance blends with the surrounding surface of the building.
 - (3) Associated equipment shall be placed either within the same building or in a separate building which matches the existing building in character and building materials or blends with the landscaping and other surroundings immediately adjacent to the separate building housing the equipment. Associated equipment for roof-mounted antennas may be located on the roof of the building if it is screened from view from any adjacent public roadway.
 - (4) Other existing structures. Telecommunications antennas are allowed on existing utility, lighting, telecommunications towers and sign structures exceeding 50 feet in height, provided that the antenna does not exceed the height of the structure by more than 10 feet if a non-whip type or 15-feet if a whip type. Existing structures may be rebuilt if necessary to support the load of the new antenna if the rebuilt structure is substantially similar in appearance to the existing structure it replaces.
 - (5) When an application for a building permit to locate a telecommunications antenna on an existing building or other structure is made, color photo simulation showing the site of the existing structure with a photo-realistic representation of the proposed antenna and the existing structure or any proposed reconstruction of the structure as it would appear viewed from the closest residential property and

from adjacent roadways shall be provided. The applicant shall also submit photographs of the same views showing the current appearance of the site without the proposed antenna.

- (6) Telecommunications antennas shall not be constructed or used without all approvals and permits first having been secured.

9. Police or Fire Station

Definition: Police or Fire station means a facility operated by a governmental entity as a police or fire station.

10. Post Office

Definition: Post office means a government facility for the transmission, sorting, and local distribution of mail.

11. Radio, Television or Microwave Tower

Definition: Radio, television or microwave tower means a structure supporting antennae that transmit or receive any portion of the electromagnetic spectrum.

12. Railroad Yard

Definition: Railroad yards mean a facility for storing and making up trains.

13. Sewage Treatment Plant

Definition: Sewage treatment plant means a facility for receiving and treating sewage from the City sanitary sewer system.

14. Telecommunications Tower

a. Definition: Telecommunications tower means a structure more than 10 feet tall, built primarily to support one or more telecommunications antennas.

b. Additional Provisions: All permitted districts:

- (1) A site plan is required for all telecommunications towers. Site plan review shall include the following provisions in (2) through (16), below.
- (2) Tower height, including antenna array, shall not exceed 120 feet.
- (3) Telecommunications towers shall not be located closer to a residential district than 200 feet or a 3 to 1 distance to height ratio, whichever is greater.
- (4) New telecommunications towers must be a minimum distance of 5,000 feet from another telecommunications tower.
- (5) All guys and guy anchors shall be located within the buildable area of the lot and not within the front, rear, or side yard setbacks and no closer than 5 feet to any property line.
- (6) The base of the tower shall be enclosed by security fencing at least 8 feet high.
- (7) Equipment buildings shall be similar in color and character to the main or adjoining building or structure or blend with the landscape and other surroundings immediately adjacent to it and be screened by a masonry wall.
- (8) The tower shall be erected and operated in compliance with current Federal Communication Commission and Federal Aviation Administration rules and regulations and other applicable federal and state standards.
- (9) A telecommunications tower shall be:
 - (a) Used by a minimum of 3 or more wireless communications providers; or
 - (b) Designed and built so as to be capable of use by 3 or more wireless communications providers, including providers

such as cellular or PCS providers using antenna arrays of 9 to 11 antennas each within 15 vertical feet of each other with no more than 3 degrees of twist and sway at the top elevation. The owner of the tower and the property on which it is located must certify to the City that the antenna is available for use by another wireless telecommunications provider on a reasonable and nondiscriminatory basis and at a cost not exceeding the market value for the use of the facilities. If the property on which the tower is proposed to be located is to be leased, the portions of the actual or proposed lease that demonstrate compliance with the requirements of this paragraph shall be submitted with the zoning application.

- (10) All towers shall be of a tapering monopole construction, except that another type tower shall only be allowed upon a showing that it would cause less visual impact on surrounding property than a similar monopole structure.
- (11) 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, antenna array or antenna, other than as required by FCC regulations regarding tower registration or other applicable law.
- (12) Telecommunications towers shall be constructed to minimize potential safety hazards. Telecommunications towers shall be constructed so as to meet or exceed the most recent EIA-222 standards and prior to issuance of a building permit the Building Official shall be provided with an engineer's certification that the tower's design meets or exceeds those standards. Guyed 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 telecommunications towers.
- (13) Telecommunications towers and equipment buildings shall be located to minimize their number, height and obtrusiveness, to minimize visual impacts on the surrounding area, and in accordance with the following policies:
 - (a) The height of towers and monopoles shall have the least visual impact and be no greater than required to achieve service area requirements and potential colocation, when visually appropriate.
 - (b) The selected site for a new monopole and tower provides the least visual impact on residential areas and the public rights-of-way. Analyze the potential impacts from other vantage points in the area to illustrate that the selected site provides the best opportunity to minimize the visual impact of the proposed facility.
 - (c) Site telecommunication facilities to minimize being visually solitary or prominent when viewed from residential areas and the public rights-of- way. The facility should be screened by vegetation, tree cover, topographic features,

- and buildings or other structures to the maximum extent feasible.
- (d) Place telecommunication facilities to ensure that historically significant landscapes are protected. The views of and vistas from architecturally and/or historically significant structures should not be impaired or diminished by the placement of telecommunication facilities.
 - (e) A variance may be granted to these policies for a telecommunications tower when it is determined that such a variance better accomplishes the policies set out in this subsection than would a strict application of the requirement. Such variance shall be no greater than necessary to accomplish those policies.
- (14) No signals or lights or illumination shall be permitted on a monopole unless required by the Federal Communications Commission, the Federal Aviation Administration, or the City.
 - (15) If any additions, changes, or modifications are made to the monopole, the changes shall comply with all of the above requirements for new towers and shall demonstrate, through the submission of engineering and structural data, that the addition, change, or modification conforms to structural wind load and all other requirements of the current Building Code.
 - (16) Telecommunication towers which have not been used for a period of one year shall be removed from a site. The last telecommunication service provider to use a tower shall notify the Mayor within 30 days that use of a tower has been discontinued.
- 15. Telephone Exchange without Shops or Offices
Definition: Telephone exchange without shops or offices means a facility for the switching and routing of telephone transmissions.
 - 16. Transit Passenger Shelter
Definition: Transit passenger shelter means a structure which affords protection from the weather to persons who are waiting to board a publicly owned or franchised transit vehicle.
 - 17. Utility or Government Installation other than listed
Definition: Utility or government installation other than listed means
 - (1) A "utility other than listed" is a public or private facility franchised or operated by a Governmental unit as a utility, and which is not specifically covered by the use regulations in this chapter.
 - (2) A "government installation other than listed" is an installation owned or leased by a government or quasi-public agency and which is not specifically covered by the use regulations in this chapter.
 - 18. Water Treatment Plant, Reservoir or Water Storage
Definition: Water treatment plant, reservoir and water storage tanks means a facility which is part of a water system, and is used for the purifying, supplying, and distributing of drinking water, or the storage of treated or untreated water.

H. Industrial & Manufacturing Uses

- 1. Asphalt or Concrete Batch Plant
Definition: Asphalt or Concrete Batch Plant means a permanent facility or area for the mixing of concrete or asphalt.
- 2. Industrial, Inside

- a. Definition: Industrial, inside means an industrial facility where all processing, fabricating, assembly, or disassembly takes place wholly within an enclosed building.
 - b. Additional Provisions:
All permitted districts: Hazardous or high risk uses require a Special Use Permit.
3. Industrial, Outside
 - a. Definition: Industrial, outside means an industrial facility where any portion of the processing, fabricating, assembly, or disassembly takes place outside or in an open structure. For purposes of this provision, open structure means any structure or building which has omitted walls.
 - b. Additional Provisions:
All permitted districts: Hazardous or high risk uses require a Special Use Permit.
4. Light Assembly & Fabrication
Definition: Light Assembly and Fabrication means a use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, packaging, incidental storage, sales and distribution of products, but excluding basic industrial processing.
5. Mining
 - a. Definition: Mining means the extraction, removal, or stockpiling of earth materials, including soil, sand, gravel, or other materials found in the earth. The excavation of earth materials for ponds or lakes, including excavations for fish farming ponds and recreational lakes are considered mining unless otherwise expressly authorized by another provision of this ordinance. The following are not considered mining:
Excavation, removal, or stockpiling of earth materials incidental to construction approved by a final plat, building permit, or for governmental or utility construction projects.
 - b. Additional Provisions:
 - (1) A master plan and site plan, operation plans, and a restoration plan shall be provided with the Special Use Permit application.
 - (2) A Special Use Permit shall not be granted unless required state review and approval has been obtained.
6. Printing & Publishing
 - a. Definition: Printing and Publishing means a facility for the commercial reproduction, cutting, printing, or binding of written materials, drawings, or other graphic materials on a bulk basis using lithography, off-set printing, blueprinting, or similar methods.
 - b. Additional Provisions:
SBO/DTH: Size limited to 4,000 square feet of floor area.
7. Salvage or Reclamation of Products, Inside
Definition: Salvage or reclamation of products, inside, means a facility which stores, keeps, dismantles, or salvages scrap or discarded materials or equipment inside an enclosed building. Scrap or discarded materials include but are not limited to metal, paper, rags, tires, bottles, or inoperable or wrecked motor vehicles, motor vehicle parts, machinery, and appliances.
8. Salvage or Reclamation of Products, Outside
 - a. Definition: Salvage or reclamation of products, outside means a facility which stores, keeps, dismantles, or salvages scrap or discarded materials or

equipment outside of any structures. Scrap or discarded materials include but are not limited to metal, paper, rags, tires, bottles, or inoperable or wrecked motor vehicles, motor vehicle parts, machinery, and appliances.

b. Additional Provisions:

- (1) All outside storage, salvage and/or junk shall be screened from view of public streets by a 10-foot high solid screening device that complies with the following requirements:
 - (a) The screening device shall be setback a minimum of 20 feet from all streets;
 - (b) All screening devices shall form an opaque, solid barrier, without gaps or openings, except as provided in (d) below;
 - (c) All screening devices shall be constructed of masonry or concrete as specified in Section 7.1.1;
 - (d) Only openings in screening devices which are necessary for reasonable access to the salvage yard shall be permitted, but shall be equipped with a solid gate or door constructed and maintained in accordance with the requirements for screening devices set forth in this section. All openings so permitted shall be closed and securely locked at all times, except for needed access and for fire and emergency vehicles;
 - (e) All screening devices shall extend downward to ground level, and shall also test plumb and square at all times;
 - (f) Any painting, staining, coating, covering or other coloring of any screening devices shall be of a uniform color;
 - (g) The screening device shall not be used for bill postings or for other advertising purposes, except a space not larger than 50 square feet which may be used for the advertisement of the business of the owner.
 - (h) All screening devices shall be maintained, repaired and/or replaced to ensure compliance with the requirements in this section at all times; and
 - (i) No junk or salvage of any character, or parts, or machinery of any kind shall be allowed to remain outside.
- (2) Screening shall not be permitted in the floodway. If the location of the required screening is in the floodway or floodplain, screening should be placed elsewhere on the property to achieve the desired screening.

I. Wholesale, Distribution & Storage Uses

1. Auto Auction
Definition: Auto auction means a facility for the auction of automobiles, vans, and light trucks used as personal vehicles.
2. Contractor's Maintenance Yard
 - a. Definition: Contractor's maintenance yard means a facility for the storage and maintenance of contractor's supplies and operational equipment.
 - b. Additional Provisions:
CC District: All outside storage areas shall be entirely screened from view of streets and adjacent residential property with a masonry wall.
3. Freight Terminal
Definition: Freight terminal means a facility for the transfer and storage of freight.
4. Landfill

Definition: Landfill means an area where a type of operation in which refuse and earth or other suitable cover material are deposited in alternate layers of specified depth in accordance with a definite plan on a specified portion of open land, with each layer being compacted by force applied by mechanical equipment.

5. Livestock Auction Pens or Sheds

- a. Definition: Livestock auction pens or sheds means a facility for the auction of livestock.
- b. Additional Provisions: If 20,000 square feet or more of gross floor area, one space is required for each 3,000 square feet of gross floor area.

6. Mini-warehouse, Self-storage

Definition: Mini-warehouse, self-storage means a building or group of buildings containing one or more individual compartmentalized storage units for the inside storage of customers' goods or wares, where no unit exceeds 500 square feet in floor area.

7. Office Showroom/Warehouse

- a. Definition: Office showroom/warehouse means a facility that has the combined uses of office and showroom or warehouse for the primary purpose of wholesale trade, display, and distribution of products.
- b. Additional Provisions
HI District: Retail uses limited to 10 percent of the gross floor area.

8. Outside Storage

Definition: Outside storage means a lot used for the outside storage of an item for a period in excess of 24 hours.

9. Recycling Collection Center

Definition: Recycling collection center means a facility for the collection and temporary storage of empty beverage containers, aluminum, glass, paper, plastics, and clothing for recycling purposes.

10. Warehouse/Distribution Center

Definition: Warehouse means a facility primarily for the inside storage of items and is 25,000 square feet or smaller. Distribution Center means a warehouse facility which is primarily for distribution by rail or truck, and which is 25,000 square feet or larger.

J. Accessory Uses

1. Accessory Agricultural Buildings

- a. Definition: Accessory agricultural buildings means buildings used for agricultural purposes, including farming, dairying, horticulture, floriculture, animal and poultry husbandry.
 - b. Additional Provisions: AG District:
 - (1) Accessory agricultural buildings used for raising animals shall only be permitted on sites of 5 acres or more.
 - (2) The area used for the production of animals shall be set back from the front, side and rear property line a minimum of 100 feet.
 - (3) The area used for the production of large animals, including but not limited to pigs, cows, sheep, goats, and horses, shall be located at least one-half of a mile away from any residential zoning district, one-quarter of a mile from any commercial zoning district.
- SF-1/22 District:
Accessory agricultural buildings used for raising animals shall only be permitted on sites of 5 acres or more.

2. Accessory Community Center, Private

- a. Definition: Accessory community center, private means an integral part of a residential project that is under the management and unified control of the operators of the project or development, and that is used by the residents of the project or development for a place of meeting, recreation, or social activity.
 - b. Additional Provisions: All permitted districts:
 - (1) A private community center shall not be operated as a place of public meeting or as a business.
 - (2) This accessory use is not required to be located on the same lot as the main use.
- 3. Accessory Game Court, Private
 - a. Definition: Accessory game court, private means a game court for engaging in tennis, handball, racquetball, or similar physical activities for the use of residents and their guests of a residential main use.
 - b. Additional Provisions: All permitted districts:
 - (1) This accessory use may occupy up to 50 percent of the area of the lot containing the main use.
 - (2) This accessory use is not required to be located on the same lot as the main use.
 - (3) This accessory use may be required to provide parking if the adjacent properties would be adversely affected by on-street parking
- 4. Accessory Outside Display of Merchandise
 - a. Definition: Accessory outside display of merchandise means the outside placement of merchandise for sale for a continuous period less than 48 hours.
 - b. Additional Provisions:

All permitted districts: Outside display shall meet the following standards:

 - (1) Outside displays are permitted only in areas designated on the site plan filed with the City.
 - (2) Outdoor display areas may not exceed five percent of the adjacent building floor area. (Building area is defined as the entirely enclosed portion of the primary building.)
 - (3) Outdoor display may occupy up to thirty percent of a covered sidewalk that is located within twenty feet of the building. Such display shall not impede pedestrian use of the sidewalk and at least a five-foot passable distance shall be maintained.
 - (4) Any outside display areas not located on a covered sidewalk must be screened from view of adjacent roadways, public areas and adjacent properties. Such screening must:
 - (a) Be a minimum of eight feet high or one foot taller than the materials being displayed, whichever is greater.
 - (b) Include a minimum of twenty percent solid screening matching the material of the primary building.
 - (c) The remainder may be solid evergreen planting, wrought iron, or dark vinyl-coated chain link or similar materials.
 - (5) Any outside display areas not located on a covered sidewalk must be located immediately adjacent to or connected to the primary structure.
 - (6) No outdoor display may be located in any portion of a parking lot.

5. Accessory Outside Sales
 - a. Definition: Accessory outside sales means a site for the outside sale of merchandise.
 - b. Additional Provisions: Accessory outside sales shall meet the following standards:
 - (1) Accessory outside sales are permitted only in areas designated on the site plan filed with the City.
 - (2) Outdoor sales areas may not exceed five percent of the adjacent building floor area. (Building area is defined as the entirely enclosed portion of the primary building.)
 - (3) Outdoor sales may occupy up to thirty percent of a covered sidewalk that is located within twenty feet of the building. Such display shall not impede pedestrian use of the sidewalk and at least a five-foot passable distance shall be maintained.
 - (4) Any outside sales areas not located on a covered sidewalk must be screened from view of adjacent roadways, public areas and adjacent properties. Such screening must:
 - (a) Be a minimum of eight feet high or one foot taller than the materials being displayed, whichever is greater.
 - (b) Include a minimum of twenty percent solid screening matching the material of the primary building.
 - (c) The remainder may be solid evergreen planting, wrought iron, or dark vinyl-coated chain link or similar materials.
 - (5) Any outside sales areas not located on a covered sidewalk must be located immediately adjacent to or connected to the primary structure.
 - (6) No outdoor sales may be located in any portion of a parking lot.
6. Accessory Outside Storage
 - a. Definition: Accessory outside storage means the outside placement of an item for a continuous period in excess of 48 hours.
 - b. Additional Provisions: All permitted districts:
 - (1) Outside storage shall not be permitted within required setbacks or buffer yards.
 - (2) Accessory outside storage is not permitted on an unenclosed front porch of a residential building.
 - (3) Except as otherwise provided in this ordinance, outside storage shall be limited to no more than five percent of the lot area containing the main use.
 - (4) Outside storage areas not screened by an intervening building shall be screened from view from any public street by a screening device at least eight feet in height. In addition, outside storage areas shall be screened from view of any adjoining property by a screening device at least eight feet in height, except along adjacent property lines in the same zoning district.
7. Amateur Communication Tower
 - a. Definition: Amateur communications tower means a tower with an antenna that transmits amateur radio, citizens band, or both spectrums, and that receives any portion of a radio spectrum.
 - b. Additional Provisions: All permitted districts:

- (1) Only one amateur communication tower per site permitted. No more than 2 antennae may be mounted on an amateur communications tower. The antennae volume may not exceed 900 cubic feet for a single antenna and 1,400 cubic feet for 2 antennae. In this provision, antenna volume is the space within an imaginary rectangular prism that contains all extremities of the antenna.
 - (2) No portion of the amateur communications tower or its antennae may encroach into the required front, side or rear yard, except the area under a guy wire and anchor point may project a maximum of 3 feet into the required side or rear yard if the guy wire and anchor point is attached to the top of a structural support that is not less than 6 feet in height. In this provision, a structural support for an anchor point is any pole, post, strut, or other fixture or framework necessary to hold and secure an anchor point.
 - (3) The tower may not exceed 75 feet in height.
 - (4) The tower shall be set back an additional 12 inches from the required front, side and rear yards for each additional 12 inches of height above the maximum height permitted in the district.
 - (5) All provisions of this section 7. are subject to federal regulations.
8. Caretakers Quarters, Domestic or Security Unit
 Definition: Caretakers Quarters, Domestic or Security Unit means an independent, self- contained dwelling unit located on the same lot as the principal use or structure and which provides residential accommodations for a property manager or security personnel.
9. Home Occupation
 - a. Definition: Home occupation means an occupation that is incidental to the primary use of the premises as a residence and conducted on the residential premises by a resident of the premises.
 - b. Additional Provisions: All permitted districts:
 - (1) On-premise advertisements, signs or displays are prohibited.
 - (2) The appearance of the structure shall not be altered, nor shall the occupation within the dwellings be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, or by signs, or the emission of sounds, noises, dust, odors, fumes, smoke, or vibrations.
 - (3) There shall be no more than two (2) employees who do not reside on the premises.
 - (4) Pedestrian and vehicular traffic will be limited to that normally associated with residential districts.
 - (5) There shall be no outdoor storage of materials or equipment. There shall be no visible merchandise be visible from outside the dwelling.
 - (6) The use of utilities and community facilities shall be limited to that normally associated with the use of the property for residential purposes.
 - (7) There shall be no use or storage of mechanical equipment not recognized as being part of normal household or hobby use.

- (8) A property owner may seek a variance to this ordinance in accordance with Article 8, Section 8.4 to the Zoning Board of Adjustment.
 - (9) As defined by the Human Resource Code, Chapter 42 an “In-home Day Care” or a “Family home” that is certified, listed or registered with the State of Texas is exempt from this Ordinance, and governed by the rules and regulations of the State of Texas.
- 10. Private Stable
 - a. Definition: Private stable means an area for the keeping of horses for the private use of the property owner.
 - b. Additional Provisions: All permitted districts:
 - (1) A private stable shall only be on a lot at least 2 acres in area.
 - (2) One horse is permitted for every acre of pasture land.
 - (3) Private stables shall include a pen or corral containing at least 800 square feet for each animal with a stable under a roof containing at least 100 square feet for each animal.
 - (4) A private stable shall have property drainage and other facilities so as not to create offensive odors, insect or rodent breeding, or other nuisances.
 - (5) A pen, corral, fences, or similar enclosures shall have a minimum front setback of 50 feet and a minimum side and rear setback of 30 feet from the property line. In addition, they may not be located any closer than 100 feet to the dwelling on premises.
- 11. Swimming Pool, Private
 - a. Definition: Swimming pool, private, means a swimming pool constructed for the exclusive use of residents of a residential use.
 - b. Additional Provisions:
 - All permitted districts:
 - (1) Private swimming pools may not be operated as a business, except private swimming lessons may be given as a home occupation use.
 - (2) Private swimming pools shall be surrounded by a fence constructed so as to prevent access by unauthorized people.
 - (3) Private swimming pools shall not be located in the required front yard.

K. Temporary Uses

- 1. Christmas Tree Sales
 - a. Definition: A Christmas tree sale means a temporary facility for the sale of Christmas trees and related seasonal decorations.
 - b. Additional Provisions:
 - (1) A temporary permit may be issued for a period of 60 days for this use. The Building Official may grant one 30 day extension of the temporary use permit if the use has fully complied with all applicable City ordinances and conditions of the temporary use permit.
 - (2) Upon completion of the temporary use, the site shall be cleaned, all evidence of its use removed.
 - (3) Off-street parking requirements for this use may be satisfied by using existing parking spaces for other uses located within 500 feet of the Christmas tree lot, or by providing temporary parking spaces that do not strictly comply with the City’s off-street parking

construction requirements. The operator of this use shall demonstrate to the satisfaction of the Building Official that temporary off- street parking space:

- (a) Adequately accommodate the parking needs of the use; and
- (b) Will not adversely affect surrounding uses.

2. Occasional Sale or Garage Sale

- a. Definition: Occasional sale or garage sale means the temporary and occasional sale of tangible personal property at retail by a person who is not in the business of selling tangible personal property for retail purposes.
- b. Additional Provisions: All permitted districts:
 - (1) The sale of tangible personal property may only be sold by the owner or lessee of the premises where the sale is conducted.
 - (2) The owner or lessee shall be responsible for the tangible personal property at the time of the sale.
 - (3) A person shall not sell merchandise acquired solely for the purpose of resale at an occasional sale.
 - (4) A person shall not conduct an occasional sale for duration of more than 3 consecutive calendar days.
 - (5) A person shall not conduct more than 4 occasional sales on a premise during any 12-month period.
 - (6) A person shall not place more than one sign, not to exceed 2 square feet, upon the lot where the sale is taking place. Any other signs remote from the property on which the sale is taking place shall be located in compliance with the Sign Ordinance, as amended.

3. Seasonal Sales Stand

- a. Definition: Seasonal sales stand means a facility for the sale of agricultural products that are seasonal in nature.
- b. Additional Provisions:
 - (1) No product may be placed for sale or display and no structures used for a temporary seasonal sales stand closer than 50 feet to the public right-of-way.
 - (2) No temporary seasonal sales stand may have more than 3,500 square feet of floor area.
 - (3) Upon completion of the temporary use, the site shall be cleaned, all evidence of its use removed.
 - (4) Off-street parking requirements for this use may be satisfied by using existing parking spaces for other uses located within 500 feet of the Seasonal Sales Stand, or by providing temporary parking spaces that do not strictly comply with the City's off-street parking construction requirements. The operator of this use shall demonstrate to the satisfaction of the Building Official that temporary off-street parking space:
 - (a) Adequately accommodate the parking needs of the use; and
 - (b) Will not adversely affect surrounding uses.

4. Temporary Concrete or Asphalt Batch Plant

- a. Definition: Temporary concrete or Asphalt Batch Plant means a temporary facility or area for the mixing of concrete or asphalt.

- b. Additional Provisions: All permitted districts:
 - (1) Concrete and asphalt mixed on site shall only be furnished to the specific project for which the temporary use permit was issued.
 - (2) The Council shall review requests for renewal of the permit if the specific project requires an extension of time.
 - (3) The temporary batch plant shall be located and operated in such a manner to eliminate unnecessary dust, noise and odor.
 - (4) On-site fencing, screening, or buffering shall be provided so that adjacent properties are protected from hazards and negative impacts.
 - (5) Any public improvement that is damaged during the operation of the temporary batch plant shall be repaired or replaced.
 - (6) All equipment, materials, and debris shall be cleared off the site and the site shall be completely cleaned upon completion of the project.
 - (7) Parking for this use may be satisfied by providing temporary off-street parking spaces that do not strictly comply with the City's off-street parking construction requirements. The operator of this use shall demonstrate to the satisfaction of the Building Official that temporary off-street parking space:
 - (a) Adequately accommodate the parking needs of the use; and
 - (b) Will not adversely affect surrounding uses.
- 5. Temporary Construction Yard, or Construction or Sales Office
 - a. Definition: Temporary construction yard, or construction or sales office means an area for the temporary storage of building materials and equipment necessary for the construction of a permanent use, and/or, a facility temporarily used as a construction or sales office.
 - b. Additional Provisions: All required districts:
 - (1) Limited to on-premise construction purposes associated with the properties within the same platted subdivision.
 - (2) This use shall be discontinued after subdivision construction is 90 percent complete.
 - (3) Parking for this use may be satisfied by providing temporary off-street parking spaces that do not strictly comply with the City's off-street parking construction requirements. The operator of this use shall demonstrate to the satisfaction of the Building Official that temporary off-street parking space:
 - (a) Adequately accommodate the parking needs of the use; and
 - (b) Will not adversely affect surrounding uses.
- 6. Temporary Crops
 - a. Definition: Temporary crops mean an area used for the growing crops on a temporary basis while land is waiting for future development.
 - b. Additional Provisions: All permitted districts:
 - (1) This use shall not be operated on an area less than 2 acres.
 - (2) Structures may be erected for barn, or shed for the protection of machinery on the premises.

- (3) A temporary use permit for crops is valid for a period of 3 years. The Council may grant up to 2, one-year extensions, if conditions at the time of initial approval have not changed.
 - (4) Upon completion of the temporary use, the site shall be cleaned, all evidence of its use removed.
- 7. Temporary Grazing
 - a. Definition: Temporary grazing means an area used for the grazing of animals on a temporary basis while land is waiting for future development.
 - b. Additional Provisions: All permitted districts:
 - (1) This use shall not be operated on an area less than 5 acres.
 - (2) An application for a temporary use permit shall specify the number and type of animal that will be grazing. No temporary use permit shall be granted where the number and type of animals to be grazed is likely to result in overgrazing and/or significant environmental degradation of the site.
 - (3) Structures may be erected for a stable, pen, barn, or shed for the protection of the animals on the premises.
 - (4) Standings under roofed stables shall be made of a material that provides for proper drainage so as not to create offensive odors, insect or rodent breeding, or other nuisances.
 - (5) A temporary use permit for grazing is valid for a period of 3 years. The Council may grant up to 2, one-year extensions, if conditions at the time of initial approval have not changed.
 - (6) Upon completion of the temporary use, the site shall be cleaned, all evidence of its use removed.
- 8. Temporary Living Quarters
 - a. Definition: Temporary living quarters means temporary facilities in the form of a manufactured home, used as living quarters during the construction of a residence upon a property not less than 1/2 acre in area.
 - b. Additional Provisions:
 - All permitted districts: A temporary use permit shall be valid for a 6-month period. An additional 6 months may be granted by the Building Official, provided the exterior walls and roof of the residence are completed.
- 9. Traveling Show, Carnival or Circus
 - Definition: Traveling show, carnival or circus means a temporary traveling show or exhibition that has no permanent structure or installation.

SECTION 5.3 ACCESSORY USES AND STRUCTURES

An accessory use or structure that is customarily incidental to the principal use or structure, and is located on the same lot or tract of land, shall be permitted as an accessory use without being separately listed as a permitted use, unless otherwise stated in these regulations. Accessory uses are subject to the same regulations as the principal use. Accessory buildings shall comply with the area requirements in Article 3 – Residential District Regulations.

SECTION 5.4 SPECIAL USE PERMITS

A. Purpose

The Special Use Permit provides a means for developing certain uses in a manner in which the proposed use will be compatible with adjacent property and consistent with the character of the neighborhood. Special use permits are required where site specific impacts may exist that require additional review to ensure compatibility between uses.

B. **Special Use Permit Required**

The Use Regulations in Section 5.1 Land Use Charts state when a Special Use Permit is required for a use to be permitted in a zoning district. The Special Use Permit requirement for a use in a district does not constitute an authorization or an assurance that the use will be permitted. Each Special Use Permit shall be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate.

C. **Application**

An application for a Special Use Permit shall be submitted to the Planning Department and shall include the following:

1. A written description of the proposed use.
2. A plan showing the location of the proposed use on the site.
3. Any additional information required by the Mayor.

D. **Review by the Council**

The Council shall hold a public hearing and approve, approve with conditions, or deny the Special Use Permit based on the review criteria in “E”, below.

E. **Review Criteria**

In granting a Special Use Permit, the Council shall determine that the proposed use:

1. Complements or is compatible with the surrounding uses and community facilities;
2. Contributes to, enhances, or promotes the welfare of the area of request and adjacent properties;
3. Is not detrimental to the public health, safety, or general welfare;
4. Conforms in all other respects to all applicable zoning regulations and standards; and
5. Is in conformance with the Comprehensive Plan.

F. **Additional Conditions**

The Council may impose reasonable conditions upon the granting of a Special Use Permit consistent with the Comprehensive Plan, other stated development goals and objectives of the City, and the requirements of other City regulations. Such conditions may include, but are not limited to the location, arrangement, operation, duration, and type and manner of construction of any use for which a Special Use Permit is requested.

G. **Effect of Special Use Permit.**

1. The granting of a Special Use Permit has no effect on the uses permitted by right and does not waive the regulations of the underlying zoning district.
2. A Special Use Permit runs with the land; a new owner is not required to reapply for a Special Use Permit unless a time limit that has been established runs out; save and except those Special Use Permits granted specifically to the applicant, which expire on any change of ownership or use of the property.

H. **Zoning Map**

When the Council authorizes granting of a Special Use Permit, the zoning map shall be amended according to its legend to indicate that the affected area has conditional and limited uses. The amendment is to indicate the appropriate zoning district for the approved use and shall be suffixed by an “S” designation.

SECTION 5.5 TEMPORARY USES

A. Purpose

Temporary uses operating for less than 90 days within a one-year time period shall obtain a Temporary Use Permit from the Building Official. Temporary Use Permits outline conditions of operations to protect the public health, safety, and welfare.

B. Temporary Use Defined

Temporary uses shall include short-term or seasonal uses that would not be appropriate on a permanent basis. Temporary uses are identified in Section 5.1 Land Use Charts and 5.2 Listed Uses. In addition, the following uses and activities shall be considered temporary uses:

1. Fundraising Activities by Not-for-Profit Agencies. Fundraising or noncommercial events for nonprofit educational, community service or religious organizations where the public is invited to participate in the activities and which last longer than 48 hours.
2. Special and Seasonal Sales Events. Significant commercial activities lasting not longer than 90 days intended to sell, lease, rent or promote specific merchandise, services or product lines, including but not limited to warehouse sales, tent sales, trade shows, flea markets, farmer's markets, Christmas tree lot sales, product demonstrations or parking lot sales of food, art work or other goods.
3. Entertainment or Amusement Events. Short-term cultural and entertainment events including public or private events lasting not longer than 90 days intended primarily for entertainment or amusement, such as concerts, plays or other theatrical productions, circuses, fairs, carnivals or festivals.

C. Application

An application for a Temporary Use Permit shall be submitted to the Building Official at least 10 working days before the requested start date for a temporary use and shall include the following:

1. A written description of the proposed use or event, the duration of the use or event, the hours of operation, anticipated attendance, and any building or structures, signs or attention-attracting devices used in conjunction with the event
2. A written description of how the temporary use complies with the review criteria in E, below.
3. A plan showing the location of proposed structures, including onsite restrooms and trash receptacles, parking areas, activities, signs and attention attracting devices in relation to existing buildings, parking areas, streets and property lines.
4. A letter from the property owner agreeing to the temporary use.
5. Any additional information required by the Mayor.

D. Review and Action by the Mayor

The Building Official shall make a determination whether to approve, approve with conditions, or deny the permit within 5 working days after the date of application. Any applicant denied a permit by the Building Official shall be notified in writing of the reasons for the denial and of the opportunity to appeal to the Council.

E. Review Criteria

Temporary uses shall comply with the following requirements:

1. Land Use Compatibility. The temporary use must be compatible with the purpose and intent of this ordinance. The temporary use shall not impair the normal, safe and effective operation of a permanent use on the same site. The temporary use

shall not endanger or be detrimental to the public health, safety or welfare, or injurious to property or improvements in the immediate vicinity of the temporary use, given the type of activity, its location on the site, and its relationship to parking and access points.

2. Compliance with Other Regulations. The temporary use shall conform in all respects to all other applicable City regulations and standards.
3. Restoration of Site. Upon cessation of the event or use, the site shall be returned to its previous condition, including the removal of all trash, debris, signage, attention attracting devices or other evidence of the special event or use. The applicant shall be responsible for ensuring the restoration of the site.
4. Hours of Operation and Duration. The hours of operation and duration of the temporary use shall be consistent with the intent of the event or use and compatible with the Surrounding land uses and shall be established by the Building Official at the time of approval of the temporary use permit.
5. Traffic Circulation. The temporary use shall not cause undue traffic congestion given anticipated attendance and the capacity of adjacent streets, intersections and traffic controls.
6. Off-street Parking. Adequate off-street parking shall be provided for the temporary use, and it shall not create a parking shortage for any of the other existing uses on the site(s).
7. Public Conveniences and Litter Control. Adequate onsite rest room facilities and litter control may be required. The applicant shall provide a written guarantee that all litter generated by the event or use shall be removed at no expense to the City.
8. Appearance and Nuisances. The temporary use shall be compatible in intensity, appearance and operation with surrounding land uses in the area, and it shall not impair the usefulness, enjoyment or value of adjacent property due to the generation of excessive noise, dust, smoke, glare, spillover lighting, or other forms of environmental or visual pollution.
9. Signs. The Building Official shall review all signage, although a sign permit is not required. The Building Official may approve the temporary use of attention attracting devices.

F. **Additional Conditions**

The Building Official may establish additional conditions to ensure land use compatibility and to minimize potential adverse impacts on nearby uses, including, but not limited to, time and frequency of operation, temporary arrangements for parking and traffic circulation, requirements for screening or buffering, and guarantees for site restoration and cleanup following the temporary use.

G. **Appeals**

A denial of a temporary use permit may be appealed to the Council within 10 days of the Building Official's action. The appeal shall be made in writing to the City Secretary.

Section 5.6 **Classification of New and Unlisted Uses**

A. **Unlisted Uses**

The uses permitted in this Chapter are classified on the basis of common operational characteristics and land use compatibility. Uses not specifically listed in this Chapter are prohibited. However, additional new and unlisted uses may be permitted by the Council if the use is similar to other uses listed in the same zoning district.

- B. **Appeals**
An applicant, aggrieved by the decision of the Council, may file an appeal of the decision to the Board. The appeal shall be filed in writing with the City Secretary within 10 days of the Council's action.
- C. **Conditions**
When considering requests for a new land use, Mayor and Council shall consider the potential effects of the use on adjacent properties in terms of requirements for services, visual impact, traffic generation, the extent to which the use is consistent with other uses allowed in the district, and other issues they deem appropriate.
- D. **Authorization of New Uses**
If a new use is authorized by the Board, a text amendment shall be sent immediately to the Council.

ARTICLE 6 SPECIAL PURPOSE AND OVERLAY DISTRICTS

SECTION 6.1 PLANNED DEVELOPMENT DISTRICT (PD)

- A. **Purpose**
There exists in the City, tracts where the zoning regulations contained in the districts in Article 3 Residential District Standards and Article 4 Nonresidential District Standards may not provide for the development of innovative projects desired by property owners and envisioned by the City's Comprehensive Plan. To allow for innovative development projects in a way that can assist in the implementation of the Comprehensive Plan and other development goals and objectives, a Planned Development (PD) District is provided as a special district that may be used in these instances to provide a general benefit to the City as a whole.
- B. **General Provisions**
 - 1. **Separate Ordinance.** Each Planned Development District shall be established by a separate ordinance. An approved conceptual plan for the entire property shall be part of the ordinance establishing a PD District.
 - 2. **Minimum Area Requirement**
 - a. **Non-residential Uses.** No minimum area required.
 - b. **Residential Uses.** Residential PD Districts shall be a minimum of 5 acres. However, the Commission may waive this minimum area requirement when necessary to promote innovative development, meet the goals of the Comprehensive Plan, or address parcels with topographic or other site-related constraints.
 - 3. **Development Plan Required.** Within established PD Districts, development plans shall be required. Development plans may be developed for individual properties, tracts, or subareas within the PD district. In reviewing and approving development plans, the Council shall use the approved conceptual plan, zoning regulations and performance criteria and standards contained in the PD district ordinance adopted by the Council. No development plan may be approved that is not consistent with the approved conceptual plan and PD ordinance for the property.
 - 4. **Permitted Uses.** A PD District may contain any use or combination of uses listed in Article 5. The uses permitted in a PD shall be listed in the ordinance establishing the district. If a use is desired that is not currently a listed use in Article 5, a new use

may be classified, within the PD ordinance, by following the procedures in Section 5.6 New and Unlisted Uses.

5. Development Standards. The development plan and ordinance establishing a PD shall specify such regulations as deemed necessary to achieve the goals and objectives of the PD, including but not limited to regulations governing heights of buildings and structures, lot size, floor area requirements, density, coverage, and setbacks.
6. Standards Not Specified. The remaining regulations in this ordinance control unless they are expressly altered by the PD ordinance in accordance with this section.
7. Additional Regulations. The PD ordinance may contain any additional regulations, special exceptions, or procedures considered necessary to achieve the innovative aspects of the project, or to minimize potential adverse impacts that could result from the creation of the district.

C. Initiation of a PD

1. A PD district shall be initiated by application of all property owners within the area of request. The applicant shall comply with the zoning amendment procedures for a change in zoning district classification, except as expressly amended in this section.
2. A pre-application conference is required prior to the formal submittal of an application for a PD district. The applicant shall request a pre-application conference with the Mayor or the Mayor's designee.
3. At the pre-application conference, the applicant shall provide a concept plan that includes, but is not limited to, the following information: proposed land uses, density, approximate gross square footage of nonresidential uses, number of dwelling units by type, access, projected height, topography, significant environmental features, and a statement of the innovative aspects of the proposed development that requires the creation of the PD District.
4. Based on the information provided by the applicant, the Mayor shall:
 - a. Provide initial comments concerning the merits of the proposed development;
 - b. State what information shall be provided in the development plan for a complete review of the proposed development; and
 - c. Provide any other information necessary to aid the applicant in the preparation of the complete PD application.
5. Application for a PD shall be made to the City on a form furnished by the City. A complete application shall contain all of the following:
 - a. The application fee.
 - b. The name, address, telephone number, and signature of the applicant. If the applicant is not the owner of the lot, the applicant shall submit a letter from the owner authorizing the applicant to act on the owner's behalf.
 - c. The name, address, telephone number of the owner of the property. If there is more than one owner, the names and addresses of all owners shall be provided.
 - d. The name, address, telephone number of the land planner or engineer responsible for the preparation of the concept plan, if any.
 - e. The street address, if any, and complete legal description of the property.
 - f. A conceptual plan including any proposed phasing.
 - g. An 8.5 x 11 inch black and white illustration of the concept plan suitable for photography showing sufficient detail, but general enough to be legible.
6. The conceptual plan submitted under this section shall:

- a. Include 6 folded blue or black line copies for the initial submission and 15 copies for the Council.
 - b. Have a scale of one inch equals 100 feet or larger (e.g., one inch equals 50 feet, or one inch equals 40 feet, etc) and be on a standard drawing sheet of a size not to exceed 24 inches by 36 inches. In the event a single sheet is not practicable, multiple sheets may be used if, on each sheet:
 - (1) Match lines are indicated; and
 - (2) A composite drawing is provided that shows the entire proposed development, location of the match lines, sheet numbers, and the location of the sheet within the proposed development by the shading in of the appropriate area on the composite.
 - c. Include a location diagram showing the property in relation to surrounding streets.
 - d. Contain title block and reference information pertaining to the property and plan, including the name of the project, the names of persons responsible for preparing the plan, the scale of the plan, both graphic and numeric, and the date of submission with provisions for dating revisions.
 - e. Show the dimensions of the property and indicate its area in both square feet and acres.
 - f. Contain in written and tabulated form, proposed uses within the PD, heights of buildings and structures, lot size, floor area requirements, density, coverage, and setbacks. If necessary, this information should be broken down for each use proposed on the site.
 - g. Show any other proposed changes to development regulations contained in this chapter.
7. To the extent possible, the conceptual plan should also:
- a. Show or describe the building envelope for each existing and proposed building on the lot.
 - b. Show the location and dimensions of all existing streets, alleys, easements for utilities, streets, and other purposes, floodplains as defined by the Federal Emergency Management Administration (FEMA), and/or other official drainage information.
 - c. Show all areas proposed for dedication or reservation.
 - d. Show setback lines and building lines for each existing and proposed building on the lot.
 - e. Show all existing and proposed points of ingress and egress to the property, and for those tracts adjacent to an arterial thoroughfare, indicate estimated peak hour turning movements to and from existing and proposed public and private streets and alleys.
 - f. Show all existing and proposed median cuts and driveway locations within 250 feet of the property.
 - g. Show all existing and proposed off-street parking and loading areas, indicating the general dimensions of parking bays, aisles, and driveways, and the number of cars to be accommodated in each row of parking spaces.
 - h. Show all existing and proposed provisions for pedestrian circulation on the lot including sidewalks, walkways, crosswalks, and pedestrian plazas.
 - i. Show the location and indicate the type of any special traffic regulation facilities proposed or required.

- j. Show the existing and proposed topography of the property using contours of two feet or less. Existing contours should be shown with dashed lines and proposed contours should be shown with solid lines.
- k. Show the location and indicate the type of any existing or proposed mechanical or electronic equipment capable of producing noise that crosses the property line.
- l. Show any other reasonable and pertinent information that would assist the Council in determining the appropriateness of the PD.

D. Commission Review and Action (omitted in the event there is no Planning and Zoning Commission)

- 1. Once a complete application for a PD has been received and reviewed, the Mayor shall schedule a public hearing before the Commission to receive public comment regarding the plan. Notification of the public hearing shall be as any other change in zoning classification.
- 2. After the public hearing, the Commission shall make a recommendation regarding the PD application and forward it to the Council for further action.
- 3. The City Attorney shall prepare a PD district ordinance based on the Commission and staff recommendation on the applicant's conceptual plan. The ordinance shall contain regulations governing permitted uses, heights of buildings and structures, lot size, floor area requirements, density, coverage, and setbacks, and may further contain any additional regulations, special exceptions, or procedures that the Commission considers necessary to achieve the innovative aspects of the conceptual plan, or to minimize potential adverse impacts which could result from the creation of the district. The conceptual plan and development conditions shall be attached and made a part of the PD ordinance.

E. Council Review and Action

- 1. After preparation of the ordinance by the City Attorney, the Council shall hold a public hearing to allow all interested parties to present their views regarding the proposed PD district ordinance. Notice of this public hearing shall be given in the same manner as a public hearing for a change in zoning district classification.
- 2. Following adoption of the PD district ordinance by the Council, the Mayor shall require the amendment the official zoning map to reflect the change of zoning district classification on the property. The PD ordinance and the conceptual plan shall be used in the review and approval of all development related permits for the property governed by the PD.

F. Amendments to the Conceptual plan

- 1. An amendment to the conceptual plan and development conditions is a change in zoning district classification and shall follow the same procedures set out in this section, except the Mayor may authorize minor changes in the conceptual plan and conditions that do not:
 - a. Alter the basic relationship of the proposed development to adjacent property;
 - b. Change the uses permitted;
 - c. Increase the maximum density, floor area ratio, or height;
 - d. Decrease the amount of required off-street parking; or
 - e. Reduce the minimum yards required at the boundary of the site.
- 2. The applicant shall submit a revised conceptual plan and development conditions that reflects the requested changes.
- 3. An applicant may appeal any decision of the Mayor to the Council, or Board.

SECTION 6.2 FLOODPLAIN DISTRICT (FP)

A. Floodplain Prefix to District Designation

To provide for the appropriate use of land that has a history of inundation or is determined to be subject to flood hazard, and to promote the general welfare and provide protection from flooding, portions of certain districts are designated with the floodplain prefix, "FP." Areas designated on the zoning district map by an FP prefix shall be subject to the following regulations and procedures.

B. Designation of Land Subject to Flooding

The Mayor shall cause to be prepared and maintained maps illustrating all areas designated with the FP prefix. The designation of land subject to flooding shall be based on:

1. Areas of special hazard identified by the Federal Emergency Management Agency on its flood hazard boundary maps (FHBM) for the City of Nevada.
2. Areas of special flood hazard as determined by a flood plain or drainage analysis that uses the application of standard and acceptable scientific and engineering procedures used in the study of rainfall potential and its effect on a given drainage basin in the form of flooding.
3. When two or more studies have been completed for the same drainage basin, the more restrictive of these studies shall be the basis for regulation under this article.

C. Permitted Uses

The permitted uses in that portion of any district having a floodplain, FP, prefix shall be limited to the following:

1. Agricultural activities including the ordinary cultivation or grazing of land and legal types of animal husbandry, but excluding construction of barns, fences, or other structures.
2. Parks, playgrounds, public golf courses, and other recreational areas, but excluding any structures.
3. Private open space as part of a planned residential development.
4. Bridle trails, bicycle or nature trails.
5. Structures, installations and facilities installed, operated and maintained by public agencies for flood control purposes or water or sewage treatment.

D. Development within Areas Designated with a Flood Plain "FP" Prefix

1. Development Permit Required
 - a. No development related to any permitted use within that portion of any district designated with a floodplain "FP" prefix may proceed without an approved development permit as required in Section 50 of the Nevada City Code. This permit request shall be made a part of an application for zoning or subdivision review or other construction review within the zone.
 - b. No alteration of the floodplain due to dumping, excavation, storage, filling or mining operations shall be conducted without a development permit approved by the City of Nevada.
2. Approval Standards. The following standards shall be used to approve a development permit within an area designated with a floodplain "FP" prefix.
 - a. The proposed development or alteration of the floodplain area will not increase the severity of flooding up or down stream from the altered property;
 - b. The proposed development or alteration of the floodplain area will not endanger the value and safety of other property or the public health and welfare; and

- c. The proposed development or alteration of the floodplain area will not endanger the safety of the property being altered.
- E. **Removal of Designation**
An area may be removed from the floodplain, FP, prefix designation by Council action based on:
 - 1. A floodplain analysis meeting standard and acceptable scientific and engineering procedures used in the study of rainfall potential and its effect on a given drainage basin in the form of flooding, accepted by the City Engineer, that finds the area not subject to flooding.
 - 2. Approval of a development permit for alterations to the floodplain that effectively removes the area from the floodplain, subject to limitations identified in subsection D, above. Removal of the floodplain “FP” prefix shall occur only after completion of the work and certification by the City Engineer that the work was in conformance with the approved plans.
- F. **Other Land Subject to Flooding**
The fact that land is not within a district having a floodplain, FP, prefix shall not be interpreted as assurance that such land or area is not subject to periodic local flooding and the designation of the prefix in this ordinance shall not be so interpreted.

ARTICLE 7 GENERAL DEVELOPMENT REGULATIONS

SECTION 7.1 RESIDENTIAL ADJACENCY AND PROXIMITY STANDARDS

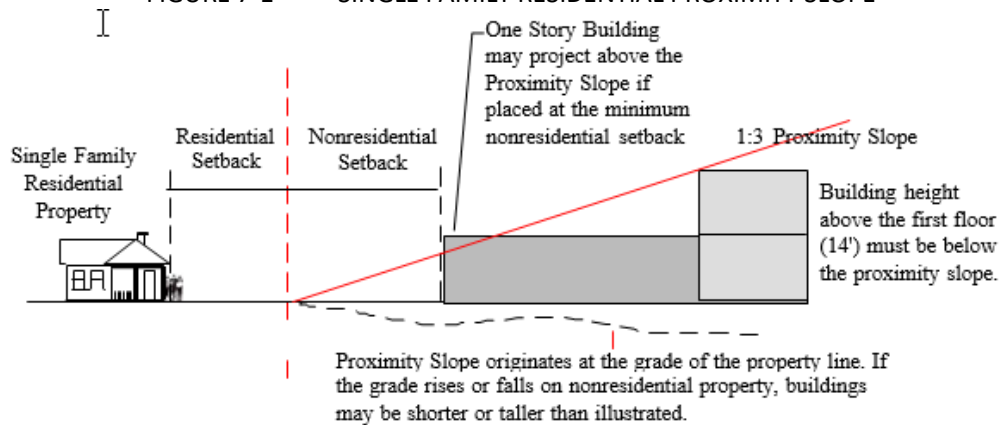
- A. **Purpose and Intent**
The residential adjacency and proximity standards are intended to preserve and protect the integrity, enjoyment and property values of residential neighborhoods within the City of Nevada, through the establishment of standards for non-residential uses that may impact surrounding residential land uses.
- B. **Applicability**
 - 1. The following standards shall apply to all non-residential properties located adjacent to or in proximity to residentially-zoned building sites. For the purposes of this section, the terms “residentially-zoned” and “residential properties” shall refer to properties zoned Agricultural (AG-2/20) or Single Family (SF-1/22).
 - 2. Residential adjacency applies to those properties that have a common property line with the residential property and residential proximity applies to all properties in the area of the residential site.
 - 3. The Council may waive the Residential Adjacency Requirements in this section for the following types of development:
 - a. Integrated mixed use projects; or
 - b. Neighborhood commercial development that is integrated into a residential neighborhood through walkways into the neighborhood.
- C. **Building Setback**
In addition to the required building setback line, no building setback on a non-residentially zoned property shall be less than the building setback for the residentially zoned property where they share common boundaries or where they are separated by an alley or utility easement.

D. Non-Residential Building Height

1. Residential Proximity Slope

- a. Except as provided for below, no building in a commercial district may exceed the height of a line drawn from a residential property line in a residential district at a 3:1 slope directly into the subject commercial property (e.g. a 100 foot high building must be set back 300 ft. from the residential property line, if both the residential property line and the grade of the non-residential building are at the same elevation).
- b. This provision does not apply to permitted non-residential buildings, such as schools and churches, built on the residentially-zoned property.
- c. Notwithstanding the above, a one-story building up to 14 feet in height may be constructed to the allowed setback line established in the non-residential zoning district, or in subsection C. Building Setback, above.
- d. The Residential Proximity Slope applies to architectural projections above rooflines.

FIGURE 7-1 SINGLE FAMILY RESIDENTIAL PROXIMITY SLOPE



2. Changes in Grade

Notwithstanding the above, if the natural slope of the ground rises or falls from the point of origin of the slope line, the actual building height may be greater or lesser by the difference in grade.

3. Exceptions

- a. The following structures may project a maximum of 12 feet above the proximity slopes:
 - (1) Chimney and vent stacks
 - (2) Roof structures for the use of elevators, stairs, tanks, ventilation, and similar necessary mechanical equipment
 - (3) Visual screens which surround mounted mechanical equipment
 - (4) Skylights
 - (5) Whip and mounted antennas
- b. Church steeples, utility transmission lines and towers and municipal utility facilities such as water towers are exempt from the maximum height provisions.

E. Spill-Over Lighting

1. Lighting Standard. No lighting from a non-residential property shall create greater than 0.5 foot-candle at a height of 4 feet on a residential property line.
2. Redirecting / Screening of Light Sources. All sources of light from a nonresidential property, including security lighting, illuminated signs, vehicular headlights and

other sources, shall be directed away from residential property or screened so that the light level above is not exceeded.

F. Noise Near Residential Uses

1. Noise at Property Lines

Noise shall not exceed 56 dBA at the property line during daytime hours or 49 dBA between 10 PM and 6 AM.

2. Individual Service Speakers

a. Individual service speakers are used to conduct business with individual customers outdoors or in a partially enclosed structure, including but not limited to drive-through payment windows, drive-through restaurant ordering boards, service station pump islands, or car washes.

b. Any use containing individual service speakers shall not be permitted within 150 feet of a residential district. The Council may require the speaker to be appropriately screened with wing walls, landscape screens, changes in building orientation or other design elements to screen from view and minimize the impact of individual service speakers.

3. Public Address or Paging Systems

a. Public address or paging systems include loud speakers or amplified paging systems intended to contact or provide information to persons on the exterior of a building such as those commonly used by businesses with large outdoor facilities or operations, including but not limited to new or used car sales, building material sales, garden centers, or car washes.

b. Any use containing public address or paging systems shall not be permitted within 1000 feet of a residential district unless separated by a State Highway.

G. Traffic

Site Plans of non-residential properties shall be reviewed to avoid access locations that would encourage cut-through traffic through residential areas.

H. Use of Alleys

Commercial truck and automobile traffic shall be prohibited on alleys or service drives which are shared with residential properties between the hours of 10 PM and 6 AM. This includes, but is not limited to, deliveries, loading and unloading, and commercial parking lot access.

I. Screening

1. When a district zoned MF, MH, NS, CR, BC, CC, LI or HI abuts a district zoned AG, SF, or TH, the owner of the non-residential district shall construct a solid screening wall of not less than six nor more than eight feet in height along the entire property line separating these districts, except where visibility triangles or easements are required.

2. The screening wall shall be constructed of masonry or reinforced concrete which does not contain openings. Prefabricated, patterned concrete panels may be used when embossed with a pattern which resembles masonry units.

3. All wall openings shall be equipped with gates equal in height and screening characteristics to the wall.

4. All required screening walls shall be equally finished on both sides of the wall.

5. In cases where the Council finds this requirement to be impractical for immediate construction, it may grant a temporary waiver of the required screening wall until such time as the screening wall may be necessary by the Council.

6. In cases where the Council finds this requirement to be better met by an irrigated living screen, the Council may substitute the landscape screen for the required screening wall.

J. **Loading Spaces**

In addition to the regulations contained in Article 5 and Section 7.3, the following standards shall apply:

1. When adjacent to residential districts, off-street loading areas shall be fully screened from view of the residential district.
2. The Council may require wing walls, landscape screens, changes in building orientation, and/or other architectural elements to minimize the impact of uses containing loading docks within 150 feet of any residential district.

K. **Vehicular Service Bays**

For the purpose of this section, vehicular service bays are any partially or fully enclosed space used for motor vehicle repair, or similar activities.

1. All vehicular service bays within 150 feet of a residential district shall face away from adjacent residential districts unless separated by a building or permanent architectural feature of minimum height matching the height of the service bays.
2. Walls separating service bays from a residential district shall be of masonry or reinforced concrete with no openings.
3. The Council may require wing walls, landscape screens, changes in building orientation, and/or other design elements to minimize the impact of service bays within 150 feet of any residential district.
4. No use including outdoor vehicular repair, servicing or testing shall be permitted within 150 feet of a residential district.

L. **Engine Repair Shops**

Engine repair shops shall not be permitted within 150 feet of a residential district unless all repair, service, and testing activities are completed in a fully enclosed building.

M. **Car Wash and Motor Vehicle Fueling Stations**

When car washes and motor vehicle fueling stations are within 300 feet (but greater than 150 feet) of a residential district, the Council may require wing walls, landscape screens, and/or other design elements to screen and minimize the impact of the facilities.

SECTION 7.2 SCREENING OF MECHANICAL EQUIPMENT AND TRASH RECEPTACLES

A. **Screening of Mechanical Equipment**

1. Screening for mechanical units shall apply to new building construction only.
2. In all non-residential developments, roof mounted mechanical units shall be screened from view at a point of 6 feet above the property line with a parapet wall, mansard roof or alternative architectural element. The height of the screening element shall not be less than the height of the mechanical units, provided that the element shall not extend more than five feet above the roof on a one- or two-story building or more than 13 feet above the roof on a building of three or more stories.
3. A mechanical unit which is taller than the maximum permitted height of the screening feature shall be set back from the screen five feet plus two feet for each foot it exceeds the height of the screen.

B. **Trash Receptacles**

1. Trash receptacles for commercial uses shall be screened to minimize any impact on neighboring uses. Screening shall be a solid masonry or concrete wall that is the height of the container on three sides of the enclosure. The opening shall be

equipped with a solid gate. Gates must have tie-backs to secure in the open position.

2. Trash receptacles shall be located a minimum of 50 feet from any residential property line.

SECTION 7.3 OFF-STREET PARKING REQUIREMENTS

A. Purpose

The purpose of this section is:

1. To require off-street parking facilities in proportion to the parking demand for each use;
2. To provide accessible, attractive, secure, properly lighted and well-maintained off-street parking facilities;
3. To reduce traffic congestion and hazards; and
4. To assure that maneuverability for emergency vehicles exists.

B. Applicability

Every building or land use established, every existing building enlarged and every existing use expanded shall provide off-street parking and loading areas in accordance with the requirements and standards of this Section and Article 5 Use Regulations. Existing parking and loading spaces shall not be reduced below the minimum required by this chapter or Article 5.

C. General Regulations

1. The parking requirements in Article 5 Use Regulations represent general parking standards under which all proposed development shall be evaluated. No certificate of occupancy shall be issued for any use which does not comply with these parking requirements.
2. All on-site parking shall be provided on the same parcel as the principal use, except as permitted by the off-site parking provisions of this section. Parking on the public right-of-way may not be counted towards satisfying the requirement for on-site parking.
3. All parking and vehicle storage areas, including recreational vehicle parking in residential land use districts, shall occur on concrete pavement. Exceptions can be made for alternative materials that are shown to be impervious yet as durable as concrete pavement. These exceptions shall only occur:
 - a. For parking for commercial uses in excess of the minimum required, subject to P&Z approval.
 - b. For parking in residential uses in residential zoned districts, subject to staff approval.
4. Except as otherwise provided in this chapter, when a combination of uses are developed on a site, parking shall be calculated and provided for each of the uses.

D. Computing On-Site Parking Requirements

1. Calculations. When measurements of the number of required spaces result in fractions, the space requirements shall be rounded upward to the next whole space.
2. Alternative vehicles. When computing parking space requirements, up to 5% of the required parking can be reserved for each of the following: compact cars or motorcycles. Such spaces must be marked with both a sign post and pavement markings that meet the standard for the marking of handicap parking spaces.
3. Different Use Areas. Parking shall be calculated separately for each different use area and ancillary uses in a building. The cumulative total of all uses shall be provided.

4. **Parking Based on Floor Area.** Unless specifically stated otherwise, when computing parking requirements based on the amount of square footage in buildings, all calculations shall be on a gross floor area basis.
5. **Maximum parking.** In addition to a minimum parking requirement, parking is also limited to a maximum number of spaces. The maximum number of parking spaces allowed for a use shall be no more than 25% greater than the minimum number of spaces required. A use can exceed the maximum number of parking spaces if the excess parking spaces are constructed as a near impervious surface, such as grasscrete, that is determined to be acceptable by the City Engineer.
6. **Unimpeded Parking.** No parking space shall be located so as to require the moving of any other vehicle to enter or leave any other space.

E. Handicapped Parking Requirements

1. **Conformance with State and Federal Requirements.** In addition to conforming with the handicapped parking requirements in this ordinance, all development shall also meet Federal and State handicapped parking requirements.
2. **Residential Uses.** Handicapped parking for residential uses shall be provided at the rate of one space for each dwelling unit that is designed for occupancy by the handicapped. Driveways may be used to satisfy handicapped parking requirements, provided sufficient space is available to satisfy the minimal design requirements.
3. **Non-residential Uses.** Handicapped parking spaces shall be provided for all uses other than residential at the following rate:

Total Number of Required Parking	Number of Handicapped Parking Spaces Required
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	Two percent of total required spaces
1,001 and above	Twenty spaces, plus one space for each 100 over 1,000 spaces or fraction thereof

4. **Design Standards**
 - a. **Parking Space Dimensions.** Handicapped parking spaces shall be at least ten feet wide and shall have an adjacent access aisle on each side, a minimum of five feet in width. Two handicapped parking spaces may share a common access aisle.

- b. Van Accessible. One in every eight handicapped spaces shall be served by an access aisle at least eight feet wide and shall be designated "van accessible". The access route to these spaces shall have a minimum vertical clearance of 9.5 feet and the parking spaces shall have a minimum clearance of 8.17 feet. Spaces shall have an additional "van accessible" sign mounted below the symbol of accessibility.
- c. Location of Spaces. Handicapped spaces shall be located with the most direct and practical access, at least three feet wide to a primary accessible building entrance unobstructed by bumpers, curbs, or other obstacles to wheelchairs. The site design shall not permit parked vehicle overhangs or any other obstacle to reduce the clear width of adjacent walkways. Parking spaces and access aisles shall be level with surface slopes not exceeding a ratio of 1:48 in all directions.
- d. Signage. Handicapped spaces shall be designated as reserved for the disabled by a sign showing the symbol of accessibility in accordance with the CABO/ANSI A 117.1 - Current Edition. The required signage shall not be obscured by a vehicle parked in the space.
- e. Counting of Parking Requirements. Handicapped parking required by this section shall count toward fulfilling the off-street parking requirement.

F. Parking Alternatives

The Council may allow parking requirements to be met by either one or a combination of the methods described in this section in lieu of the required on-site parking.

- 1. Off-Site Parking. The parking requirement may be met by locating the required parking spaces on a separate parcel from the lot on which the principal use is located, subject to the following conditions:
 - a. The parcels containing the use and off-site parking must be under common ownership;
 - b. The parcel must be located not more than 300 feet from the building or use it is intended to serve;
 - c. The parcels shall not be separated or divided from the building or use it is intended to serve by a freeway, expressway, highway, or major street; and
 - d. An agreement, subject to approval by the City Attorney, shall be prepared to outline the terms and conditions of the off-site parking use. The agreement, containing the legal description of both the off-site parcel and the parcel where the principal use is located, shall be recorded in the office of the County Deed Records to permanently register the existence of the off-site parking arrangement with each parcel.
- 2. Shared Parking
 - a. Requirements. The parking requirements may also be met by securing the consent to share parking facilities on the same or another parcel and under another ownership. Shared parking may only be approved if:
 - (1) The parking facilities are located on a parcel zoned for the same use as the primary use;
 - (2) The owners cooperatively establish and operate the facilities;

- (3) The uses separately generate parking demands primarily during hours when the remaining uses are not in operation;
 - (4) A minimum number of spaces are provided to meet the requirements of the use with the single greatest parking demand;
 - (5) Satisfactory evidence, as deemed by the Mayor, has been submitted describing the nature of the uses and the times when the uses operate so as to demonstrate the lack of potential conflict;
 - (6) The consent agreement, subject to the approval by the City Attorney, must be in the form of a binding contract, of sufficient length of time, between the property owners operating the shared parking facility to ensure the continued use of the facility. The contract shall be filed with the City with the Certificate of Occupancy for each use;
 - (7) The parking facility shall not be more than 300 feet from the building or use it is intended to serve; and
 - (8) The shared parking facility shall not be separated or divided from the building or use it is intended to serve by a freeway, expressway, highway, or major street.
- b. Termination of Agreement. If the parking agreement is terminated, the owner shall be required to provide adequate parking or the certificate of occupancy shall be revoked.

G. Design of Parking Areas

1. Access. Off-street parking areas shall be provided in the following manner:
 - a. Maneuvering. All parking areas shall provide suitable maneuvering room so that all vehicles may enter an abutting street in a forward direction. The backing of a motor vehicle onto a public street from a parking area shall be prohibited, except for the following:
 - (1) Residential parking facilities not exceeding two spaces per property.
 - (2) Existing commercial and industrial facilities parking areas not exceeding two spaces per property.
 - (3) Existing public and quasi-public use facilities not exceeding two spaces per property.
 - b. Location of Parking. Parking spaces for any use shall be placed in a location to facilitate use of the parking facility.
2. Dimensional Requirements
 - a. Size. Minimum size for parking spaces shall conform with the Thoroughfare Standards and is shown below with the addition of motorcycle and compact car exceptions:

FIGURE 7-3 MINIMUM PARKING SPACE SIZE

<i>Type of Space</i>	<i>Width</i>	<i>Length</i>
Motorcycle	4 feet	8.5 feet
Compact Car	8.5 feet	20 feet
Standard Car	10 feet	20 feet
Handicapped	15 feet	20 feet

Recreational Vehicle	13' x 24' w/3' walk when parallel	
	10 feet	30 feet

- b. Construction Standards. All parking facilities shall be designed and constructed in accordance with the standards of the Engineering Department.
 - c. Angle Parking. Minimum dimensional standards for angle parking are indicated in the Thoroughfare Standards.
3. Drainage. All parking lots shall be suitably graded (no less than 1 percent or no more than an 8 percent slope) and drained in accordance with the standards of the Engineering Department.
4. Driveways. Driveways (curb cuts) shall be constructed in accordance with the commercial and multi-family geometric standards of the Thoroughfare Standards.
5. Lighting. Parking areas used during the hours of darkness shall be illuminated for security and safety. The minimum requirement is one-foot candle, maintained across the surface of the parking area at a uniformity ratio of 3:1. Illumination, including security lighting, shall be directed away from adjoining properties and shall be arranged and controlled so as not to cause a nuisance either to highway traffic or to surrounding uses.
6. Surfacing and Striping. Except as otherwise provided in this chapter, all parking and loading facilities shall be surfaced (paved), striped and marked to clearly define access lanes, handicapped parking spaces, and internal circulation movements.
7. Tandem and Valet Parking. The Council is authorized to approve an off-street parking program utilizing limited tandem parking for commercial and industrial uses provided that the development requires 150 or more parking spaces. No more than 30 percent of the total number of spaces shall be designated as tandem, and a valet parking attendant must be on duty during business hours.
8. Wheel Stops/Curbing. Concrete wheel stops or curbing at least six inches high and six inches wide shall be provided to prevent vehicles overhanging abutting properties or public rights-of-way, to protect landscaped areas and to protect adjacent properties. Curbing shall be located at least three feet from any adjacent wall, fence, property line, walkway, or structure where parking and or drive aisles are located.
9. Landscaping. Landscaping shall be provided in accordance with Section 7.7 Landscape Requirements.
10. Maintenance. All required parking lot facilities shall be continually maintained, free of litter and pot holes and all striping shall be maintained in a legible condition.

SECTION 7.4 ON-SITE LOADING REQUIREMENTS

A. Purpose

The purpose of these provisions is to establish standards to regulate the number, design, and location of on-site loading areas in a manner which ensures the following:

1. Accessible, secure, and well-maintained loading and delivery facilities;
 2. Reduced potential for traffic congestion and hazards;
 3. Protection for adjacent parcels and surrounding neighborhoods from the effects of vehicular noise and traffic generated from the commercial/industrial development;
- and

4. Loading and delivery services in proportion to the needs generated by the proposed land use which are clearly compatible with adjacent parcels and the surrounding neighborhood.

B. Applicability

Every use that receives or distributes materials or merchandise by truck shall provide and maintain on-site loading spaces in accordance with the standards of this subchapter.

C. On-Site Loading Space Requirements

1. The number of loading spaces shall be based upon the total gross floor area in the building or use.
2. On-site loading spaces shall be provided as follows:

Square Feet of Floor Area	Required Loading Spaces
0 – 10,000	None
10,001 – 50,000	1
Each additional 100,000 or fraction thereof	1 additional

D. Design Standards

Off-street loading spaces shall be provided in the following manner:

1. Dimensions. The minimum size of a loading space shall not be less than 15 feet in width, 25 feet in length, with a 15-foot vertical clearance.
2. Location. Loading spaces shall be located and designed as follows:
 - a. Adjacent to, or as close as possible to, the main structure.
 - b. Situated to ensure that all loading and unloading takes place on-site and in no case within adjacent public rights-of-way or on-site traffic areas.
 - c. Situated to ensure that all vehicular maneuvers associated with loading and unloading shall occur on-site.

SECTION 7.5 TRAFFIC MANAGEMENT STUDY REQUIREMENTS

A. Purpose

The purpose of this Section is to establish policies governing traffic flow and safety on street facilities, to minimize traffic congestion, to improve traffic safety and flow, and to ensure that traffic generated from the proposed development can be adequately and safely served by the existing and future street system.

B. Traffic Study Required

A traffic study, which may include a traffic impact analysis and/or a traffic circulation analysis, may be required for any site plan at the discretion of the City Engineer.

C. Timing of Traffic Study

This study shall be submitted for review concurrently with the submittal of the zoning request. An updated study is also required when an initial study is over two years old. The City Engineer may waive the requirement for a study to be updated.

D. Revisions to Traffic Study

Prior to forwarding any zoning case to the Council, the traffic study, if required, shall be reviewed by the City Engineer. The acceptance of the traffic study will be based on the

completeness of the study, the thoroughness of the impact evaluation, and the consistency of the study with the proposed access and development plan.

E. **Pre-submittal Conference Required**

Prior to commencing any required traffic study, the applicant's traffic engineer shall meet with the City Engineer and the Mayor, and discuss such items as definition of the study area, level of background traffic, directional distribution of traffic, street and intersection capacity, intersections requiring level-of-service analysis, and methods for projecting build out volume. This process may be completed via a facsimile transmission. The traffic engineer for the applicant shall submit a form, provided by the City, which establishes the requirement for a Traffic Impact Analysis.

SECTION 7.6 TREE PRESERVATION

A. **Purpose**

SUBJECT TO ANY SUPERSEDING STATE LAW, THE FOLLOWING PROVISIONS ARE APPLICABLE IN THE CITY. NONE OF THE PROVISIONS BELOW SHALL ALONE, OR IN CONJUNCTION WITH OTHER PROVISIONS IN THIS Section 7.6 SHALL BE ENFORCED TO REMOVE ALL DEVELOPMENTAL VALUE OF THE OWNER'S PROPERTY.

The process of urban development can have a profound effect on the preservation and protection of larger native or established trees which provide a valuable amenity to the urban environment and which once destroyed can only be replaced after generations, if at all. This section has the following specific purposes:

1. Establish rules and regulations governing the protection and preservation of native or established trees within the City of Nevada.
2. Encourage the protection of healthy trees and provide for the replacement and/or replanting of trees that are necessarily removed during construction, development, or redevelopment.
3. Provide for the purification of air of carbon dioxide, dust and pollutants and the replenishment of oxygen.
4. Provide for shade, windbreaks and the cooling of air; thereby, reducing the requirements for air conditioning and heating and the utilization of scarce energy sources.
5. Provide for open space and more efficient drainage of land; thereby, reducing the effects of soil erosion and the need for additional drainage facilities.
6. Prevent the clear-cutting of land, enhance community appearance, and property values
7. Protect the public health, safety, and general welfare.

B. **Applicability**

1. The terms and provisions of this section shall apply to real property within the City of Nevada corporate limits as follows:
 - a. All real property upon which any protected tree is located, excluding developed single-family and two-family residential property.
 - b. All vacant and undeveloped real property.
 - c. All real property to be subdivided or re-subdivided, including record plats and replats.
 - d. The yard areas of all developed property, excluding developed single family residential property.
 - e. All easements and rights-of-way, excluding those included on a record plat approved by the Council and filed in the plat records of the County.

2. Exceptions. The following exceptions from the terms and provisions of this section are hereby authorized and granted:
 - a. The terms and conditions of this section allow trees located in necessary public rights-of-way, easements and the buildable area of lots to be removed without a tree removal permit and prior to the issuance of a building permit.
 - b. In the event that any protected tree shall be determined to be in a hazardous or dangerous condition so as to endanger the public health, welfare or safety, and require immediate removal without delay, authorization for removal may be given by the City Manager, or designee, and the protected tree may then be removed without obtaining a written permit as herein required.
 - c. During the period of an emergency, such as a tornado, storm, flood or other act of God, the requirements of this section may be waived as may be deemed necessary by the Council.
 - d. All licensed plant or tree nurseries shall be exempt from the terms and provisions of this section only in relation to those trees planted and growing on the premises of the licensee, that are so planted and growing for the sale or intended sale to the general public in the ordinary course of the licensee's business.
 - e. Utility companies franchised by the City may remove protected trees that endanger public safety and welfare by interfering with utility service, except that where the trees are on owner-occupied properties developed for single-family or duplex use, disposal of the trees shall be at the option of the property owner(s).
 - f. The mowing, clearing and grubbing of brush located within or under the drip lines of protected trees shall be allowed, provided the mowing, clearing or grubbing is accomplished by hand or by mowers. The use of dozers, loaders or other construction or earth moving equipment for this purpose shall not be allowed.
 - g. For recreational property or uses, such as golf courses, ball fields, etc., the buildable area of the property shall include that portion of the property necessary for the construction of the recreational improvements, including sufficient adjacent area to allow the normal operation of construction equipment.
 - h. The terms and provisions of this section shall not apply to any development, subdivision or re-subdivision for which a record plat has been approved by the Council and filed in the plat records of the County prior to the effective date of this ordinance.

C. **Tree Management Plan Required**

1. Along with the submittal of an application for approval of a detailed development plan, site plan, subdivision plat, clearing and grading plan, erosion control plan or public improvement construction plan, a Tree Management Plan shall be submitted to the Mayor.
2. The Tree Management Plan shall:
 - a. Show the location, species, and caliper of all trees on the site which are 6 inches or greater in caliper measured at 4.5 feet above natural grade.
 - b. Identify those trees proposed to be removed and those to be protected.
 - c. Show the methods of preservation of the trees to be protected.

- d. Show the location of proposed building pads, drives, parking, and all easements which will affect existing trees on the site. And
 - e. Show the location of all floodplain limits, and general grading limits of cut and fill.
- 3. The Tree Management Plan shall seek to protect all trees that have each of the following characteristics or conditions:
 - a. A tree that is at least 12 feet in height and has either a single trunk of six inches' caliper or greater, measured at four and a half feet above natural grade level, or a multi-trunk having a total caliper width of eight inches. The total caliper of multi- trunk trees is measured by combining the caliper width of the largest stem or branch with one-half the caliper width of each additional stem or branch, all measured at four and a half feet above natural grade level.
 - b. The tree is located outside of a public street or alley right-of-way, utility easement, drainage easement, fence easement, pedestrian access easement, other public right- of-way or easement; or the buildable area of a building lot or site, as included on a record plat approved by the Council and filed in the plat records of the County; or the buildable area of a building lot or site, as included on a building permit site plan approved by the City. For the purposes of subdivision development, "buildable area" shall mean that portion of a building lot or site not within the required front, side, or rear yard areas. For the purposes of issuing building permits, "buildable area" shall also mean those areas on a building lot or site, as shown on the required site plan, necessary for the construction of other improvements as driveways, parking areas, pools, tennis courts and accessory buildings, including sufficient adjacent area to allow the normal operation of construction equipment.
- 4. The Tree Management Plan is not required to protect trees that are:
 - a. Injured, dying, diseased or infested with harmful insects;
 - b. In danger of falling, interferes with utility service or creates unsafe vision clearance;
 - c. In any manner creates a hazardous or dangerous condition so as to endanger the public health, welfare or safety; or
 - d. Identified on approved subdivision construction plans as necessary to be removed to comply with drainage or lot grading plans; as determined and approved by the City.

D. General Requirements Related to Protected Trees

- 1. No person, directly or indirectly, shall cut down, destroy, remove or effectively destroy through damaging, any protected tree on any real property within the City without an approved Tree Management Plan as provided herein.
- 2. Under no circumstances shall the clear cutting of protected trees on any real property within the City be allowed prior to the approval of a Tree Management Plan for the property
- 3. Unless otherwise approved by the City, no construction or construction-related activity shall occur under the canopy or drip line of any protected tree or group of protected trees.
- 4. No person, directly or indirectly, shall replant, relocate, transfer or move from one location to another any protected tree on any real property within the City without first obtaining a Tree Replanting Permit as provided in this ordinance.

5. All Protected trees are required to be protected from the harmful effects of nearby construction. In order to insure survival of protected trees during the construction process the following shall be required:
 - a. Prior to construction or land development, the developer shall clearly mark with three-inch wide red ribbon or tape all protected trees within 30 feet of a public right- of-way, public easement or buildable lot area, as included on the applicable approved and filed record plat.
 - b. Prior to construction or land development of the subdivision, the developer shall establish designated parking areas for the parking and maintenance of all vehicles, trailers, construction equipment and related items and designated stockpile areas for the storage of construction supplies and materials during construction of the subdivision. The location and dimensions of said designated areas shall be clearly identified on both subdivision construction and site plans and shall be approved by the City prior to construction or land development of the subdivision.
 - c. Designated parking and stockpile areas shall be completely fenced with chain-link fencing and gated for safety purpose and to separate protected trees from the construction area and related construction activity. The designated parking and stockpile areas may be combined into one fenced area provided the preservation of protected trees is not adversely affected or jeopardized.
 - d. Supplies and pipe and other items that are customarily unloaded where installed shall not be required to be stored within the designated stockpile areas.
 - e. During construction, the developer shall prohibit the cleaning of equipment or materials and/or the disposal of any waste material, including, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., under the canopy or drip line of any protected tree or group of protected trees.
 - f. If a foundation, street or alley pavement, utility line, on-site sewerage facility, pool, tennis court, patio, sidewalk, drive or parking lot, as approved by the City, must be constructed within the drip line of a protected tree, it shall be constructed no closer than five feet from the trunk of the protected tree and the canopy of the tree pruned appropriately to balance the effect of damage to the roots.
6. No attachments or wires of any kind, other than those of a protective nature, shall be attached to any protected tree.
7. To accommodate grade changes of six inches or greater, a retaining wall or tree well of rock, brick, landscape timbers or other approved materials shall be constructed around the tree no closer than the drip line of the tree. The top of the retaining wall or tree well shall be constructed at the new grade.

E. Enforcement

1. Any person that removes a protected tree(s) from any real property, including any injury to a protected tree resulting from the failure to follow required tree protection measures that causes or may reasonably be expected to cause the tree to die shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as follows:
 - a. A monetary penalty of 100 dollars per caliper inch of width of the protected tree(s) removed, payable to the City of Nevada. Funds paid to the City as tree removal penalties shall be deposited in a special account or fund and

- used by the City to provide and/or support supplemental landscape plantings in public areas of Nevada. Or
- b. Replacement with new trees having a total tree caliper width equivalent to that of the removed tree(s). The replacement trees shall have a minimum caliper width of three inches, measured at six inches above ground level, and a minimum height of at least six feet, and shall be planted in a location(s) as approved by the City
- 2. All trees planted as a requirement of this subsection shall meet the standards and specifications for landscaping provided in Section 7.7 Landscape Requirements.

SECTION 7.7 LANDSCAPE REQUIREMENTS

A. Purpose

The process of urban development with its alteration of the natural topography, vegetation, and creation of impervious cover can have a negative effect on the ecological balance of an area by causing increases in air temperatures and accelerating the processes of runoff, erosion, and sedimentation. The economic base of the City can and should be protected through the preservation and enhancement of its unique natural beauty, environment, and vegetative space. This section has the following specific purposes:

1. To implement the Nevada Comprehensive Plan.
2. To aid in stabilizing the environment's ecological balance by contributing to the processes of air purification, oxygen regeneration, groundwater recharge, and (storm water) runoff retardation, while at the same time aiding in noise, glare and heat abatement.
3. To ensure that landscaping is an integral part of development, not an afterthought.
4. To provide visual buffering between land uses of differing character to alleviate the harshness of urban life.
5. To enhance the beautification of the City.
6. To safeguard and enhance property values and to protect public and private investments.
7. To preserve and protect the unique identity and environment of the City of Nevada and preserve the economic base attracted to the City of Nevada because of these qualities.
8. To conserve energy.
9. To protect the public health, safety and general welfare.

B. Applicability

1. Except as otherwise provided below, these landscape regulations shall apply to all land located in the City of Nevada. These landscaping requirements shall become applicable to each individual lot when a site plan is submitted for Council review or an application for a building permit on the lot is made. The maintenance requirements in subsection G of this section shall apply to all applications for building permits.
2. This section does not apply to lots containing only single-family and/or duplex uses where only one single-family or two-family structure is constructed.
3. This section applies to the following:
 - a. Neighborhood Services Districts
 - b. Community Retail Districts
 - c. Commercial Corridor Districts
 - d. Business Center Districts
 - e. Industrial Districts
 - f. Planned Development Districts

- g. Specific Use Permits
- h. Applications for building permits or for certificates of occupancy for a change in use.
- i. Applications for building permits for construction work that:
 - (1) Increases the number of stories in a building on the lot; or
 - (2) Increases by more than ten percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot; or
 - (3) Increases the non-permeable lot coverage by more than 2,000 square feet.
- j. Building permit applications for exterior remodeling with a value equal to or greater than \$10,000.00 exclusive of maintenance and repair.
- 4. When the ordinance becomes applicable to a lot, its requirements are binding on all current and subsequent owners of the lot.
- 5. When establishing or amending a planned development district, or amending a special use permit, the Council shall, as a minimum, impose landscaping requirements as a part of any ordinance, that are reasonably consistent with the standards and purposes of this section. All landscaping requirements imposed by the Council must be reflected in landscape and irrigation plans that comply in form and content with the requirements of Subsection C. Submission Requirements.
- 6. The Board may grant a special exception to the landscaping requirements of this section upon making a special finding from the evidence presented that strict compliance with the requirements of this Article will result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the City and its citizens in accomplishing the objectives and purposes of this section. The applicant, to be considered for special exception, must submit a justification statement that describes:
 - a. Which of the requirements set forth in this section will be met with modifications,
 - b. Which project conditions justify using alternatives, and
 - c. How the proposed measures equal or exceed normal compliance.

C. Submission Requirements

- 1. The landscape and irrigation plans submitted under this section shall:
 - a. Include 6 folded blue or black line copies for review.
 - b. Have a scale of one inch equals 100 feet or larger (e.g., one inch equals 50 feet, or one inch equals 40 feet, etc) and be on a standard drawing sheet of a size not to exceed 24 inches by 36 inches. In the event a single sheet is not practicable, multiple sheets may be used if, on each sheet:
 - (1) Match lines are indicated; and
 - (2) A composite drawing is provided that shows the entire proposed development, location of the match lines, sheet numbers, and the location of the sheet within the proposed development by the shading in of the appropriate area on the composite.
- 2. Landscape and irrigation plans required under this section must contain the following information:
 - a. Date, scale, north arrow, and the names, addresses, and telephone numbers of both the property owner and the person preparing the plan.
 - b. Project name, street address, and lot and block description.
 - c. Location of all buildings, parking areas, walks, and other improvements.

- d. Location, height, and material of proposed screening and fencing (with berm to be delineated by one-foot contours).
- e. The location, type and size of all existing trees on the lot must be specifically indicated.
- f. Complete description of proposed plant materials shown on the plan, including names (common and botanical name), locations, quantities, container or caliper sizes, heights, spread, and spacing.
- g. Complete description of landscaping and screening to be provided in or near off-street parking and loading areas, including information as to the amount (in square feet) of landscape area compared to gross site square feet.
- h. Size, height, location, and material of proposed seating, lighting, planters, sculptures, decorative paving, and water features.
- i. Cross section drawing of berms and grading plan showing berm contours.
- j. Location of sprinkler heads, valves, double-check valve, water meter, automatic controller and rain and freeze sensors.
- k. Landscape plans shall contain the certification and a stamp of a landscape architect licensed in the State of Texas that the plans have been reviewed by an architect and satisfy all requirements of these landscape regulations.
- l. Irrigation plans shall contain the certification and stamp of an irrigator licensed by the State of Texas Board of Irrigators that the plans were prepared by an irrigator and satisfy all requirements of these landscape regulations.

D. General Requirements

- 1. Once landscaping is installed according to an approved plan, a landscape architect licensed in the State of Texas shall review the installation and certify that it is in accordance with the approved plan.
- 2. Due to seasonal planting problems and a lack of plant availability, approved landscape plans may require minor revisions. Revised landscaping plans shall be accepted if:
 - a. there is no reduction in the quality of plant material,
 - b. no significant change in size or location of plant materials,
 - c. the new plants are of the same general category (i.e., shade, ornamental, or evergreen trees)
 - d. has the same general design characteristics (mature height, crown spread) as the materials being replaced.
- 3. All plant material (including street trees and planting within the public right-of-way) shall be watered with an automatic irrigation system subject to the following requirements.
 - a. Irrigation sprinkler layouts shall be designed to minimize the amount of spray that will fall on sidewalks, neighboring properties, and adjacent buildings.
 - b. Backflow prevention devices shall be placed in compliance with City of Nevada standards.
 - c. The City encourages the use of water-conserving system design and materials including the use of drip irrigation where appropriate.
 - d. Separate valves for turf and non-turf areas shall be installed to accommodate different water use requirements within the landscaped area.

- e. Rain sensors are encouraged to be installed and operational to reduce water use.
- 4. Landscaping in visibility triangles. No landscaping shall obstruct the view between access drives and dedicated streets, parking aisles, or access drives of parking lots. Landscaping within visibility triangles, as defined in subsection 7.8, shall comply with the following requirements:
 - a. No plants with a height greater than 2.5 feet are allowed in the visibility triangle, except single trunk trees with a minimum branching clearance of seven feet from the ground to the first branch.
 - b. Trees are to be of a size and so spaced that a visual obstruction that represents a traffic hazard is not created.
 - c. Plants shall not reduce or limit visibility to such an extent that a safety hazard is presented. Plants normally considered as effective screens shall be unacceptable for use in the visibility triangle.

E. Landscape Design Requirements

Specific landscape requirements are provided in Article 3, Residential District Regulations and Article 4, Nonresidential District Regulations, Approved landscape plans shall comply with all base standards and shall meet the desirable design attributes required to gain approval of a site plan or building permit as specified in Article 3 and 4.

F. Landscape Standards and Specifications

- 1. Plant Materials. All plant materials should be native or adapted to the north Texas region. The Mayor shall maintain and make available for distribution, a list of acceptable locally-adapted trees and shrubs to meet minimum planting requirements of these regulations.
- 2. Plant materials shall conform to the requirements described in the latest edition of American Standard for Nursery Stock, published by the American Association of Nurserymen.
- 3. Plants shall conform to the measurements and specifications listed below, with caliper measurements taken 12 inches above grade. Minimum branching height for all shade trees shall be six feet.
 - a. Minimum size for shade trees shall be three inches in caliper and 14 to 16 feet in height. Tree heights shall be from tops of root balls to nominal tops of plants.
 - b. Trees shall be healthy, vigorous, full-branched, well-shaped and symmetrical.
 - c. Root balls shall be firm, neat, slightly tapered and well-burlapped.
 - d. Trees shall be free of physical damage such as scrapes, bark abrasions, split branches, mistletoe or other parasitic growth.
 - e. Minimum size for ornamental shade trees shall be three inches in diameter.
 - f. Minimum size for ornamental flowering trees shall be eight to ten feet in height.
 - g. Minimum size for evergreen trees shall be eight to ten feet in height.
 - h. Minimum size for shrub containers shall be five gallons. Substitution of three-gallon material meeting the height requirement of five gallon shrubs is acceptable. Shrubs shall be full bodied, well-shaped and symmetrical.
 - i. Ground cover spacing shall be eight inches on center maximum for four-inch pots and 16 inches on center maximum for one-gallon containers.
- 4. The City shall reject any trees delivered and/or planted not meeting the minimum size and shape standards set forth above.

5. All shrub beds shall be edged using steel, concrete, masonry, or pre-cast concrete edging and all plant materials mulched with a two-inch layer of bark or shredded Cypress mulch.

G. Landscape Maintenance

1. All landscaped areas must be kept in a healthy and growing condition. All seasonal plantings must be replaced at the appropriate time as indicated in the landscape plan. Any plant materials that die during a time of year where it is not feasible to replant, shall be replaced as soon as possible.
2. Landscape maintenance includes, but is not limited to, the following:
 - a. Prompt removal of all litter, trash, refuse and waste;
 - b. Lawn mowing on a periodic basis during the growing season;
 - c. Shrub pruning according to accepted practices of landscape professionals to maintain plants in a healthy condition;
 - d. Tree pruning according to latest edition of the Tree-Pruning Guidelines published by the International Society of Arboriculture;
 - e. Watering of landscaped areas on a regular basis to maintain good plant health;
 - f. Keeping landscape lighting in working order;
 - g. Keeping lawn and garden areas alive, free of weeds, and attractive; cleaning of abutting waterways and landscaped areas lying between public right-of-way lines and the property unless the streets, waterways or landscaped areas are expressly designated to be maintained by applicable governmental authority.
3. All required landscaped areas shall be irrigated using one of the following methods:
 - a. Conventional automatic sprinkler system, installed underground, and using spray and/or bubble type heads;
 - b. Drip or leaky-pipe system using an automatic or manual underground system in conjunction with a water saving system such as drip heads, or leaky-pipes.
 - c. Landscaped areas using xeriscape plants and installation techniques, including native grasses and wildflowers may use a temporary above ground irrigation system.

H. Enforcement

1. Any property owner or tenant that fails to meet any of the above maintenance requirements shall:
 - a. Be given a written notice of the failure by the City;
 - b. Within ten days after receiving the notice the property owner or tenants must correct any maintenance shortcomings.
 - c. Should any property owner fail to fulfill this duty and responsibility within the required period, the City may:
 - (1) Revoke any building permits, certificates of occupancy, or other approvals or permits previously issued for the premises; or,
 - (2) Withhold approval for building permits, certificates of occupancy, and other permits or approvals relating to the premises; or
 - (3) Have the right and power to enter onto the premises and perform care and maintenance. The property owner and tenants of any part of the premises on which the work is performed shall jointly and severally be liable for the costs of the work and shall promptly reimburse the City for the costs. If the property owner or tenant

shall fail to reimburse the City within 30 days after receipt of a statement for the work from the City, the said indebtedness shall be a debt of all of said persons jointly and severally, and shall constitute a lien against the premises on which the work was performed. The lien may be evidenced by an affidavit of costs filed in the real property records.

2. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed \$2,000.00 and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 7.8 VISIBILITY TRIANGLES

A. Protected Area

A person shall not erect, place, or maintain a structure, berm, plant life, or any other item on a lot if the item is:

1. In a visibility triangle as defined in paragraph 2 below; and
2. Between the height of 2.5 feet and seven feet, measured from the top of the adjacent street curb, except as provided in subsection 7.7, Landscape Requirements. If there is no adjacent street curb, the measurement is taken from the grade of the paved portion of the street adjacent to the visibility triangle.

B. Visibility Triangle Defined

For the purposes of paragraph 1, above, the term "visibility triangle" means:

1. For all street intersections, the portion of a corner lot within a triangular area formed by connecting together the point of intersection of 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 created by a sight line projected from the centerline of the nearest on-coming travel lane, starting at the minimum sight distance for a stopped vehicle based on the design speed of the through roadway, corrected for grade, (see chart showing minimum sight distances and grade correction distances) and a point on the centerline of the nearest on-coming through lane of the intersecting street, 10 feet inside the curb line; and
2. For alleys and drives intersecting a street, the portion of a lot within a triangular area formed by connecting together the point of intersection of the edge of a driveway or alley and an 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 20 feet from the intersection, except for single family lots where the distance shall be 10 feet from the intersection.

Figure 7-4 Visibility Triangles

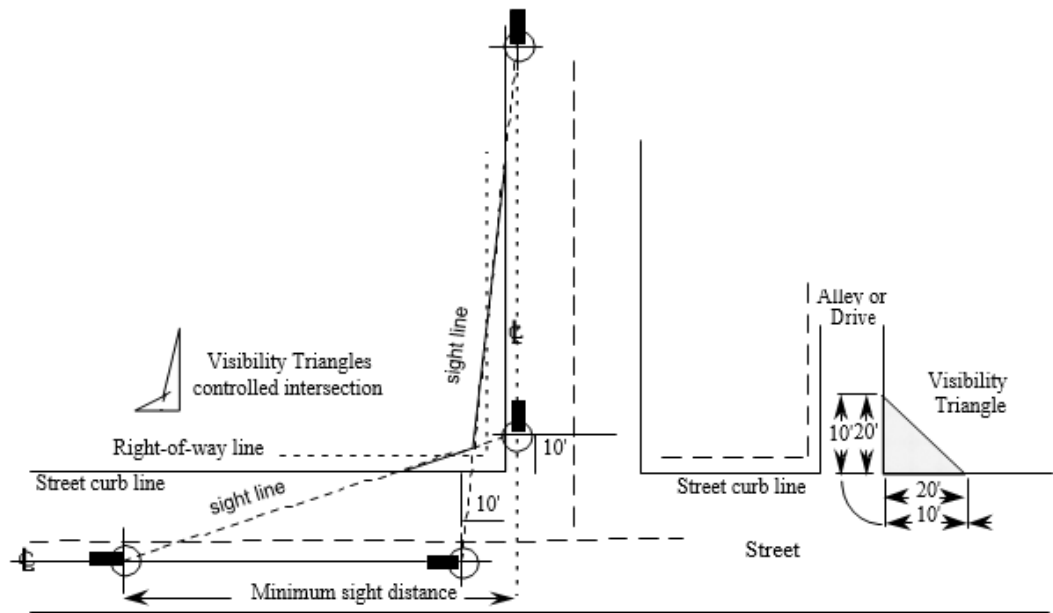


Figure 7-5 Minimum Sight Distances and Grade Correction Distances

Design Speed of Through Roadway (MPH)	Minimum Sight Distance for Stopped Vehicle (Feet)	Grade Correction Distance (Feet)				
		Speed	Upgrade to		for Downgrades	
			3%	6%	3%	6%
25	250	25	0	-10	+10	+20
30	300	30	0	-10	+10	+20
35	350	35	-10	-15	+10	+25
40	400	40	-10	-20	+10	+30
45	450	45	-15	-25	+15	+40

SECTION 7.9 ENVIRONMENTAL PERFORMANCE STANDARDS

A. Purpose

The purpose of this Section is to provide for uniform environmental performance standards for the control of noise, humidity and heat, and vibration in recognition that:

1. The quality of life in a community is enhanced when free from the nuisances created by these environmental conditions;
2. The excessive exposure to these environmental conditions can adversely affect the health and safety of the citizens of the City; and
3. Addressing these environmental issues at the plat and site plan review stage is more effective than waiting until individual citizens have to complain of adverse impacts and therefore contributes to the general welfare of the community.

B. Noise

1. General Provisions

- a. It shall be unlawful for any person to willfully make, cause to be made, or continued any unreasonable noise within the City.
- b. Any unreasonable noise that is plainly audible as indicated below shall be considered prima-facie evidence of a violation of this section.

- (1) At the property line of a property;
 - (2) Within 25 feet of the noise source when the noise source is within a vehicle or on the public right-of-way; or
 - c. Areas around schools, institutions of learning, churches or courts while the facilities are in use, or hospitals, nursing homes, or homes for the aged are especially sensitive to noise. When provided with conspicuous signs displayed on adjacent or surrounding streets an area containing one of these uses shall be declared a Quiet Zone.
2. Exclusions
- a. Activities directly connected with the abatement of an emergency, including construction activities and authorized emergency vehicles when such vehicles are responding to an emergency call or when in pursuit of an actual or a suspected violator of the law or when responding to, but not returning from a fire, are excluded from the provisions of this section.
 - b. Bells and chimes, or any device for the production or reproduction of the sound of bells or chimes from any church, school, or clock, operated between the hours of 7:00 a.m. and 10:00 p.m. are excluded from the provisions of this Section.
 - c. Firework displays, which otherwise comply with the Code of the City, are excluded from the provisions of this Section.
 - d. Activated burglar alarms, which otherwise comply with the Code of the City, are excluded from the provisions of this Section.
3. Noise Sound Level Standards
- a. Sound pressure levels shall be measured at the approximate location of the property line, at a height of at least four feet above the immediate surrounding grade, on a sound level meter of standard design and operated on the A network.
 - b. The maximum permissible sound pressure levels of any continuous source of sound is given in the Table 7-6, Sound Pressure Level Limits. Sound pressure levels in excess of these limits are considered an unreasonable noise and are prohibited.

Figure 7-6 Sound Pressure Level Limits

District	dB(A) during the Day 7:00 a.m. to 7:00 p.m.	dB(A) during the Night 7:00 p.m. to 7:00 a.m.
All residential districts	55	50
Nonresidential districts except Industrial	60	55
Industrial districts	80	75

C. Humidity and Heat

1. Any humidity in the form of steam or moist air or any heat from any activity shall be regulated controlled, and contained so as to not create a nuisance or hazard to neighboring properties and their occupants and to those who pass on public rights-of-way.
2. No heat shall be sensed at the property line to the extent of raising the temperature of air or materials more than 5 degrees Fahrenheit (5°F) above ambient air temperatures.

D. Vibration

1. No use, activity or operation shall produce a vibration at a property line on which the use, activity or operation is conducted, that exceeds a particle velocity of 0.2 inches per second.
2. The instrument used for measuring vibration shall be a three component measuring system capable of simultaneous measurement of vibration in three mutually perpendicular directions. The maximum particle velocity shall be the vector sum of the three individual components recorded.

ARTICLE 8 DEVELOPMENT REVIEW PROCEDURES

SECTION 8.1 ZONING-RELATED APPLICATIONS

In the event a Planning and Zoning Commission has not been appointed, the City Council shall perform those duties below. Duties of the "Director" shall be performed by the Mayor or the Mayor's designee.

A. General

1. Filing of an Application
 - a. Pre-application Conference
 - (1) An applicant for a change in zoning is encouraged to request a pre-application conference with the Director prior to formal application.
 - (2) At the pre-application conference, the applicant should present a draft concept plan with as much detail as possible.
 - (3) Based on the information presented, the Mayor will provide initial comments concerning the merits of the proposed development and inform the applicant of any additional requirements for preparation of the formal zoning application.
 - b. Application Requirements. No application shall be reviewed which is not complete and accompanied by the payment of fees as established in this Code or other ordinances of the City of Nevada. All applications shall be filed with the City on forms available from the City of Nevada.
 - c. Timing. Completed applications for rezoning shall be submitted at least eight weeks prior to the first scheduled hearing date. Completed applications for site plan and development plan approval shall be submitted at least four weeks prior to the first scheduled hearing date.
2. Submission of Plans
 - a. Preparation. All plans submitted pursuant to this Zoning Ordinance shall be prepared by a registered architect, engineer, landscape architect, or certified city planner.
 - b. Quantity Required. The applicant shall submit the following quantities of submittals in support of an application in order to provide for adequate review of the application:
 - (1) Six copies of all plans, elevations and other drawings that form the submittal, no larger than 24" x 36".
 - (2) One copy of the Application form and 8 1/2" x 11" photographic reduction of the drawings, including a legal description of all tracts involved in the application.

- (3) One copy of the Development Schedule, Preliminary Service plan, Draft Development Agreement and any other supporting material as may be required.
3. Posting property for zoning changes.
- Any person, firm or corporation requesting a change in zoning from one district classification to another district classification shall be required to place and maintain a sign or signs, provided by the Planning Department, upon the property for which a change in zoning has been requested, which sign or signs shall be located as follows:
- a. One sign for the first three hundred (300) feet of each street frontage and one sign for each additional one thousand (1,000) feet of street frontage, shall be located within thirty (30) feet of the abutting street, or as determined by the Mayor or his/her designee.
 - b. So as to be clearly visible and readable from the public right-of-way and not obstructed in any manner.
 - c. So as not to create a hazard to traffic on the public rights-of-way abutting the property.
 - d. On the subject property at least fifteen (15) days prior to the hearing of such zoning request by the Planning and Zoning Commission, and to remain continuously on said property until final action by the City Council or withdrawal of the case by the applicant. Removal of the sign by the applicant after a recommendation by the Planning and Zoning Commission shall constitute a withdrawal of the request.
 - e. The signs, caused to be placed by the Planning Department shall be of a size, type, and message content as determined by the Director of the Planning Department but shall advise the rezoning is requested and shall list the telephone number of the Department of Planning for more information.
 - f. Upon making an application for a zoning change, the Applicant will place sign(s) provided by the Planning Department as required by this section. After the zoning change is approved in final form by the City Council, denied by the City Council, or withdrawn by the applicant, the Applicant shall return the sign to the Planning Department within ten (10) days of such event.
 - g. It shall be unlawful for anyone to remove, destroy, deface or obstruct the view of a sign which gives notice that a rezoning has been requested.
 - h. In the event the applicant shall fail to place or maintain signs in accordance with Section 8.1.A.3, then the public hearing(s) before either the Planning and Zoning Commission or the City Council, shall be postponed to a date in the future which would allow time for compliance.
 - i. The erection of any sign required by this section shall not require a permit under the city sign ordinance.
 - j. The owner or applicant shall promptly notify the Planning Department to replace any sign required by this ordinance which becomes stolen or vandalized and a police report must be filed. The Planning shall have the power to decide whether or not there has been substantial compliance with the posting requirements in the case of stolen or vandalized signs.
 - k. Failure to return the sign in accordance with this Ordinance shall result in a fee of \$100.00 charged to the applicant. No building permit or certificate of occupancy will be issued until all fees have been satisfied.

B. Rezoning Applications

Approval of a concept plan shall be required in connection with any request for zoning unless that zoning request is at the initiation of the City. All subsequent site plans shall be in conformity with the approved concept plan.

C. Required Concept Plan

1. Applicability

- a. Concept plans shall comprise part of the zoning on the site, and changes to concept plans shall constitute a change in zoning.
- b. If, in the opinion of the Director, a site plan does not conform to the concept plan approved by the City, the applicant shall either seek approval of a revised concept plan (through re-zoning) or submit a revised site plan.

2. Purpose

The purpose of a concept plan is to provide the City with the information and data that is necessary to assess the merits of the development, to properly plan for services in the City, and to ensure that developments are consistent with the comprehensive plan, thoroughfare plan and open space plan.

3. Concept Plan Content

- a. General. All plans must include date, appropriate engineering scale, north arrow, vicinity map, and the names, addresses and telephone numbers of both the property owner and the individuals preparing the plans.
- b. Site Features. The site analysis shall be prepared which describes existing natural features such as contours at not less than 2 foot intervals, trees over 6" in caliper, drainage ways and other water features and physical improvements by including the following items:
- c. Concept Plan. The concept plan shall include the following:
 - (1) A metes and bounds description of the overall tract.
 - (2) Conceptual representation of proposed use(s) and generalized representation of proposed improvements.
 - (3) Identification of all areas to be dedicated to the City or to have public easements, such as roadways, utilities, open space and drainage areas.
 - (4) General indication of how the proposed development will be able to achieve the desirable requirements for applicable design standards required in this ordinance.
 - (5) Location of all proposed screening between the site and adjacent property.
 - (6) Indication of each phase of development if separate phases are proposed.
 - (7) The location of collector roadways proposed in the development, right-of-way widths, and the location of collector access points to abutting streets and highways.

4. Other Materials

Other material that may be submitted in support of the application:

- a. Draft development agreement and any covenants, conditions, restrictions and agreements which govern the construction, use, maintenance and operation of roadways, parks, open space, drainage areas and facilities.
- b. A preliminary geo-technical report that addresses soil, subsurface and slope conditions that may affect development.

- c. Traffic study showing the project's impact on roadway and intersection capacity.
- d. A development schedule indicating the appropriate date on which construction is expected to begin and the rate of anticipated development to completion. The development schedule, if adopted and approved by the Commission, shall become part of the development plan and shall be adhered to by the owner, developer, and his successors in interest.

D. Required Site Plan

- 1. Applicability
 - a. Site plans are required for all developments except single family lots. The subdivision plat for single family development will be considered the site plan. Site plans shall be accompanied by a proposed development schedule. No development may occur, or building permit be approved on a site which does not conform to the approved site plan.
 - b. Site plans shall reviewed by the Commission, and shall be considered part of the development requirements for that site. A change to the site plan shall be considered a change in zoning in a planned development district.
- 2. Purpose

The purpose of a site plan is to ensure that all provisions of the zoning ordinance of the City are adhered to; that sensitive environmental issues such as slopes and vegetation are accommodated; and that services and facilities necessary to support the proposed development will be available on an appropriate time schedule.
- 3. General
 - a. No construction or development within a district that requires a site plan may commence, and no building permit may be issued unless the Commission has approved a site plan.
 - b. Where a concept plan has been approved as part of the zoning, all site plans must be in conformity with that approved concept plan.
 - c. No public notification is required for consideration of a site plan, or amendment, beyond posting as an agenda item for the Commission. This provision does not apply to PD site plans, which must be notified.
 - d. Site plans are required to demonstrate the manner in which the development will achieve the desirable requirements for design standards required in this ordinance. The review of the design standards required in this ordinance is subject to the following:
 - (1) The manner in which the plan achieves the desirables are at the discretion of the developer.
 - (2) The Staff and Commission may suggest alternative ways to achieve the required desirables, but may not deny a site plan solely on the basis of how the desirables are achieved.
 - (3) The Staff and Commission shall determine that the required desirables have been achieved with the site plan.
- 4. Site Plan Content
 - a. Size. Required site plans shall be prepared on a standard sheet size not to exceed 24" x 36", and at an engineering scale of 1"=100' or larger. Required site plans shall be prepared by registered engineer, architect or landscape architect. In the event a single sheet is not practicable, multiple sheets may be used if, on each sheet:
 - (1) Match lines are indicated; and

- (2) A composite drawing is provided that shows the entire proposed development, location of the match lines, sheet numbers, and the location of the sheet within the proposed development by the shading in of the appropriate area on the composite.
- b. General Information Required
 - (1) North Arrow;
 - (2) Total site acreage;
 - (3) Submission date;
 - (4) Scale (written and graphic);
 - (5) Vicinity map;
 - (6) Names, addresses and telephone numbers of designer, engineer, developer and owner;
 - (7) Accurate survey of the boundaries of the site with the location of proposed land uses;
 - (8) Adjacent subdivision names and property lines; and
 - (9) Adjacent land uses and structures.
- c. Structures
 - (1) Location, dimensions and use of all existing facilities and proposed building sites;
 - (2) Setback and separation distances between building sites;
 - (3) Proposed construction type and facade materials for all non-residential buildings (the Commission may require elevations and perspective drawings);
 - (4) Proposed density of each use;
 - (5) Proposed location of screening along the collector roadways shown on the thoroughfare plan.
- d. Streets and Sidewalks
 - (1) Location and width of all rights-of-way and easements;
 - (2) Location and dimensions of all pavement and curbing;
 - (3) Location and width of all sidewalks;
 - (4) Location and width of all ingress/egress points;
 - (5) Location and width of all medians and median breaks; and
 - (6) Location of any special traffic regulation facilities.
- e. Off-Street Parking and Loading Areas
 - (1) Number, location and dimension of spaces;
 - (2) Type of surface material of parking facility;
 - (3) Dimension of aisles, driveways, maneuvering areas and curb return radii;
 - (4) Distance between spaces and adjacent rights-of-way;
 - (5) Location of all existing and proposed fire lanes and hydrants; and
 - (6) Proposed lighting plan.
- f. Landscaping
 - (1) Location and size of major tree groupings and existing hardwood trees greater than 6" caliper, noting whether they are to be removed or retained;
 - (2) Location and size of proposed plant materials, including paving;
 - (3) Number and type of each landscape element;
 - (4) Height and type of all fencing or buffering;
 - (5) Height of all planters, sculptures and decorative screens;
 - (6) Location and type of trash receptacle screening;

- (7) Location and type of lighting for streets, signage and parking areas; and
 - (8) Location of visibility triangles where required.
 - g. Geo-technical
 - (1) Geo-technical report on soils, subsurface and drainage that demonstrates conformity with the City's objectives;
 - (2) Direction of water flow;
 - (3) Quantity of on and off-site water generation;
 - (4) Topographic contours at a minimum of 5 foot intervals;
 - (5) Points of concentrated water discharge; and
 - (6) Areas where special design and construction may be necessary due to slope or soil conditions.
 - h. Preliminary Service Plan
 - (1) A preliminary drainage plan of the area showing the size and location of each existing and proposed drainage way and retention or detention area.
 - (2) The proposed method of providing water and sewer utilities.
 - i. Tabulation of Desirables Requirements for Design Review
 - (1) Each site plan submission shall present, in tabular form, the manner in which the applicant feels that the site plan meets required desirables for Design Standards specified in this ordinance.
 - (2) Tabulations shall cross reference drawings or details on drawings to facilitate review.
 - (3) The Director will review and certify that the required desirables have been achieved.
5. Site Plan Review and Approval
- a. Review of Site Plans
 - (1) Site plans shall be reviewed by the Commission. Based upon its review, the Commission may approve, conditionally approve, request modifications or deny approval of the site plan based on evaluation of the site plan details with respect to criteria in this subsection.
 - (2) In cases where site plan approval included provisions which must be approved by the Council, Commission approval of the site plan shall be referred to the Council for this action.
 - (3) Site plans that meet the required desirables for design review may not be denied on the bases of how they were achieved. The Commission may explore with the applicant the rationale for the manner in which the desirables were achieved and may discuss alterations the applicant would be willing to make that would improve the projects accomplishment of City goals and objectives.
 - b. Appeal of Planning Commission Decision
 - (1) An appeal to the Council of the Commission's decision may be made if filed by the applicant in writing with the Planning Department not more than seven days after the date of the action taken by the Commission.
 - (2) The appeal shall state all reasons for dissatisfaction with the action of the Commission.

- (3) A three fourths majority vote by the Council is required to approve, conditionally approve, or modify the site plan, otherwise the decision of the Commission stands.
- c. Review Criteria
- Site plans may have additional stipulations placed on them by the Commission, under the appeal process. In approving or denying a site plan under this Article, the following criteria shall be considered:
- (1) The extent to which the site plan fulfills the goals, objectives and standards in the City's Comprehensive Plan, Thoroughfare Plan, and other City policies and ordinances.
 - (2) The fact that the site plan achieves the desirables to satisfy design standards required in this ordinance.
 - (3) Safety of the motoring and pedestrian public using the facility and area surrounding the site.
 - (4) Safety from fire hazards and measures of fire control.
 - (5) Protection from flooding and water damage.
 - (6) Noise and lighting glare effects on adjacent neighbors.
 - (7) Relations of signs to traffic control and their effect on adjacent properties.
 - (8) Adequacy of streets to accommodate the traffic generation of the proposed development.
 - (9) Adequacy of off-street parking and loading facilities for the uses specified.
 - (10) Landscaping and screening provisions appropriately designed.
 - (11) Sitting structures and other improvements relative to required setbacks, height limitations, and other density and dimensional requirements.
 - (12) The environmental impact of the proposed development on the natural resources on site and on surrounding properties and neighborhoods.
 - (13) Such other measures as might secure and protect the public health, safety, morals and general welfare.
- d. Effect of Site Plan Approval
- (1) If development of a lot with an approved site plan has not commenced within two years (in accordance LGC 245.005) of the date of final approval of the site plan, the site plan shall be deemed to have expired, and a review and re- approval of the approved site plan by the Commission shall be required before a building permit may be issued.
 - (2) Extensions of the approval of the site plan may be granted by the Commission for a six-month period, if:
 - (a) There has been no related change in the City's development requirements since the last approval.
 - (b) There has been no change in the area surrounding the site since the last approval. and,
 - (c) There is no change in the site plan as originally approved.
 - (3) There is no limit to the number of extensions a property owner may request.
 - (4) If any of the above conditions are not met, the site plan shall require review and re-approval.

- (5) The review and approval shall be undertaken under the same procedures as a new submission and shall take into account all changes to applicable ordinances and other conditions which have occurred subsequent to the prior approval of the site plan.

E. **Processing Amendments to Approved Applications**

1. Amendments to all applications and approvals shall be processed in the same manner as the original application. However, the applicant shall submit a summary of all elements that are proposed to be changed along with the revised plans and application.
2. Notwithstanding the above, the Director may approve minor modifications in an approved site plan or PD site plan administratively, provided that they do not:
 - a. Alter the basic relationship of proposed development to adjacent property;
 - b. Change the uses permitted;
 - c. Increase the maximum density, floor area, or height;
 - d. Decrease the amount of off-street parking, unless parking remains sufficient in number and conforms to ordinance requirements;
 - e. Reduce the minimum yards or setbacks; or
 - f. Detrimentally change or alter the characteristics of the elevational drawings or site plan as approved, but rather allow for some flexibility in minor modification too same.

SECTION 8.2 CREATION OF BUILDING SITE

Prerequisite for Issuance of a Building Permit. No permit for the construction of a building or buildings upon any tract shall be issued until a building site, building tract, or building lot has been created by compliance with the following conditions:

- A. The lot or tract is a part of a plat of record properly approved by the Commission, and filed in the plat records of the appropriate county of record; except where the tract or lot faces upon a dedicated street and was separately owned, prior to February 25, 2003 or prior to annexation (whichever is applicable), and in such excepted event the exception shall apply only for one main building which shall otherwise comply with the requirements of the Nevada Zoning Ordinance, on a onetime basis; and
- B. The lot or tract has complied with the requirements for site plans, as set forth in the Ordinance, to the extent applicable; and
- C. The lot or tract is accessed by a public street or public drive.

SECTION 8.3 PLATTING PROPERTY NOT PERMANENTLY ZONED

- A. The Commission shall not approve any plat of any subdivision within the city limits of the City of Nevada until the area covered by the proposed plat has been permanently zoned by the City.
- B. The Commission shall not approve any plat or any subdivision within any area where a petition or ordinance for annexation or a recommendation for annexation to the City of Nevada is pending before the Council unless and until such annexation has been approved by resolution of the Council. All annexed land areas shall be zoned Agricultural/30 (AG-2/20) upon coming into the City.

SECTION 8.4 ZONING BOARD OF ADJUSTMENT

A. **Organization and Procedure**

1. **Establishment.** The Zoning Board of Adjustment is established in accordance with the provisions of The Local Government Code § 211.008, regarding the zoning of cities and with the powers and duties as provided in those statutes. The purpose of

the Board is to review and act on, in public hearings, requests for variances and special exceptions to the terms of this Zoning Ordinance that are consistent with the general purposes and intent of the Ordinance.

2. **Membership.** The City Council will serve as the Board unless and until the City Council formally establishes a separate Board. In that event, the Board shall consist of five citizens each to be appointed or reappointed by the Mayor and confirmed by the Council, for staggered terms of two years respectively. Each member of the Board shall be removable for just cause by Council upon written charges and after public hearings. Vacancies shall be filled by the Council for the unexpired term of any member whose term becomes vacant. The Board shall elect its own chairperson, who shall serve for a period of two years or until his or her successor is elected. The Council may appoint four alternate members of the Board who shall serve in the absence of one or more regular members when requested to do so by the Mayor or City Manager. These alternate members, when appointed, shall serve for the same period as regular members and any vacancies shall be filled in the same manner, and they shall be subject to removal as regular members.
3. **Rules and Regulations.** The Board shall adopt rules and regulations and keep minutes of its proceedings, showing the vote of each member or the fact that a member is absent or fails to vote. The Board shall adopt from time to time such additional rules and regulations as it may deem necessary to carry into effect the provisions of the ordinance and shall furnish a copy of the rules and regulations to the Director, all of which rules and regulations shall operate uniformly in all cases. All of its resolutions and orders shall be in accordance with the rules and regulations. All proceedings of the Board shall be public record, and all meetings shall be open to the public.
4. **Meetings.** Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. The chairman or acting chairman may administer oaths and compel the attendance of witnesses. All meetings, hearings or proceedings shall be heard by at least four members of the Board.

B. Initiation

1. The Board may initiate a public hearing on issues within the Board's jurisdiction. A Board initiated public hearing shall comply with the procedures in this section.
2. Any aggrieved person, or an officer, or department of the City may appeal a denial of a building permit; or an interpretation, exception, or variance request from the development code to the Board, unless a different appeal process is specifically provided in this chapter.
 - a. An appeal to the Board shall be made within 10 days after denial of a building permit or written notice of an interpretation of the development code.
 - b. The applicant shall file with the Director a written notice of appeal on a form approved by the Board.
 - c. The Director shall prepare the record of City action that is being appealed for consideration by the Board.
3. Any aggrieved person, or an officer, or department of the City may apply for a variance from a provision of the development code to the Board, unless a different variance process is specifically provided in this Article.

C. Authority of the Board

1. Subpoena Witnesses. The Board shall have the power to subpoena witnesses, administer oaths and punish for contempt, and may require the production of documents, under regulations as it may establish.
2. Appeals Based on Error. The Board shall have the power to hear and decide appeals where it is alleged there is an error of law in any order, requirement, decision or determination made by an administrative official in the enforcement of this ordinance.
3. Variances. Authorize in specific cases a variance from any term of a zoning ordinance if the variance is not contrary to the public interest and, due to special conditions of the site, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done.
4. Other Areas of Authority. The Board may:
 - a. Permit the erection and use of a building or the use of premises for railroads if the uses are in general conformance with the master plan and present no conflict or nuisance to adjacent properties.
 - b. Permit a public utility or public service or structure in any district, or a public utility or public service building of a ground area and of a height at variance with those provided for in the district in which the public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety, or general welfare.
 - c. Grant a permit for the extension of a use, height or area regulation into an adjoining district, where the boundary line of the district divides a lot in a single ownership on the effective date of this ordinance.
 - d. Permit the reconstruction of a nonconforming building which has been damaged by explosion, fire, act of God, or the public enemy, under the provisions contained in Article 9, Nonconforming Uses and Structures.
 - e. Waive or reduce the parking and loading requirements in any of the districts, whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.

D. Appeal Procedures

1. Record. The office or department from which the appeal is taken shall transmit to the Board all of the minutes constituting the record upon which the action appealed from was taken.
2. Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action appealed unless the Director certifies to the Board that, by reason of facts in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record, after notice to the office from whom the appeal is taken and on due cause shown.
3. Notice of Hearing on Appeal. The Board shall fix a reasonable time for the hearing of the appeal or other matters referred to it, shall give public notice of the hearing, and shall mail notices of the hearing to the petitioner and to the owners of property lying within 200 feet of any point of the lot or portion of the lot on which a variation is desired, and to all other persons deemed by the Board to be affected by the appeal. The owners and persons shall be determined according to the current tax

rolls of the City. Depositing of the written notice in the mail shall be deemed sufficient compliance to the notification requirements.

4. **Decision by Board.** The Board shall decide the appeal within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney. The Board may reverse or affirm wholly or partly or may modify the order, requirements, decisions or determination as in its opinion ought to be made to the premises and, to that end, shall have all powers of the officer or department from whom the appeal is taken.
5. **Concurring Vote.** The concurring vote of 75 percent of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to affect any variance in the ordinance.
6. **Standards Used in Hearing an Appeal**
 - a. The Board in hearing an appeal from an interpretation of the development code shall consider:
 - (1) The technical meaning of the provision being appealed;
 - (2) Evidence of the manner in which the provision has been interpreted in the past;
 - (3) The positive or negative impact of the requested appeal on the achievement of stated City development goals and objectives; and
 - (4) The intent of the provision in implementing the Comprehensive Plan.
 - b. In approving a requested interpretation of the development code, the Board shall provide a written record of its findings and the Staff shall use it to propose amendments that address future interpretation problems.

E. Variance Procedures

1. **Pending Action.** An application or request for a variance shall not be heard or granted with regard to any parcel of property or portion of property upon which a concept plan, detail site plan or development plan, preliminary plat or final plat, when required by this ordinance for any parcel of property or portion of property, has not been finally acted upon by both the Commission and the Council. The administrative procedures and requirements of this ordinance, with regard to Commission consideration and action, on concept plans, detail site plans, preliminary plats and final plats, must be exhausted prior to requesting a variance from the terms of this ordinance.
2. **Variances Based on Hardship.** The Board shall have the power to authorize upon appeal in specific cases a variance from the terms of this ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship and so that the spirit of this ordinance shall be observed and substantial justice done, including the following:
 - a. Permit a variance in the yard requirements of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions, provided the variance will not seriously affect any adjoining property or the general welfare.
 - b. Authorize upon appeal, whenever a property owner can show that a strict application of the terms of this ordinance relating to the construction or alterations of buildings or structures will impose upon him or her unusual

and practical difficulties or particular hardship, such variances from the strict application of the terms of this ordinance as are in harmony with its general purpose and intent, but only when the Board is satisfied that a granting of the variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance from the standards or regulations established by this ordinance and, at the same time, the surrounding property will be properly protected.

3. Submittal Requirements. A written application for variance shall be submitted with a fee, accompanied by an accurate legal description, maps, site plans, drawings and any necessary data, demonstrating:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 - b. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
 - c. That the special conditions and circumstances do not result from the actions of the applicant.
 - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district.
4. Standards Used in Hearing a Variance Request
 - a. The Board shall not grant a variance to the development code which:
 - (1) Permits a land use not allowed in the zoning district in which the property is located; or
 - (2) Is in the public right-of-way or on public property; or
 - (3) Alters any definition of the development code; or
 - (4) Is other than the minimum variance that will afford relief with the least modification possible to the requirements of the development code; or
 - (5) Is based on physical conditions or circumstances of the property so general or recurring in nature as to reasonably make practicable the formulation of a general regulation to be adopted as an amendment to the development code; or
 - (6) Is based exclusively on findings of personal or financial hardship.
 - b. In order to grant a variance to the development code the Board shall find that all the following have been satisfied:
 - (1) That there are unique physical circumstances or conditions of the lot, or other exceptional physical condition particular to the affected property;
 - (2) That because of these unique physical circumstances or conditions, the property cannot be reasonably developed or used in compliance with the provisions of the development code;
 - (3) That due to such unique physical circumstances or conditions, the strict application of the development code would create a demonstrated hardship;
 - (4) That the demonstrable hardship is not self-imposed;
 - (5) That the variance if granted will not adversely affect the proposed development or use of adjacent property or neighborhood;

- (6) That the variance, if granted will not change the character of the zoning district in which the property is located;
- (7) That the variance, if granted is in keeping with the intent of the development code; and
- (8) That the variance, if granted will not adversely affect the health, safety or welfare of the citizens of Nevada.
- c. Convenience, profit or caprice shall not constitute undue hardship.
- d. This section shall not apply to variances related to signs and advertising devices.
- e. The Board may impose any reasonable conditions on the issuance of a variance and may amend the variance from that requested.
- f. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
- g. The Board shall have no authority to change any provisions of this ordinance and its jurisdiction is limited to the scope of authority indicated in this Article. The Board may not change the district designation of any land.

F. Public Notice

- 1. The Board shall hold a public hearing on all applications and appeals.
- 2. Notice of the public hearing shall be provided by:
 - a. Publication in a newspaper of general circulation in the community at least 10 days prior to the public hearing; and
 - b. In the case of variances to the development code, giving proper notice to property owners within 200 feet of the property requesting the variance.

G. Board Action

- 1. The applicant or the appellant has the burden of proof to establish the necessary facts to warrant favorable action of the Board.
- 2. The Board shall have all the powers of the Director, Building Official, or applicable City official on the action appealed from. The Board may in whole or in part affirm, reverse, or amend the decisions of the Director, Building Official, or applicable City official.
- 3. The Board may impose reasonable conditions in its order to be complied with by the appellant in order to further the purposes and intent of this chapter.
- 4. No single decision of the Board sets a precedent. The decision of the Board shall be made on the particular facts of each case.
- 5. The appellant shall act on an approved variance or interpretation within 90 days from the date of the favorable action of the Board or an extended period specifically granted by the Board at the time of the hearing. If the appellant fails to act within the time period, the action of the Board is void and the appellant shall begin the appeal process or variance process anew.

H. Appeals to Board Action

Appeals to decisions of the Board shall be made to a district court.

SECTION 8.5 CERTIFICATES OF OCCUPANCY AND COMPLIANCE

A. Certificate of Occupancy Required

No use, or change of use, shall take place until a Certificate of Occupancy has been issued by the Building Official. Certificates of Occupancy shall be required for any of the following:

- 1. Occupancy and use of a building erected or structurally altered.

2. Change in use of an existing building to a use of a different classification.
3. Occupancy and use of vacant land, except for an agricultural use.
4. Change in the use of land to a use of a different classification.
5. Any change in the use of a nonconforming use.

B. **Procedure for New or Altered Buildings**

Written application for a Certificate of Occupancy for a new building or for an existing building which is to be altered shall be made at the same time as the application for the building permit for the building. The certificate shall be issued within 10 days after a written request for the certificate has been made to the Building Official or his or her agent after the approved and accepted erection or alteration of the building that has been completed in conformity with the provisions of this ordinance.

C. **Procedure for Vacant Land or a Change in Use**

Written application for a Certificate of Occupancy for the use of vacant land, or for a change in the use of land or a building, or for a change in a nonconforming use, as provided in this ordinance, shall be made to the Building Official. If the proposed use is in conformity with the provisions of this ordinance, the Certificate of Occupancy shall be issued within 10 days after the application for the certificate was made.

D. **Contents**

Every Certificate of Occupancy shall state that the building or the proposed use of the building or land complies with all provisions of the building code, fire laws and other pertinent ordinances of the City. A record of all certificates of occupancy shall be kept on file in the office of the Building Official or his or her agent and copies shall be furnished on request by any person having proprietary or tenancy interest in the building or land affected.

E. **Temporary Certificate**

Pending the issuance of a regular certificate, a temporary Certificate of Occupancy may be issued by the Building Official for a period not exceeding six months, during the completion of alterations or during partial occupancy of a building pending its completion. The temporary certificates shall not be construed as in any way altering the respective rights, duties, or obligations of the owners or of the City relating to the use or occupancy of the premises or any other matter covered by this ordinance.

F. **Certificates for Nonconforming Uses**

A Certificate of Occupancy for all nonconforming uses is required by Article 9, Section 9.3.

SECTION 8.6 CHANGES AND AMENDMENTS TO ALL ZONING ORDINANCES AND DISTRICTS AND ADMINISTRATIVE PROCEDURES

A. **Declaration of Policy**

The City declares the enactment of these regulations governing the use and development of land, buildings, and structures as a measure necessary to the orderly development of the community. Therefore, no change shall be made in these regulations or in the boundaries of the zoning districts except:

1. To correct any error in the regulations or map.
2. To recognize changed or changing conditions or circumstances in a particular locality.
3. To recognize changes in technology, the style of living, or manner of doing business.

B. **Authority to Amend Ordinance**

The Council may from time to time, after receiving a final report by the Commission and after public hearings as required by law, amend, supplement, or change the regulations provided in this ordinance or the boundaries of the zoning districts. All amendments shall be effective only upon passage of an ordinance making the appropriate amendments.

C. **Public Hearing and Notice**

Prior to making its report to the Council, the Commission shall hold at least one public hearing on each application. Written notice of all public hearings on proposed changes in district boundaries shall be sent to all owners of property located within the area of application and within 200 feet of any property affected by the zoning change, within not less than 10 days before the hearing is held. The notice may be served by using the last known address as listed on the City tax rolls and depositing the notice, postage paid, in the United States mail.

Notice of hearings on proposed changes in the text of the Zoning Ordinance shall be accomplished by one publication not less than 15 days prior to the public hearing in the official newspaper of the City. Notices for the public hearing before the Council will also be published at the same time notice of the Commission meeting is published.

D. **Commission Consideration and Report**

The Commission, after the public hearing is closed, shall prepare its report and recommendations on the proposed change stating its findings, its evaluation of the request and of the relationship of the request to the Comprehensive Plan. The Commission may defer its report for not more than 90 days until it has had the opportunity to consider other proposed changes which may have a direct bearing on the change. In making its determination, the Commission shall consider the following factors:

1. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the City as a whole.
2. Whether the proposed change is in accordance with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers and other utilities to the areas and shall note the findings.
3. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and special circumstances which may make a substantial part of the vacant land unavailable for development.
4. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.
5. How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved, and whether the designation for other areas should be modified also.
6. Any other factors which will substantially affect the health, safety, morals or general welfare of the residents of the City.

E. **Council Consideration**

1. **Proposal Recommended for Approval.** Every proposal which is recommended favorable by the Commission shall be forwarded to the Council for setting and holding of the public hearing on the case. No change, however, shall become effective until after the adoption of an ordinance for the change and its publication as required by law.
2. **Proposal Recommended for Denial.** When the Commission determines that a proposal should be denied, it shall report the recommendation to the Council and

notify the applicant. When a proposed zoning request is heard by the Council that has been denied by the Commission, a three-fourths majority vote by the Council shall be required for approval. A request which has been denied by the Commission and/or Council may be resubmitted as a new request at any time for reconsideration by the City (a new filing fee must accompany the request.)

3. Denial of the Request with Prejudice. The Commission and/or Council may deny any request with prejudice. If a request has been denied with prejudice the same or substantially similar request may not be resubmitted to the City for one year from the original date of denial.
4. Council Hearing and Notice. Notice of Council hearings shall be given by publication at the same time notice is given for the Commission public hearing in the official newspaper of the City, stating the time and place of the hearing. Notice shall be placed in the newspaper at least 15 days prior to the date of the public hearing.
5. Three-fourths Vote. A favorable vote of three-fourths of the Council shall be required to approve any change in zoning when written objections are received which comply with the provision of the state laws commonly referred to as the "20 percent rule." If a protest against a proposed amendment, supplement or change has been filed with the City Secretary, duly signed and acknowledged by the owners of 20 percent or more, either of the area of lots included in the proposed change or those immediately adjacent to the area of the proposed change and extending 200 feet from the street frontage of the opposite lots, the amendments shall not become effective except by a three-fourths vote of the Council.

F. **Final Approval and Ordinance**

Upon approval of the zoning request by the Council, preparation of the amending ordinance shall begin immediately. The amending ordinance shall be ready for Council action within 30 days. At any time prior to consideration of the amending ordinance, the zoning request, at the option of the Council, may be recalled for a new public hearing.

ARTICLE 9 NONCONFORMING USES AND STRUCTURES

SECTION 9.1 INTENT

The lawful use of any building, structure or land existing at the time of the enactment of this ordinance or a prior zoning ordinance may be continued although such use does not conform with the provisions of this ordinance, provided, however, the right to continue such nonconforming uses shall be subject to regulations prohibiting the creation of a nuisance and shall terminate when inappropriate use of the premises produces a condition which constitutes a nuisance and further, the right of nonconforming uses to continue shall be subject to ordinances regulating the maintenance of the premises and conditions of operations as may in the judgment of the Board be reasonably required for protection of adjacent property and the public health, safety and welfare, and further, the right of nonconforming uses to continue or to use nonconforming structures shall be subject to the specific regulations herein contained.

SECTION 9.2 NONCONFORMING STATUS DEFINED

- A. Nonconforming uses are declared to be incompatible with the permitted uses in the districts involved.
- B. Except as provided in this Article, no nonconforming use of land or nonconforming buildings shall be enlarged, changed, altered or repaired except in conformity with these regulations.
- C. Any use or structure that does not conform with regulations of the zoning district in which it is located shall be deemed nonconforming when:

1. The use was in existence and lawfully operating prior to the time of the passage of the previous zoning ordinance No. 2001-48, effective 11/11/2001, and has since been operating without discontinuation; or
 2. The use or structure was a lawful use or structure at the time of the adoption of any amendment to this ordinance but by such amendment: (i) the use is placed in a district wherein such use is not otherwise permitted; or (ii) the structure is made to be nonconforming; or
 3. The use or structure, which does not conform to the regulations prescribed in the district in which such use or structure is located, was in existence at the time of annexation to the City and has since been in regular and continuous use.
- D. Single-family or two-family dwellings constructed prior to 11/11/2001 which do not provide the off-street parking required by ordinance shall be considered conforming in regards to parking. Furthermore, single-family or two-family dwellings constructed on platted lots which may now be legally nonconforming due to stricter standards contained in this ordinance, shall be deemed in conformance with this ordinance, as long as the use of the lot is allowed in the respective zoning district. Only the lot size, lot depth, setbacks and width shall be allowed to be less than the regulations prescribed in the zoning district in which it is located. All other regulations of this ordinance shall be met or the lot shall be considered nonconforming.

SECTION 9.3 REGISTRATION OF NONCONFORMING USES AND STRUCTURES

The operator, owner or occupant of any nonconforming uses of land or nonconforming structures shall, within eighteen (18) months after the date on which the use or structure became or becomes nonconforming, register the nonconforming use or structure by obtaining from the Building Official a Certificate of Occupancy. Such nonconforming certificate of occupancy shall be considered as evidence of the legal existence of a nonconforming use or structure as contrasted to an illegal use, structure or violation of this ordinance. The Building Official shall maintain a register of all certificates of occupancy issued for nonconforming uses or structures and shall, on written request and payment of the required fee, issue a duplicate certificate to anyone having a proprietary interest in the property in question.

SECTION 9.4 NONCONFORMING USES OF LAND

A. NONCONFORMING USES

1. Except as otherwise provided in this ordinance, the nonconforming use of a building, land or structure lawfully existing at the time of the effective date of this ordinance may be continued.
2. No nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by the nonconforming use at the effective date of adoption or amendment of this ordinance.
3. Any existing vacant lot platted prior to the adoption of this ordinance which was legally conforming prior to the adoption of this ordinance shall be deemed a conforming lot.

B. NONCONFORMING STRUCTURES

1. A legal nonconforming structure may continue to be occupied, upon receipt of a certificate of occupancy, except as herein otherwise provided.
2. Repairs, renovations and alterations may be made to a nonconforming structure, provided that: (i) no structural alteration shall be made except those required by law or ordinance or those required to preserve the structure, unless the structure is changed to a conforming structure; and (ii) the work does not increase the nonconformity or expand the existing area of the nonconforming structure or any

nonconforming use therein. This ordinance shall never be construed to allow an addition to a nonconforming structure.

3. No nonconforming building or structure shall be moved in whole or in part to any other location on the lot, or on any other lot, unless every portion of such building or structure is made to conform to all the regulations of the zoning district.

SECTION 9.5 EXPANSION OF NONCONFORMING USES OF STRUCTURES

- A. No nonconforming use may be increased as of the effective date of this ordinance, unless specifically authorized in this ordinance, unless approved by the Board.
- B. No additional structures shall be erected in connection with a nonconforming use of property.
- C. The number of dwelling units or rooms in a nonconforming residential structure shall not be increased so as to exceed the number of dwelling units or rooms existing at the time the use became nonconforming.
- D. A nonconforming structure shall not be added to enlarge in any manner unless such addition and enlargements are made to conform to all the requirements of the district in which such structure is located, unless approved by the Board.

SECTION 9.6 TERMINATION OF NONCONFORMING USES OR STRUCTURES

The right to operate a nonconforming use shall cease and the use shall be terminated under any of the following circumstances:

- A. When the use is discontinued or abandoned. Discontinuance of a nonconforming use shall consist of the intent of the user or owner to discontinue a nonconforming use and the actual act of discontinuance. A legal nonconforming use, when discontinued or abandoned, shall not be resumed.
- B. The following shall constitute prima facie evidence of discontinuance or abandonment:
 1. When land used for a legal nonconforming use shall cease to be used in such manner for a period of six (6) months; or
 2. When a building or other structure designed or used for a nonconforming use shall cease to be used in such manner for a period of six (6) months.
 3. Any nonconforming use which does not involve a permanent structure and which is moved from the premises shall be considered to have been abandoned.
- C. When any provision of this ordinance or any other ordinance, or Federal or State Statute is violated with respect to a nonconforming use or nonconforming structure.
- D. When a nonconforming use is changed to a conforming use by rezoning.
- E. When a nonconforming structure receives a variance from the Board for each non-complying feature.
- F. When the structure housing the use is destroyed by the intentional act of the owner or the owner's agent.
- G. When the right to occupy a non-conforming structure or to maintain or operate a nonconforming use has been terminated by the Board.
- H. A nonconforming structure which is damaged or partially destroyed by fire, flood, wind, explosion, earthquake, or other calamity or act of God shall not be again restored, rebuilt or used if the expense of such restoration exceeds seventy-five (75) percent of the repair/replacement cost of the structure at the time such damage occurred. Whenever a nonconforming structure is damaged in excess of seventy-five (75) percent of its replacement cost at that time, the repair or reconstruction of such structure shall conform to all the regulations of the district in which it is located, and it shall be treated as a new structure. A restoration or reconstruction in violation of this ordinance immediately terminates the right to operate the nonconforming use or occupy the nonconforming structure.

SECTION 9.7 TERMINATION OF NONCONFORMING USES BY THE COUNCIL

The Council may from time to time on its own motion or upon cause presented by interested persons inquire into the existence, continuation or maintenance of any nonconforming use within the City. The Council may take specific action to abate, remove, limit or terminate any nonconforming use under a plan where the owner's actual investment in the use prior to the time that the use became nonconforming can be amortized within a definite time period. The following factors must be considered by the Council in determining a reasonable amortization period:

- A. The owner's capital investment in the structures on the property at the time the use became nonconforming.
- B. The amount of the investment realized to date and the amount remaining, if any, to be recovered during the amortization period.
- C. The life expectancy of the investment.
- D. The existence or nonexistence of lease obligations, as well as any contingency clauses therein permitting termination of such leases.
- E. Removal costs that are directly attributable to the establishment of a termination date, and
- F. Other costs and expenses that are directly attributable to the establishment of a termination date.

SECTION 9.8 CHANGING NONCONFORMING USES

- A. A lawful nonconforming use of a structure or building may be extended throughout such portions of the buildings as are arranged or designed for such use, provided no structural alterations, except those required and allowed by law or ordinance, are made therein. If no structural alterations are made, a nonconforming use of a structure or building may be changed to another nonconforming use of a more restrictive classification, after approval by the Board, but where the use of a nonconforming structure, land or building is hereafter changed to a more restricted classification, it shall not thereafter be changed to a use of less restricted classification. If a nonconforming use of a structure, land or building is terminated, whether voluntarily or otherwise, the future use of such structure, land or building shall be in conformity with the provisions of this Ordinance.
- B. No nonconforming use shall be changed to another nonconforming use that requires more off-street parking facilities or off-street loading spaces than the original nonconforming use unless additional off-street parking facilities and loading spaces are provided so as to comply with the requirements of this ordinance.
- C. A nonconforming use, if changed to a conforming use, may not be changed back to a nonconforming use.

SECTION 9.9 RESTORATION OF A DAMAGED PROPERTY HOUSING A OWNER-OCCUPIED, NONCONFORMING SINGLE-FAMILY RESIDENTIAL STRUCTURE

- A. Owner Occupied Single-Family Residential Property. Nothing in this ordinance shall prevent the restoration of an owner occupied single-family residential structure which has been destroyed to any extent by fire, explosion or other casualty or act of God or a public enemy, nor to prevent the continued occupancy or use of such building or part of the building which existed at the time of partial destruction, provided that the building permit for the reconstruction is applied for within six months of the destruction and the reconstruction is completed within one year of the date of permit issuance. The continued occupancy shall be conditioned upon compliance with and subject to applicable health and safety regulations.
- B. The structure can only be restored or reconstructed so as to have the same height and floor area that it had immediately prior to the damage or destruction.
- C. The property owner has the burden of proof to establish the height and floor area of the structure immediately prior to the damage or destruction.

SECTION 9.10 RECONSTRUCTION, ENLARGEMENT, AND REPAIR OF NONCONFORMING STRUCTURES

- A. If a nonconforming structure is partially damaged or destroyed, meaning the expense of such restoration does not exceed seventy-five (75) percent of the repair/replacement cost of the structure at the time such damage occurred, other than by the intentional act of the owner or the owner's agent, or is damaged to the extent that it shall be impractical to repair the existing structure and demolition is required, the owner or owner's agent may restore or reconstruct the structure on the existing foundation without Board approval, if:
 - 1. The work does not increase the degree of nonconformity existing prior to such damage, destruction or demolition; and
 - 2. Reconstruction is started within one year of the event damaging or destroying the structure. The Board may extend the one-year time period, if the owner shows that he has intended to rebuild the property.
- B. The property owner has the burden of proof to establish the height and floor area of the structure immediately prior to the damage or destruction.

ARTICLE 10 DEFINITIONS

SECTION 10.1 GENERAL

Terms which are used in this Ordinance and are not specifically defined shall be given their ordinary meaning, unless the context requires or suggests otherwise. In the case of ambiguity or uncertainty concerning the meaning of a particular term, whether or not defined, the Director and staff of the Department shall have the authority to assign an interpretation which is consistent with the intent and purpose of this Ordinance, or an interpretation which is consistent with previous usage or interpretation.

SECTION 10.2 WORDS AND TERMS DEFINED

Accessory structure means structures which are incidental to, and located on the same lot as, a principle building(s) including but not limited to, trash enclosures, sign structures, fences, walls, wind-powered systems and similar structures.

Alley means a right of way which provides secondary access to adjacent property, generally in the rear of the property and used for the purpose of service access and not intended for general travel.

Basement means any level of a building where more than one half of the vertical distance between floor and ceiling is below the grade of the site.

Block means property designated on an officially recorded map existing within well-defined and fixed boundaries within a subdivision and usually being an area surrounded by streets or other features such as parks, railroad rights-of-way or municipal boundary lines which make it a unit.

Board means the Board of Zoning Adjustment for the City of Nevada.

Building means a structure for the support or shelter of any use or occupancy.

Building area means the total square feet of floor area in a building measured to the outside faces of exterior walls or to the omitted wall lines, whichever produces the larger area.

Building Code—Codes adopted include:

- 2015 International Building Code
- 2015 International Existing Building Code
- 2015 International Residential Code
- 2015 International Mechanical Code
- 2015 International Plumbing Code
- 2015 International Fuel Gas Code
- 2015 International Energy Conservation Code
- 2015 International Fire Code
- 2014 National Electrical Code

Applicable code amendments include:

- [2015 International Code Amendments](#)
- [2015 International Fire Code Amendments](#)
- [2014 National Electrical Code Amendments](#)

Building line means a line established, in general, parallel to a property line, over which no part of a building shall project, except as otherwise provided in this Ordinance.

Building Official means the officer or other designated authority charged with the administration and enforcement of this Code, or the Building Official's duly authorized representative.

Certificate of Occupancy means a certificate issued by the City after final inspection and upon a finding that the building, structure and/or development complies with all provisions of the applicable City codes, permits, requirements and approved plans.

Commission means the Planning and Zoning Commission for the City of Nevada. When no Commission has been appointed by the Council, the Council will take actions otherwise required of the Commission.

Council means the City Council for the City of Nevada.

Corner lot means any lot that has two or more streets along two or more of its adjacent lot lines.

Court means an open unoccupied space, other than a required yard, on the same lot with a building and bounded on two or more sides by the walls of a building.

Director means the Director of the Department of City Planning for the City of Nevada. Where no Director has been appointed or employed, the term Director shall apply to the Mayor.

District means a zone or zoning district within which the use of land and structure and the location, height, and bulk of structures are governed by this title.

Double front lots means any lot that has two streets along two of its lot lines which are not adjacent.

Dwelling unit means one or more rooms designed to accommodate one family and containing only one kitchen plus living, sanitary, and sleeping facilities.

Family means an individual or two or more persons related by blood, marriage or adoption; or a group of not more than five persons, excluding servants, who need not be related by blood or marriage, living in a dwelling unit.

Floor area means the same as Building area.

Front yard means that portion of a lot between the front lot line and the front building line.

Hazardous or high risk use is any use which in the determination of the Building Official or Director, presents a health or safety hazard due to excessive smoke, dust or odors, toxic fumes, noise, vibration, or danger of fire, explosion or radiation and involving materials meeting the "Degree of Hazard – 4" criteria of the Uniform Fire Code.

Height means the vertical distance measured from grade to the highest point of the structure.

Lot means a designated parcel, tract, or area of land established by a plat and to be used, developed or built upon as a unit.

Lot area means the total square feet of area within the lot lines of a lot, excluding any street right-of-ways.

Lot coverage means the percentage of a lot covered by the building. Parking facilities are not counted when calculating lot coverage.

Lot depth means the length of a line connecting the mid-point of the front and rear lot lines.

Lot line means a property line that divides one lot from another lot or from a public or private street or any other public space.

Lot of record means a lot that exists as shown or described on a plat or deed in the records of the local registry of deeds.

Lot width means the length of a line, drawn perpendicular to the lot depth line at its point of intersection with the front yard line, connecting the side property lines.

Main building means a building devoted to the principle use of the lot on which it is situated. In any residential district, a dwelling shall be deemed to be the main building on the lot which it is situated.

Nonconforming use means a use that does not conform to the use regulations of this chapter, but was lawfully established under the regulations in force at the beginning of operation and has been in regular use since that time.

Nonconforming structure means a structure that does not conform to the design regulations of this ordinance and the zoning district in which it is located, but was lawfully erected under the regulations in force at the beginning of operation and has been a continued use since that time.

Occupancy means the purpose for which a building or land is used.

Open space means any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public use or enjoyment or for the private use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

Platted lot line means a lot line that has been recorded with the official recording agency.

Public Street means any street in the City of Nevada that is not private.

Rear yard means that portion of a lot between the rear lot line and the rear building line.

Side yard means that portion of a lot line between the side lot lines and the side building lines.

Story means that portion of a building between any two successive floors or between the top floor and the ceiling above it.

Street line means the right-of-way of a street.

Structure means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Variance means an adjustment in the application of the specific regulations of this title to a particular piece of property, which property, because of special circumstances uniquely applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone, and which adjustment remedies disparity in privileges.

Yard means that portion of a lot which is required to be unoccupied and unobstructed from the ground to the sky, except as otherwise provided in this Ordinance.

Wind-powered systems means windmills and/or wind turbines used to convert energy of the wind into electricity using rotating blades and are incidental to, and located on the same lot as the principle building(s).

Zoning district map means the official map upon which the zoning districts of the city are delineated.