

CITY OF WOODCREEK  
ZONING ORDINANCE  
NO. 00-650

An Ordinance of the City of Woodcreek, Texas providing zoning districts, regulations and standards for the development and use of the land; making findings of fact; providing definitions; amending ordinances and portions thereof in conflict with this Ordinance; providing severability; opening meetings and publication clauses and providing for other relevant matters.

Amended February 8, 2006

Zoning Ordinance 00-65N  
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## ORDINANCE NO. 00-650

WHEREAS, the Ordinances of the City establishing zoning districts within the City limits should be amended to better provide an attractive living environment and to protect the health, safety and welfare of the present and future residents of the City;

WHEREAS, the citizens and citizen groups have been afforded multiple opportunities over an extended period of time to provide comment and make recommendations on the provisions and content of this Ordinance;

WHEREAS, the content and provisions of this Ordinance have been considered at multiple public meetings at which citizen review and comment has been solicited;

WHEREAS, the Planning and Zoning Commission recommended the foregoing Ordinance to the City Council after having first given notice and held public hearings as required by Chapt. 211, Tex. Loc. Govnt. Code; and

WHEREAS, the City Council having given notice and held public hearings in compliance with Chapt. 211, finds the terms and provisions of this Ordinance are advocated and supported by the citizens of the City, and are reasonable and necessary to accomplish the intended and legitimate public purpose;

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

### ARTICLE I GENERAL

#### **Section 1. Authority.**

This Ordinance is adopted pursuant to the police powers of the City of Woodcreek and under the authority of the Constitution and general laws of the State of Texas, including particularly *Chapt. 211, Tex. Loc. Gov't. Code.*

#### **Section 2. Title.**

This Ordinance shall be known, and may be cited, as the Zoning Ordinance of the City of Woodcreek, Texas.

#### **Section 3. General Purpose and Intent.**

The primary purposes of this Ordinance are to promote the public health, safety, morals, and the general welfare of the City and its present and future residents; provide reasonable regulations and requirements to protect, preserve, improve and provide for the public health, safety, morals, and general welfare of the present and future citizens of the City; and to establish a framework of zoning guidelines and criteria which will provide for and support the development of a quality living and work environment by incorporating provisions requiring all future development and redevelopment to provide a compatible plan for residential, commercial and industrial uses, while providing reasonable protections for both the public and persons having an ownership interest in property affected by these regulations. This Ordinance should be administered and applied to result in development superior to that otherwise achievable and to promote the following purposes:

- (a) assist the safe, orderly, healthful and coordinated development of the City;
- (b) conserve existing and future neighborhoods;
- (c) protect and conserve the value of real property throughout the community;
- (d) conserve, develop, protect, and utilize natural resources, as appropriate and consistent with the public interest, to enhance the preservation of the environment;

- (e) protect and preserve places and areas of historical and cultural importance and significance to the community;
- (f) prevent the overcrowding of land and avoid undue concentration of population or land uses, thereby encouraging high quality development and innovative design;
- (g) lessen congestion in the streets and provide convenient, safe, and efficient circulation of vehicular and pedestrian traffic;
- (h) facilitate the adequate and efficient provision of transportation, water and wastewater service, schools, parks, emergency and recreational facilities, and other public requirements;
- (i) promote economic development through an efficient and practical means by which development will promote a prosperous economic environment;
- (j) promote compatible residential, commercial and recreational uses to harmoniously relate future development and redevelopment to the existing community and facilitate the development of adjoining properties;
- (k) standardize the procedure and requirements for zoning, building permits, and certificates of occupancy to provide administrative efficiency and property owner rights; and
- (l) provide the context for the appropriate reconciliation of any differences of interest among property owners, developers, neighborhoods and the City.

#### **Section 4. Jurisdiction and Intent.**

The requirements of this Ordinance shall apply to all property within the City; provide a voluntary guide for the development of property within the extra territorial jurisdiction in order that such property may be developed in a manner consistent with neighboring areas and existing or planned infrastructure; and be construed and applied in a manner to give effect to the City of Woodcreek Master Plan. This Ordinance has been made with reasonable consideration among other things, for the character of the district and its peculiar suitability for the particular uses specified, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City consistent with the City of Woodcreek Master Plan. Nothing herein shall be construed to grant a permanent zoning.

The intent of this Ordinance is to supplement the minimum standards for the development of land within the City as contained in the City's Subdivision Ordinance and Building Ordinance. If only the minimum standards are followed, as expressed by the various ordinances regulating land development, a standardization of development will occur. Such will produce a monotonous urban setting and is not encouraged.

#### **Section 5. Application.**

The provisions of this Ordinance shall, except as specifically provided otherwise in this Ordinance, apply to all land within the jurisdiction of the City.

#### **Section 6. Exemptions.**

The provisions of this Ordinance shall not:

- (a) prohibit the continuation of plans, construction or designed use of a building for which a building permit was lawfully issued provided that:
  - (i) the building and construction are completed in their entirety within one (1) year from the effective date of this Ordinance; and
  - (ii) that the construction shall have been started within ninety (90) days after the effective date of this Ordinance.
 Such building, construction or use that is not in compliance with this Ordinance shall be a nonconforming use; or
- (b) apply to permits or commitments given by the City with reference to construction of public utility buildings prior to the passage of this Ordinance, provided the buildings and construction are completed within one year from the effective date of this Ordinance.

**Section 7. Enforcement of Regulations.**

- (a) No building permit or certificate of occupancy shall be issued by the City for or with respect to any lot, tract or parcel of land within the City limits that is developed, or proposed to be developed, after the effective date of this Ordinance, until all of the applicable requirements of this Ordinance have been satisfied and accepted by the City.
- (b) This Ordinance may be further enforced by injunction and other judicial proceedings, either at law or in equity; and, in lieu of or in addition to any other authorized enforcement or action taken, any violation of any term or provision of this Ordinance, with respect to any land or development within the City, is subject to fines and penalties set forth by the City Council.

## **Section 8. Site Plan Review**

### **Purpose:**

(a) The Site Plan Review is designed to enable the Planning and Zoning Commission and City Council of the City of Woodreek to determine that the proposed development meets the intent and requirements of the Master Plan and the Zoning Ordinance. Site Plans are required for all Zoning districts with the exceptions of SF-1, SF-2, SF-3, SF-4, SF-5 and SF-6.

(b) The proposed Site Plan Review does not affect the requirement that the applicant submit full building plans to the City to enable the Building Inspector to determine that the proposed development complies with all applicable ordinances and regulations.

### **Fees:**

The applicant shall pay a fee, the amount thereof to be determined by the City Council, said fee to pay the costs incurred by the City in review of all plans required to be submitted by the applicant.

### **Materials to be Submitted:**

All maps shall be drawn to scale and of a size sufficient to clearly show the required information.

(a) A map showing the location of the property, the use of adjacent property and the location and names of adjacent streets.

(b) Photographs of the property and adjacent land uses and structures.

(c) A plot plan showing the dimensions and boundaries of the property.

(d) A detailed plan showing the proposed development of the property including location and use of all buildings, parking areas, recreational areas, access roads, driveways, lighting fixtures and other development.

(e) A copy of the above identified detailed plan showing the dimensions of structures, parking spaces (with specific identification of handicapped accessible parking spaces), access roads, setbacks, recreational facilities, curb cuts, any off-site work or facilities that will be necessary, driveways, erosion control proposed during and after construction, and all other physical development.

(f) A copy of the above identified detailed plan showing proposed drainage patterns and facilities including surface drainage, storm sewers, detention ponds, channel or paving sections and any other aspects of drainage.

(g) A copy of the above identified detailed plan showing the proposed system for disposal of waste products.

(h) A letter from all utility companies which will supply services to the complex specifically stating that they are

capable of providing, and will provide, required utilities to the development. The letters must specifically identify the development and the number of proposed units.

(i) Elevations of all structures including materials to be used.

(j) Floor plans of all buildings within the proposed development showing the uses of floor space within each building.

(k) Floor plans, including dimensions, of all sizes and types of dwelling units to be offered within the development (one floor plan for each type or size of unit).

(l) Detailed drawings of recreational facilities, including required provision of shelters between said recreational facilities and adjacent property.

(m) A landscape plan showing landscaping proposed to be developed.

(n) A summary page specifically relating development requirements of the Zoning Ordinance to the proposed development in a tabular form sufficient to enable the Commission and Council to determine that the proposed development meets all requirements of the Zoning Ordinance.

(o) Any additional material or information determined by the Commission or Council to be required after review of the above documentation and identification of matters of concern.

**Schedule of Review:**

The following schedule shall be effective upon submission by the applicant of all required information as described above.

(a) All Site Plans should be submitted to the Public Works Director and to the Architectural Control Committee, by the Commission, and their recommendations should be submitted verbatim to Council with the Commission recommendations.

(b) The Commission should submit a recommendation to Council not more than 60 days from the date of the first regular Commission meeting following submission of all documentation by the applicant.

(c) Council should review and act upon the request not more than 60 days from the date of the first regular Council meeting following receipt of the recommendation of the Commission.

**'Site Plan Specific' Action:**

Approval of a Site Plan applies only to the specific Site Plan approved by the City of Woodcreek. Any change to said Site Plan requires that the City be notified prior to implementation of the change and provided with information deemed by the City to be sufficient to enable the City to evaluate and approve, disapprove, or require modification of, the proposed change. Deviation of the development from the approved Site Plan without the specific approval of the City of Woodcreek is a violation of approval of the Site Plan and said action shall result in immediate referral of the violation to the City Attorney for appropriate legal action.

Sections 9-19 Reserved.

**ARTICLE II.**  
**ZONING REGULATIONS AND DISTRICTS**

**Section 20. Establishment of Zoning Districts.**

- (a) The City is hereby divided into 28 zoning districts, each such district having the authorized use, height and area regulations as set out in the Zoning Districts Charts. (See Charts 1 and 3, pages 9A and 13A).
- (b) Zoning Map. The location and boundaries of the Districts herein established are shown upon the Zoning Map, which is hereby incorporated and made a part of this Ordinance; provided that such uses as listed but not shown on the zoning map are provided for future growth and use upon expansion of the corporate boundaries of the City and amendment of the Comprehensive Master Plan. It shall be the duty of the City Secretary (whose function is assigned to the City Administrator) to maintain the Zoning Map together with all notations, references, and other information shown thereon and all amendments thereto.
- (c) District Boundaries. Where uncertainty exists with respect to the boundaries of the established districts as shown on the Zoning Map, the following rules shall apply:
- (i) Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or highway right-of-way lines shall be construed to be said boundaries.
  - (ii) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
  - (iii) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines of right-of-way lines of highways such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale on said Zoning Map.
  - (iv) In subdivided property, the district boundary lines on the Zoning Map shall be determined by use of the scale appearing on the map.
  - (v) If a district boundary line divides a property into two (2) parts, the district boundary line shall be construed to be the property line nearest the district line as shown.
  - (vi) Whenever any street, alley or other public way is vacated by the City Council, the zoning district shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all regulations of the districts as extended.
  - (vii) Where the streets on the ground differ from the streets shown on the Zoning Map, those on the ground shall control.

## **Section 21. General Requirements and Limitations**

- (a) Conformity to Zoning District Required. No building shall be erected and no existing buildings shall be moved, structurally altered, added to or enlarged, nor shall any land, building or premises be used, or designated for use for any purpose or in any manner other than provided for hereinafter in the district in which the building, land or premises is located; provided, however, that necessary structural repairs may be made where health and safety are endangered. (See Special Use Permits, Section 25.)
- (b) Outdoor Lighting. Lights shall be shielded to prevent light being emitted from fixtures designed or installed as to cause light to fall on neighboring property, motor vehicle drivers' eyes or wasted upward, illuminating the sky. Property owners with existing lighting which is not adequately shielded have six (6) months from the date this Ordinance becomes effective to provide adequate shielding.
- (c) Outdoor tanks, including propane tanks, must be screened by fencing or landscaping. Building permits are required for fencing.
- (d) All buildings shall have a hard-surface driveway. Accessory structures not accessed by road vehicles are excepted.
- (e) Parking of automobiles, trucks, buses, trailers, mobile homes, recreational or commercial vehicles on publicly owned rights of way, park or greenbelt is prohibited.
- (f) All fences shall be constructed and maintained to ensure structural integrity against natural forces such as wind, rain and temperature variations. All fences shall be maintained in safe and good workmanship condition. The finished side of all fences built to comply with these regulations shall face away from the screened object.
- (g) To reduce fire hazards, wood roof surfaces are not permitted in any Zoning District. Fire-resistant materials such as metal, tile, fiberglass, composite shingles, etc. shall be used on all roof surfaces.
- (h) Mobile homes are not permitted in any Zoning District.
- (i) Signs and Billboards. No sign or billboard shall be erected, moved, altered, added to, enlarged, painted, or modified unless it shall conform to the provisions of this Ordinance and all applicable City Ordinances governing the placement, location, permitting, construction and maintenance of signs. Except as otherwise expressly authorized by Ordinance, all off-premises signs and billboards are expressly prohibited.
- (j) Structures and Buildings. No building, structure or accessory structure shall be erected, converted or enlarged, nor shall any such existing building or structure be structurally altered or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, unless the same shall be done and completed in a manner to comply with all applicable City codes and ordinances, and such work and structure shall:
- (i) Conform to the setback, building site area, building location and land use regulations hereinafter designated for the district in which such building or open space is located.
  - (ii) Not exceed the height limit herein established for the district in which such building is located.
- (k) Accessory Structures and Uses. Accessory structures designed, constructed and located for a use permitted in the district, in compliance with this Ordinance and all other applicable City ordinances, are permitted in each zoning district.
- (l) Conformity to Other City Ordinance Requirements. No structure or building shall be erected, converted, enlarged, reconstructed or structurally altered unless plans meet the requirements of other City Ordinances, including Subdivision, Building and Flood Plain Plan.
- (m) Conformity to Parking and Loading Space Requirements. No structure or building shall be erected, converted, enlarged, reconstructed, or structurally altered unless it shall conform to the off-street parking and loading requirements of this Ordinance.

(n) Conformity to Building Setback Requirements. No yard or other open space provided around any structure or building for the purpose of complying with provisions of this section shall be considered as providing a yard or open space for a building on any other lot.

(o) Height and Placement Requirements. Except as otherwise specifically provided in this Ordinance, no building shall be erected or maintained within the required building setbacks set forth herein, or which exceeds the height limits specified in the Zoning Districts Charts.

(p) Uses Noncumulative. Uses within each District are restricted solely to those uses expressly permitted in each District, and are not cumulative unless so stated.

(q) Exceptions. Nothing in this section shall prohibit the approval of a comprehensive zero lot line residential development or other innovative housing development in compliance with the other terms and provisions of this Ordinance.

## SECTION 22. RESIDENTIAL REQUIREMENTS AND LIMITATIONS

### (a) Permitted uses allowed in all single-family residential zoning districts:

- (i) Single-family, built on lot, dwellings
- (ii) Home occupation
- (iii) Temporary buildings for uses incidental to construction work on the premises which shall be removed upon the completion or abandonment of construction work.
- (iv) Water supply reservoirs, pumping plants and towers.
- (v) Accessory structures and uses customarily incidental to the above uses and located on the same lot therewith, not involving any conduct of any business or commercial enterprise.
- (vi) Churches

### (b) Masonry Requirements

Exterior walls of all structures shall have a minimum of fifty-five (55) percent stone, brick or stucco, exclusive of openings. For the purpose of calculating the 55% requirement, area of the exterior walls shall be the determinant. Calculation shall be based upon height multiplied by the linear length of the exterior walls minus the area of all openings, i.e., windows, doors and vents. Stucco shall be deemed to mean multiple applications of wet Portland cement stucco or like material applied over stone, brick, concrete, concrete block, tile block or steel mesh that has been affixed to the exterior structure.

With regard to structures built before August 12, 1985, any new additions to the original structure or any new accessory buildings to be located on the same and original lot shall be required to have as a minimum the same percentage of masonry originally authorized and utilized for the initial structure. Products such as Handiplank, Handiboard or Hardipanel are not to be used to meeting masonry requirements on additions to original structures.

### (c) Carports/Garages

Carports are not permitted in any Zoning District. A fully enclosed garage is required. See Chart 1 for garage requirements by Zoning District.

### (d) Residential Fences

No wall, fence, planter or hedge in excess of two (2) feet high shall be erected or maintained nearer to the front lot line than the front building setback line, nor on corner lots nearer to the street side lot line than the building setback line parallel to the side street. No rear fence, wall or hedge and no side fence, wall or hedge located between the side building line and the interior lot line (or located on the interior lot line) shall be more than six (6) feet high.

No object or thing which obstructs sight lines at elevations between two (2) and six (6) feet above the roadways and within the triangular area formed by intersecting street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines (or extensions thereof) shall be placed, planted or permitted to remain on corner lots. No wall, fence, planter, hedge or other improvement or object shall be constructed or permitted nearer than twenty-five (25) feet to an exterior lot line bordering the golf course. Retainer walls are excepted.

Fencing materials not allowed are chain link, hog wire, barbed wire, mesh netting, rolled picket or similar materials, except that small-animal metal fencing may be used if its support structure and principal architectural appearance are of wood or wrought iron. Small-animal fencing means metal fencing with opening spacing between the wires measuring approximately two inches by three inches. Wire thickness shall not exceed .1 inches.

Should a nonconforming fence or nonconforming portion of a fence be damaged by any means to an extent of more than fifty (50) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with this Ordinance.

(e) Above-Ground Pools

Above-ground pools are not permitted in any Zoning District.

(f) Parking

All owners, tenants or occupants of any residence used for residential purposes shall be required to park their vehicles in garages, carports or driveways. No such vehicle, trailer or recreational vehicle shall be parked on a street or within any property unless same is not visible. Parking of buses, commercial vehicles, trailers, boats, motor homes, RVs, campers, jet skis and the like is prohibited except on a temporary basis. Temporary shall be defined as not exceed five (5) days in any thirty (30) day period..

It shall be unlawful for anyone to store vehicles not in operating condition in open view for more than seven (7) days. Such vehicles must be stored in completely enclosed buildings or removed to an authorized storage area. Since streets are narrow and provide limited parking area, residential off-street parking requirements are essential. Each dwelling unit shall have a hard surface driveway, providing a minimum of three (3), off-street parking areas, each area measuring ten (10) feet by twenty (20) feet.

(g) Garage and Yard Sales

(i) Garage and yard sales shall be limited to the personal belongings of the occupants of the residence, specifically those of the owners or renters living at the residence. For purposes of this ordinance, occupants shall be deemed to mean full-time, permanent residents of the dwelling and shall not include renters with rental agreements of less than six months.

(ii) Such sales shall be limited to Woodcreek residents and to duration no longer than three (3) days. Sales at any location must be separated by a minimum of six (6) months.

(iii) Occupants, other persons or agents may not bring additional items to the premises for such sales.

(iv) Auctions are prohibited.

(h) Home occupation must comply with all the following criteria:

- (i) The occupation shall produce no alteration or change in the character or exterior appearance of the principle building from that of a dwelling unit for human habitation;
- (ii) Such use shall be incidental and secondary to the use of the premises for residential purposes and shall not utilize an area exceeding twenty (20%) percent of the gross floor area of the dwelling unit;
- (iii) The occupation use shall be carried on solely by a member(s) of the family residing on the premises;
- (iv) The occupation shall not create additional vehicular traffic;
- (v) There shall be no storage of merchandise on the property (within or outside of buildings) connected with the business, except one (1) vehicle used in the business. Merchandise may be stored within the vehicle. Such vehicle shall be no larger than a passenger van or pickup truck. If the vehicle s used for storage purposes, such storage shall be contained within the vehicle and the merchandise shall not be visible;
- (vi) The occupation shall be conducted entirely within a dwelling unit which is the bona fide residence of the practitioner;
- (vii) No equipment or materials associated with the occupation shall be displayed or stored outside of buildings;
- (viii) The occupation shall not produce wastewater runoff outside the dwelling unit or on property surrounding the dwelling unit;
- (ix) The occupation shall not cause a substantial increase in any utilities;
- (x) The occupation shall not interfere with permitted uses in the neighborhood, nor make the adjoining premises unsuitable for such permitted uses.
- (xi) The occupation shall not consist of the following uses: industrial, utility, manufacturing,

repairing, maintaining, fabrication, laboratory or other similar uses;

- (xii) No occupational use shall be allowed which creates any ultra-hazardous risk or condition on the premises or to surrounding neighbors or their property, or any other health or fire hazard, whether regulated by statute or rule promulgated by any administrative body of the State of Texas, by the federal government, by the City of Woodcreek or which would constitute a common-law nuisance.
- (xiii) The occupation shall not produce nor result in any external noise or vibration.

## **CHART 1 RESIDENTIAL ZONING DISTRICTS**

*All floor space is calculated exclusive of garage, porches, patios, driveways, terraces and other similar additions. Maximum building height for all structures is 30 feet.*

*Bi-level buildings shall have a minimum living area as calculated at the midpoint between the requirements of one and two story.*

*Lots bordering the golf course which are more than 25 feet from the area of play (as defined by the golf course out-of-bounds markers as of February 15, 2005 and per the map on page 14 ) may have a 15-foot building setback line.*

**SF-1 SINGLE-FAMILY RESIDENCE**

*One-family dwelling with no more than one residence per lot occupied by no more than one family*

Minimum sq. ft. living area:: 1500 sq. ft. one story; 2000 sq. ft. two story

Minimum setbacks: 25' front and back; 7 ½' interior sides; 10' street side. Two-car garage

**SF-2 SINGLE-FAMILY RESIDENCE**

*One-family dwelling with no more than one residence per lot occupied by no more than one family*

Minimum sq. ft living area: 1000

Minimum setbacks: 25' front, 15' back, 7 ½' interior sides; 10' street side. Two-car garage

**SF-3 SINGLE-FAMILY RESIDENCE**

*One-family dwelling with no more than one residence per lot occupied by no more than one family*

Minimum sq. ft. living area: 1000 one-story; 1200 two-story

Minimum setbacks: 10' front, 15' rear; zero interior lot lines; 5' street side. Two-car garage

**SF-4 SINGLE-FAMILY RESIDENCE**

*One-family dwelling with no more than one residence per lot occupied by no more than one family*

Minimum sq. ft. living area: 900.

Minimum setbacks: Zero lot lines

No garage required. Short-term rentals allowed.

**SF-5 SINGLE-FAMILY RESIDENCE**

*One-family dwelling with no more than one residence per lot occupied by no more than one family*

Minimum sq. ft. living area: 1000

Minimum setbacks: 20' front, 15' rear, 7 ½' side, 10' street side

One-car garage

**SF-6 SINGLE-FAMILY RESIDENCE**

*One-family dwelling with no more than one residence per lot occupied by no more than one family*

Minimum sq. ft. living area: 1000

Minimum setbacks: 25' front, 25' rear, 5' side, 10' street side. Two-car garage

**TH/C TOWNHOUSE AND CONDOMINIUM RESIDENCE**

*Multiple-dwelling units with one-family-per-dwelling unit.*

Zoning can include single-family dwelling, duplex, townhouses, condominiums

Minimum sq. ft. living area: 1000' one story; 1200' two story

Minimum setbacks:: 25' front and back, 7 ½' interior lot lines; 15' street side

Two-car garage

**DU-1 TWO-FAMILY DUPLEX**

*Two-single family dwelling units limited to no more than one building per lot occupied by no more than two families: Zoning can include single-family dwelling or two-family duplex*

Min. sq. ft. living area per individual unit: 1000 one story; 1200 two story

Minimum setbacks: 25' front and back, 7 ½' interior, 15' street side



RESIDENTIAL ZONING REQUIREMENTS BY DISTRICT

	SF-1	SF-2	SF-3	SF-4	SF-5	SF-6	TH/C	DU-1	4PLX	MF	RR	PUD	MH-1
MAX DWELLING UNITS per lot	1	1	1	1	1	1	1	2	4	see page 12B	1	-	1
MAXIMUM DWELLING HEIGHT	30'	30'	30'	30'	30'	30'	30'	30'	30'	for MF-1, MF-2	30'	-	30'
MINIMUM SETBACKS										requirements, MF-2			
FRONT	25'	25'	10'	20'	20'	25'	25'	25'	25'	requirements,	25'	-	25'
STREET SIDE	10'	10'	5'	5'	10'	10'	15'	15'	15'	and page	10'	-	10'
INTERIOR SIDE	7 1/2'	7 1/2'	0'	0'	7 1/2'	5'	7 1/2'	7 1/2'	7 1/2'	12C for	7 1/2'	-	7 1/2'
REAR	25'	25'	15'	15'	15'	25'	25'	25'	25'	MF-1A	25'	-	15'
MINIMUM SQ. FOOTAGE										requirements			
ONE STORY	1500	1000	1000	900	1000	1000	1000*	900*	800*		1500	-	1000
TWO STORY	2000	1000	1200	900	1000	1000	1200*	1800*	800*		2000	-	NA
96 MAXIMUM IMPERVIOUS COVER	35	35	35	35	35	35	45	45	55		25	-	35
96 MASONRY REQUIRED													
GARAGE REQUIRED	55	55	55	55	55	55	55	55	55		55	-	55
	2-Car	2-Car	2-Car	No	1-Car	2-Car	2-Car	1-Car*	1-Car*		2-Car	-	1-Car

\*per unit

Page 12A

MULTI-FAMILY  
MF-1 and MF-2 ZONES

a) Purpose:

1. To provide a buffer use between the high traffic of RR12, which makes development of land abutting RR12 unattractive for single-family housing, and the single-family development of interior land;
2. To permit higher density development of property not suitable for single-family development but to protect adjacent single-family development from any negative impact of the higher density use.

b) Permitted Uses:

1. Single-family homes, duplex units, four-plex units or apartment complexes meeting the minimum requirements of this zone. All uses within this zone shall require approval of a Site Plan by the Planning and Zoning Commission and City Council prior to the issuance of a Building Permit.
2. Use of the land for purposes secondary to the primary residential use, such as swimming pools, basketball courts or similar uses, shall require that adjacent property be sheltered from noise and light resulting from said uses. Review of said shelter shall be a part of the Site Review required before a Building Permit is granted.

c) Requirements:

The intent of the following requirements is to require yard setbacks which are directly related to the height of the buildings developed on the property, and thereby to mitigate the effect of higher buildings upon adjacent single-family properties.

Maximum Density:	
MF-1	14 units per acre
MF-2	16 units per acre
Maximum Height	2 stories or 30', whichever is less
Front yard (on primary access street)	25' or the height of the closest building on the property, whichever is greater
Side yard (abutting street)	15' or the height of the closest building on the property, whichever is greater
Side yard (not abutting single-family residential property)	7.5' or ½ the height of the closest building on the property, whichever is greater
Side yard (abutting single-family residential property)	15' or the height of the closest building on the property, whichever is greater
Rear yard (not abutting single-family residential property)	25' or ½ the height of the closest building on the property, whichever is greater
Rear yard (abutting single-family residential property)	25' or the height of the closest building on the property, whichever is greater
Minimum floor area per unit:	
1 BR	500 sf
2BR	850 sf
3 BR	1,000 sf
Maximum impermeable coverage	55%
% masonry required	55%
Parking spaces required/units:	
1 BR	1.5
2 BR	2.5

3 BR ?

**MULTI-FAMILY; MF-1A**

**Purpose:**

1. To provide a buffer use between the high traffic of RR12, which makes development of land abutting RR12 unattractive for single-family housing, and the single-family development of interior land;
2. To permit higher density development of property not suitable for single-family development, or for more dense M-F development, in order to protect adjacent single-family development from any negative impact of the higher density use.

**Permitted Uses:**

1. Duplex units, four-plex units or apartment complexes having the number of units, but no more than 14 units per acre, as determined in the Ordinance zoning this property. This zone shall require approval of a Site Plan by the Planning and Zoning Commission and City Council prior to the issuance of a Building Permit.
2. Use of the land for purposes secondary to the primary residential use, such as swimming pools, basketball courts or similar uses, shall require that adjacent property be sheltered from noise and light resulting from said uses. Review of said shelter shall be a part of the Site Review required before a Building Permit is granted.

**Requirements:**

The intent of the following requirements is to require yard setbacks which are directly related to the height of the buildings developed on the property, and thereby to mitigate the effect of higher buildings upon adjacent single-family properties.

Maximum Density* (1)	14 units/acre
Maximum Height	2 stories or 30', whichever is less
Front yard (on primary access street)	25' or the height of the closest building on the property, whichever is greater
Side yard (abutting street)	15' or the height of the closest building on the property, whichever is greater
Side yard (not abutting single-family residential property)	7.5' or ½ the height of the closest building on the property, whichever is greater
Side yard (abutting single-family residential property)	15' or the height of the closest building on the property, whichever is greater
Rear yard (not abutting single-family residential property)	25' or ½ the height of the closest building on the property, whichever is greater
Rear yard (abutting single-family residential property)	25' or the height of the closest building on the property, whichever is greater
Minimum floor area per unit:	
1 BR	500 sf
2BR	850 sf
3 BR	1,000 sf
Maximum impermeable coverage	55%
% masonry required	55%
Parking spaces required/units:	
1 BR	1.5
2 BR	2.5
3 BR	3

(1) Maximum density shall be determined in the Ordinance zoning this property, not to exceed 14 units per acre.

**Residential Zoning Districts**  
**Chart 1, Page 2**

**4PLX FOUR-PLEX**

*Four-single family dwelling units limited to no more than one building per lot occupied by no more than four families*

Zoning can include single-family dwelling, two-family dwelling or four-family four plex

Min. sq. ft. living area per individual unit: 800;

Minimum setbacks: 25' front and back, 7 1/2' interior lot lines, 15' street side

One-car garage per individual unit

**MULTI-FAMILY RESIDENCES**

(see Pages 12B and 12C for additional information on Multi-Family residences)

**MF-1 MULTI-FAMILY RESIDENCE**

Maximum units per acre: 14

**MF-1A**

Maximum units per acre: Not to exceed 14 units per acre

**MF-2 MULTI-FAMILY RESIDENCE**

Maximum units per acre: 16

**RR RURAL RESIDENCE DISTRICT**

*One-family dwelling with no more than one residence per lot occupied by no more than one family.*

Minimum Lot: 1 acre

Minimum sq. ft. living area: 1500 one story; 2000 two story

Minimum setbacks: 25' front/back; 7 1/2' interior sides; 15' street sides

Two-car garage

**PUD PLANNED UNIT DEVELOPMENT**

*Planned Unit Development with planned diverse land uses, such as housing, recreation and shopping in one contained development, and allowing for cluster development and alternative design standards.*

Min. Site Areas: Inside City: 10 acres recommended.

**MH-1 MANUFACTURED HOUSING SUBDIVISION**

Minimum Lot: 7200 feet

Minimum sq. ft. living area: 600

Property and areas of the City zoned MH-1 may be planned, used, approved, platted and occupied as a Manufactured Housing Subdivision with lots sold and conveyed to individual lot owners. Land and areas of the City zoned MH-1 and having an approved subdivision plan may be used for manufactured housing.

**Personal Care Facility**

See definition and requirements page 13.

## Zoning Ordinance 00-65

### Personal Care Facilities

As the City's Zoning regulations must comply with the Federal Fair Housing Act and state laws prohibiting discrimination of the handicapped and elderly, this Zoning Ordinance section clarifies what the City, by law, must allow and addresses the federal and state restrictions in place.

*Personal Care Facility* means a facility that provides supervised living arrangements for persons with physical or mental disability, which by reason of federal or state law, is not subject to limitations set forth in deed restrictions or single family zoning districts. This definition includes a community-based residential home operated by (i.) The Texas Department of Mental Health and Mental Retardation, (ii) a community center operated under Section 3.01, Texas Mental Health and Mental Retardation Act (Article 5547-203 VATCS), which provides services to disabled persons; (iii) a nonprofit corporation, or (iv) any entity certified by the Texas Department of Human Resources as a provider under the intermediate care facilities for the mentally retarded program. This definition includes homes for the handicapped as defined in 42 U.S.C. Sec. 3602(h).

(a) Mandated Exceptions. To the extent required by state or federal law, a Personal Care Facility is an additional permitted use in any zoning district; provided that:

(i) Homes and residential units not designated and constructed in compliance with the ordinance and code requirements applicable to multiple occupancy residential buildings and nursing homes, shall meet the following requirements:

(A) the structure shall comply with provisions of the Fire Code, Electrical Code and Building Code that are applicable to nursing homes;

(B) There shall be two (2) parking spaces, plus one additional space for each three residents;

(C) There shall be not less than fifty square feet of living space within a sleeping room for each occupant assigned to such room;

(D) There shall be not less than 175 square feet of living area in the structure for each occupant/resident of the structure, and attendant on duty; and

(E) The structure and operations shall comply with the standards established by the Texas Department of Human Services as licensing standards for personal care facilities for a Type B facility.

(ii) The Home must meet all applicable State licensing requirements;

(iii) A Personal Care Facility must have at least one paid staff member on duty 24 hours per day, and one supervisor for each six (6) residents during waking hours;

(iv) A Personal Care Facility may not have more than fifteen (15) residents.

## **SECTION 23. BUSINESS USE REQUIREMENTS AND LIMITATIONS**

(a) The City is divided into six business districts. All districts permitting any business or commercial use require one-acre lots and must meet requirements for parking, light and height restrictions as set forth in this Ordinance. The City's business districts allow low-rise garden-type buildings to a maximum of two stories for use in providing professional offices and retail services.

(b) Permitted Neighborhood Office (NO) zoning includes

(i) Office of an accountant, architect, attorney, engineer, physician, dentist, medical clinic, broker, consultant, insurance agent, real estate agent, travel agent, administrative offices for building contractors, etc. or similar professional offices.

(ii) Accessory structures and uses to any of the foregoing permitted uses.

(c) Permitted Neighborhood Commercial (NC) zoning includes:

(i) Antique stores, art studio or gallery, book and stationary store, electrical appliance or repair; financial institution, retail florist shop, professional or service offices, pet shop, photographer's studio, radio, television or electronics sales and service, shoe sales and repair or tailor and dressmaking and other retail stores.

(ii) Specifically prohibited are onsite vehicle repair or services, sales or rental of pornographic or adult items, sales of fireworks, onsite manufacturing and fabrication, onsite dispensing of fuel and onsite dispensing of items that might pose a fire hazard or which might pose a safety hazard of any kind.

(d) Special Events:

(i) Those uses permitted by City Council pursuant to Section 25, Special Event Permit..

(e) Commercial lots bordering a residential zoning district shall be required to have a six (6) foot high privacy fence on all sides adjoining the residential zoning district.

(f) Parking:

One hard-surface (asphalt or concrete) parking space is required for each 250 square feet of gross floor space.

## SECTION 24. RECREATIONAL DISTRICT REQUIREMENTS AND LIMITATIONS

### (a) Purpose

This district is intended to establish and preserve attractive recreational facilities and to protect the integrity of such areas by prohibiting uses that are incompatible with permitted recreational uses. The site should also contain adequate space for required off-street parking and for buffering from residential districts.

### (b) Permitted Uses

(i) Golf courses including natural or artificial hazards for the game of golf, tee boxes, fairways and golf greens, golf cart storage, servicing facilities and golf course maintenance facilities. Club houses, tennis courts, swimming pools, pavilions and similar recreational facilities may be permitted by a Conditional Use Permit.

(ii) Tennis courts and swimming pools

(iii) Youth camps

(iv) Similar use recreational facilities may be approved by the City Council granting a Conditional Use Permit.

(v) Accessory structures and uses incidental to the foregoing uses.

No structure may be erected or converted to any use other than for recreational purposes or uses related directly to recreation as such exists on the date of this Ordinance.

The area of property used for an existing use may not be increased nor the use changed without a permit being obtained. The use or size of any structure may not be changed, modified or increased unless the plans and site plan therefor are approved by the City Council. A permit and application fee in the amount of \$100.00 shall be paid for each permit application.

Implicit in the above are such things as hours of operation, lighting, sounds, noise, music, etc., which may be viewed as intrusive by property owners whose property is located in the immediate area of the property zoned as recreational.

### (c) Special Event Permit

(i) Those uses permitted by the City Council pursuant to Section 25, Special Event Permit

## **SECTION 25. SPECIAL EVENT PERMIT**

Special Event Permit. A Special Event Permit is required for all events which are outside of normal and customary zoning district activities. Such activities must also comply with all other City Ordinances and be harmonious with the zoning district in which it is to take place.

(a) Permit Required.

- (i) No special event shall be established, operated or maintained except as authorized by a Special Event Permit issued in accordance with the requirements of this Section.
- (ii) A Special Event Permit may be issued by City Council only for the special event meeting the criteria in Section (c) below and only for the location where it is authorized.
- (iii) Permit fee is \$25.00 and the permit shall specify the allowed days and times of the special event.

(b) Application

- (i) An application for a Special Event Permit shall be made in writing. Application will be approved or denied within thirty (30) days from date all necessary information is received.

(c) A Special Event Permit must comply with all the following criteria:

- (i) The appearance, size, density and operating characteristics for the Special Event are compatible with the surrounding neighborhood and uses;
- (ii) The Special Event will not have an adverse effect on the value of the surrounding properties nor impede their proper development.
- (iii) The Special Event will not create a nuisance nor otherwise interfere with a neighbor's enjoyment of property or operation of business.
- (iv) The traffic that the Special Event can be reasonably expected to generate on existing streets will not create nor add significantly to congestion, safety hazards or parking problems in the area, nor will it disturb the peace and quiet of the neighborhood.
- (v) The Special Event complies with all other applicable Ordinances.

(d) A Special Event permit is not a zoning change. The notice and procedures required for a zoning change shall not be applicable to the issuance of a Special Use Permit. Upon an administratively complete application being made for a Special Event Permit, the City Council may decide to grant or deny the same at any meeting of the Council for which notice is given. The City Council may further, in its discretion, require the giving of notice by publication that the application for the Special Event Permit will be considered at a public hearing to be held not less than ten (10) days after the publication of such notice of hearing.

## OTHER NON-RESIDENTIAL ZONING DISTRICTS

*Maximum building height is 30 feet. All sites shall contain adequate space for required off-street parking and for buffering from residential districts. Prohibited uses include any activity which produces nuisances as described herein.*

**COMMERCIAL:** (See Section 23, page 15 for additional information and requirements)

**NO NEIGHBORHOOD OFFICE**

*This district is intended to provide sites for businesses and professional office uses. (See Section 23.)*

**NC NEIGHBORHOOD COMMERCIAL**

*This district is intended to provide sites for retail and service businesses or other such businesses as may be approved by City Council. (See Section 23.)*

**CRR12 COMMERCIAL R.R. 12**

*This district is intended for major mixed-use developments of a service nature which typically have operating characteristics requiring location at the intersection of state-maintained highway, excluding scenic arterial*

**HCC HOTEL/CONFERENCE CENTER**

*This district is intended to provide appropriate districts for hotels, conference centers, motels, lodges, inns and bed-and-breakfast establishments*

**CR COMMERCIAL RECREATIONAL**

*This district is intended to provide sites for commercial recreational activities.*

**OTHER NON-RESIDENTIAL DISTRICTS:**

**R RECREATIONAL**

*This district is intended to establish and preserve attractive recreational facilities including golf courses and youth camp facilities. Permitted uses also include tennis courts, facilities or clubhouses and other recreational facilities approved by City Council. Special events may be permitted by City Council pursuant to Section 25, Special Events.*

**G GOVERNMENTAL SERVICES**

*This district is intended to provide appropriate areas for uses that provide important community services. Permitted uses include facilities owned or leased by the federal, state, city or city government. Also permitted are churches, schools, either public or private nonprofit, and libraries.*

**U UTILITY SERVICES**

*This district is intended for uses required for both public and private utilities and commercial wireless communications systems*

**P-1 PUBLIC PARK**

*This district is intended to establish and preserve peaceful and attractive parcels of land as a place for public recreation. Permitted uses include public open and natural areas surrounded or partly surrounded by woodland or grassland, public areas developed for recreation. Accessory structures, parking and uses incidental to the foregoing permitted uses.*

**NWP NATURE WILDLIFE PRESERVE**

*This district is privately owned land established to preserve open space and wildlife.*

**GB GREENBELT DISTRICT**

*This district is intended to establish and preserve peaceful, attractive, natural or undisturbed areas adjacent to residential districts. Permitted uses include hiking, jogging and non-motorized biking and nature trails, accessory structures and uses incidental to the foregoing uses.*

**PUD PLANNED UNIT DEVELOPMENT**

*Planned Unit Development with planned diverse land uses, such as housing, recreation and shopping in one consolidated development, and allowing for cluster development and alternative design standards. Min. Site Areas: Inside City: 10 acres recommended.*

## Section 26. Special Use Permit

Special Use Permits. (a) Purpose. The City Council may by ordinance, adopted by four (4) affirmative votes after receiving the recommendation of the Commission, grant a Special use permit in compliance with this Section for the Special uses as listed in (b) below. The City Council may impose appropriate conditions and safeguards, including a specified period of time for the permit, to protect the Comprehensive Plan and to conserve and protect property and property values in the neighborhood.

(b) Authorized Special Uses. Special uses and those indicated in a specific zoning district as a permitted use with a Special use permit, and none other, may be authorized subject to the terms of this subsection and compliance with all Special terms, regulations and requirements established by the City Council, as identified in the specific district or definition of the use.

(c) Procedure. Before authorization of any of the above Special uses, public notice shall be given and public hearings shall be held as provided in *Chapt. 211, Tex. Loc. Gov't. Code*; provided that a Special use permit for a period not to exceed seven (7) calendar days may be given for a use set forth in (b)(iii) or (b)(iv) above after a public hearing is held by the City Council after having received a report and recommendation from the Commission concerning the effect of the proposed use on the adjacent and neighboring properties and neighborhoods.

(i) Permit Required. No Special use shall be established, operated or maintained except as authorized by a Special Use Permit issued in accordance with the requirements of this Section.

(ii) Special Use Permit Issued by City Council. A Special Use Permit may be issued only for the special uses specified in this Section, and only for the district where it is authorized.

(iii) The City Council shall determine whether the proposed special use complies with each of the general criteria in subsection (d) of this section and with each of the criteria for the district applicable to the proposed use and shall make separate findings thereon or adopt the findings made by the Commission.

(iv) The City Council may condition its approval of an application on the applicant's adoption of specified changes, additions, limitations, safeguards or effective time periods designed to assure compliance with the criteria.

(v) Application. An application for a Special Use Permit shall be made in writing in a form prescribed by the City Secretary and shall be accompanied by such information as may be requested (including a site plan, if required) in order to properly review the proposed use. Such information may include, but is not limited to, site and building plans, drawings and elevations, and operational data.

(d) General Criteria Applicable to all Special Uses. A proposed Special Use Permit must comply with all the following criteria:

(i) The appearance, size, density and operating characteristics of the proposed special use are compatible with the surrounding neighborhood and uses;

(ii) The proposed use will not have an adverse effect on the value of surrounding properties nor impede their proper development;

(iii) The proposed use will not create a nuisance factor nor otherwise interfere with a neighbor's enjoyment of his property or operation of his business;

(iv) The traffic that the proposed use can reasonably be expected to generate on existing streets will not create nor add significantly to congestion, a safety hazard, or a parking problem in the area, nor will it disturb the peace and quiet of the neighborhood; and

(v) The proposed use complies with all other applicable ordinances and regulations.

**Ordinance 00-65F - Special Use Permit #1: QuickSand Golf Course Cart Barn**

**AN ORDINANCE OF THE CITY OF WOODCREEK, TEXAS, AMENDING THE ZONING ORDINANCE BY ISSUANCE OF A SPECIAL USE PERMIT FOR A TRACT OF LAND WHICH PERMIT SHALL BE IN ADDITION TO THE CURRENT ZONING OF THE LAND; MAKING FINDINGS OF FACT AND PROVIDING FOR RELATED MATTERS.**

**Whereas**, the owner of the property described hereinafter (the "Property") has requested that the Property be rezoned, adding a Special Use Permit to the current zoning requirements;

**Whereas**, the property is in Zoning District "Recreational" which allows for a Special Use Permit (the "Permit") as requested, subject to the conditions established by the governing body;

**Whereas**, after the Planning and Zoning Commission reviewed this Special Use Permit request and forwarded its recommendation to the City Council, and after giving ten days' written notice to the owners of land within two-hundred feet of the Property, City Council held a public hearing on the proposed Special Use Permit; and

**Whereas**, after publishing notice of a public hearing at least fifteen days prior to the date of such hearing, the City Council at a public hearing has reviewed the request and the circumstances of the Property and finds that a substantial change in circumstances of the Property, sufficient to warrant a change in zoning of the Property, has transpired;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOODCREEK, TEXAS, THAT:**

**Section 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section 2. Amendment of Zoning Ordinance.** Ordinance 00-65F, as amended, the City of Woodcreek Zoning Ordinance (the "Zoning Ordinance"), is hereby modified and amended by issuing a Special use Permit permitting additional and conditional uses of the Property, as set forth in Section 3.

**Section 3. Property Granted a Special Use Permit.** The subject Property is located:

in the close vicinity of QuickSand Golf Course's Pro Shop in Woodcreek, Texas, as more particularly described as the QuickSand Golf Course Cart Barn, per attached map,

is and shall remain in zoning district Recreational. The Zoning Ordinance allows for additional or conditional uses to be permitted that are in addition to the current zoning, through a Special Use Permit. The Property is accordingly hereby granted a Special Use Permit to allow for the following additional and conditional uses, in addition to the uses permitted in the current zoning district in which property is located, to-wit:

**Section 4. Special Use Permit Conditions.** The Special Use Permit authorized herein shall be effective upon passage. The terms and conditions for the Special Use Permit conditions are:

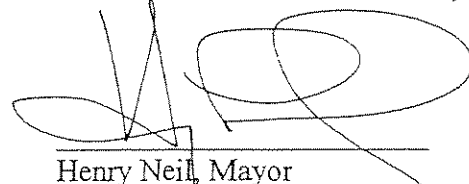
Golf Course Cart Barn as currently located per attached map is allowed to have no masonry. Additional landscaping will be added to this area.

**Section 5. Revocation.** The City may terminate or revoke the Permit for failure to comply with the terms and conditions herein stated. Upon notice to the owner of a violation on the property, the City Council may hold a public hearing to immediately revoke the permit authorized herein.

**Section 6. Open Meetings.** That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meeting Act, Chapt. 551, Loc. Gov't. Code.

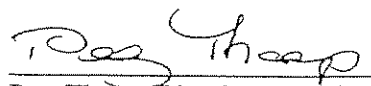
**PASSED AND APPROVED on this 12<sup>th</sup> day of November 2003.**

THE CITY OF WOODCREEK, TEXAS



Henry Neil, Mayor

Attest:



Peg Tharp, City Secretary/Administrator

**Ordinance 00-65F - Special Use Permit #2: 2 Camp Young Judaea Cabins**

**AN ORDINANCE OF THE CITY OF WOODCREEK, TEXAS, AMENDING THE ZONING ORDINANCE BY ISSUANCE OF A SPECIAL USE PERMIT FOR A TRACT OF LAND WHICH PERMIT SHALL BE IN ADDITION TO THE CURRENT ZONING OF THE LAND; MAKING FINDINGS OF FACT AND PROVIDING FOR RELATED MATTERS.**

**Whereas**, the owner of the property described hereinafter (the "Property") has requested that the Property be rezoned, adding a Special Use Permit to the current zoning requirements;

**Whereas**, the property is in Zoning District "Recreational" which allows for a Special Use Permit (the "Permit") as requested, subject to the conditions established by the governing body;

**Whereas**, after the Planning and Zoning Commission reviewed this Special Use Permit request and forwarded its recommendation to the City Council, and after giving ten days' written notice to the owners of land within two-hundred feet of the Property, City Council held a public hearing on the proposed Special Use Permit; and

**Whereas**, after publishing notice of a public hearing at least fifteen days prior to the date of such hearing, the City Council at a public hearing has reviewed the request and the circumstances of the Property and finds that a substantial change in circumstances of the Property, sufficient to warrant a change in zoning of the Property, has transpired;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOODCREEK, TEXAS, THAT:**

**Section 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section 2. Amendment of Zoning Ordinance.** Ordinance 00-65F, as amended, the City of Woodcreek Zoning Ordinance (the "Zoning Ordinance"), is hereby modified and amended by issuing a Special use Permit permitting additional and conditional uses of the Property, as set forth in Section 3.

**Section 3. Property Granted a Special Use Permit.** The subject Property is located:

two cabins in Camp Young Judaea in Woodcreek, Texas, per attached map,

is and shall remain in zoning district Recreational. The Zoning Ordinance allows for additional or conditional uses to be permitted that are in addition to the current zoning, through a Special Use Permit. The Property is accordingly hereby granted a Special Use Permit to allow for the following additional and conditional uses, in addition to the uses permitted in the current zoning district in which property is located, to-wit:

**Section 4. Special Use Permit Conditions.** The Special Use Permit authorized herein shall be effective upon passage. The terms and conditions for the Special Use Permit conditions are:

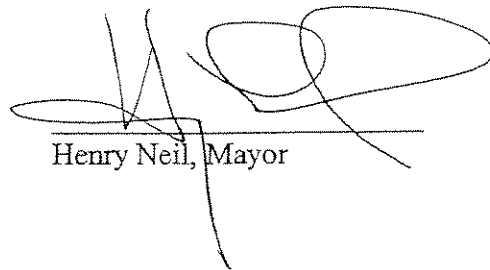
Two cabins located per attached map are allowed to have less than 55 percent masonry.  
Cabins are be required to not be visible from outside of Camp Young Judaea..

**Section 5. Revocation.** The City may terminate or revoke the Permit for failure to comply with the terms and conditions herein stated. Upon notice to the owner of a violation on the property , the City Council may hold a public hearing to immediately revoke the permit authorized herein.

**Section 6. Open Meetings.** That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meeting Act, Chapt. 551, Loc. Gov't. Code.

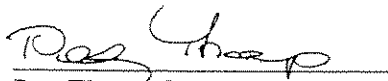
**PASSED AND APPROVED on this 12<sup>th</sup> day of November 2003.**

THE CITY OF WOODCREEK, TEXAS



Henry Neil, Mayor

Attest:



Peg Tharp, City Secretary/Administrator

**Ordinance 00-650 - Special Use Permit #3: 2 Camp Young Judaea Manufactured Office Buildings**

**AN ORDINANCE OF THE CITY OF WOODCREEK, TEXAS, AMENDING THE ZONING ORDINANCE BY ISSUANCE OF A SPECIAL USE PERMIT FOR A TRACT OF LAND WHICH PERMIT SHALL BE IN ADDITION TO THE CURRENT ZONING OF THE LAND; MAKING FINDINGS OF FACT AND PROVIDING FOR RELATED MATTERS.**

**Whereas**, the property is in Zoning District "Recreational" which allows for a Special Use Permit (the "Permit") as requested, subject to the conditions established by the governing body;

**Whereas**, after the Planning and Zoning Commission reviewed this Special Use Permit request and forwarded its recommendation to the City Council, and after giving ten days' written notice to the owners of land within two-hundred feet of the Property, City Council held a public hearing on the proposed Special Use Permit; and

**Whereas**, after publishing notice of a public hearing at least fifteen days prior to the date of such hearing, the City Council at a public hearing has reviewed the request and the circumstances of the Property and finds that a substantial change in circumstances of the Property, sufficient to warrant a change in zoning of the Property, has transpired;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOODCREEK, TEXAS, THAT:**

**Section 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section 2. Amendment of Zoning Ordinance.** Ordinance 00-650, as amended, the City of Woodcreek Zoning Ordinance (the "Zoning Ordinance"), is hereby modified and amended by issuing a Special use Permit permitting additional and conditional uses of the Property, as set forth in Section 3.

**Section 3. Property Granted a Special Use Permit.** The subject Property is:

two manufactured office buildings in Camp Young Judaea in Woodcreek, Texas,  
per attached map, Exhibit A (Camp Young Judaea map dated 11/22/06),

is and shall remain in zoning district Recreational. The Zoning Ordinance allows for additional or conditional uses to be permitted that are in addition to the current zoning, through a Special Use Permit. The Property is accordingly hereby granted a Special Use Permit to allow for the following additional and conditional uses, in addition to the uses permitted in the current zoning district in which property is located, to-wit:

**Section 4. Special Use Permit Conditions.** The Special Use Permit authorized herein shall be effective upon passage. The terms and conditions for the Special Use Permit conditions are:

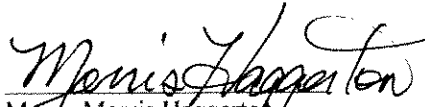
Two manufactured buildings to be located per attached map, Exhibit A  
Camp Young Judaea agrees that these buildings shall be kept invisible from all areas within the City of Woodcreek, and Camp Young Judaea agrees to relocate or remove the buildings if and when if they are deemed by City Council to be visible from any areas within the City of Woodcreek. Camp Young Judaea further agrees the two buildings will be relocated to the site specified in Exhibit A no later than January 15, 2007.

**Section 5. Revocation.** The City may terminate or revoke the Permit for failure to comply with the terms and conditions herein stated. Upon notice to the owner of a violation on the property , the City Council may hold a public hearing to immediately revoke the Permit authorized herein. Should Camp Young Judaea fail to comply with the terms of this Permit, Camp Young Judaea shall pay any and all legal costs, attorney fees and actual costs to the City in the enforcement of this Permit. Enforcement of this Agreement and the right to recover costs shall survive the termination of this Special Use Permit.

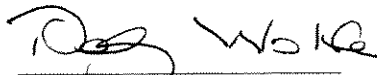
**Section 6. Open Meetings.** That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meeting Act, Chapt. 551, Loc. Gov't. Code.

**PASSED AND APPROVED** on this 22<sup>nd</sup> day of Nov. 2006

THE CITY OF WOODCREEK, TEXAS

  
Mayor Morris Haggerton

Attest:

  
Peg Wolfe, City Secretary/Administrator

## Section 27. Antenna Regulations

**AN ORDINANCE OF THE CITY OF WOODCREEK, TEXAS, AMENDING ZONING ORDINANCE NO. 00-65A, AS AMENDED, ESTABLISHING RULES, REGULATIONS AND STANDARDS FOR THE LOCATION AND CONSTRUCTION OF WIRELESS COMMUNICATION TOWERS AND RELATED FACILITIES; PROVIDING DEFINITIONS; PROVIDING FOR APPEAL; DECLARING A NUISANCE; PROVIDING PENALTIES; AND PROVIDING FOR CERTAIN RELATED MATTERS.**

WHEREAS, the regulation of the location, construction and maintenance of communication towers, antennas and facilities is necessary to protect and promote public safety and the environment of the City:

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

### A. WIRELESS TELECOMMUNICATIONS FACILITIES.

The purpose of this Section is to establish guidelines regulating the location of telecommunication towers and antennas with the objective of minimizing their number, to protect and promote public safety and to mitigate adverse visual impacts on the community while promoting the provision of telecommunications service to the public.

The regulations contained in this Ordinance are developed under the general guidelines as provided in the Federal Telecommunications Act of 1996.

Notwithstanding any other provision of this Ordinance, telecommunications towers and antennas, when permitted by federal law and the laws of the State of Texas, shall be regulated and governed by the following use regulations and requirements.

### B. GENERAL PROVISIONS.

- (1) Application. Zoning Ordinance's Site Plan requirements and fees apply to towers and antennas.
- (2) Technical Assistance. When the technical information provided by the applicant is beyond the technical capacity of City staff to review, the applicant, in addition to the usual fees, shall reimburse the City for the actual cost to the City for the services of a technical expert to review the plans and/or supplemental information, up to a maximum of \$5,000.

### C. TELECOMMUNICATIONS TOWER STANDARDS.

- (1) Applicable Federal and State Standards. All telecommunications towers and antennas shall be erected and operated in compliance with current Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) rules and regulations and other applicable federal, state and local standards.
- (2) Structural Standards. Telecommunications tower structures must conform to the most current revision of EIA 222 standards. Guyed telecommunications towers shall be designed and located such that if the structure should fall, it will avoid habitable structures and public streets.
- (3) Co-location. Towers over 75 feet in height shall be designed and built to accommodate a minimum of two cellular or PCS providers. The owner of the tower must certify to the City that the tower is available for use by other telecommunications-service providers on a reasonable and nondiscriminatory basis.
- (4) Fencing. Security fencing, if installed, shall be by a wrought iron fence or a masonry wall, each not less than six feet in height. The exterior of equipment buildings and/or metal equipment cabinets visible from residential areas or public rights of way must have a neutral aggregate finish or be painted to reflect the color and character of adjoining structures or blend with adjacent landscaping and other surroundings.

(5) Setbacks. All telecommunications towers shall be set back from the nearest property line a minimum distance not less than the height of the tower.

(6) Signage. Except as otherwise permitted in this Ordinance, no signage, lettering, symbols, images or trademarks in excess of 200 square inches shall be placed or affixed to any part of a telecommunications tower, antenna, antenna array, equipment building or security fencing other than as required by FCC regulations or other applicable law.

(7) Lighting. Except as otherwise permitted in this Ordinance, no signals, lights or illumination of any kind shall be permitted on or directed toward any tower unless required by the FCC, the FAA or other appropriate public authority.

#### **D. ANTENNA MOUNTING STANDARDS.**

The purpose of this Section is to promote public safety and maintain order and harmony within the City's commercial, recreational and residential districts by restricting the size and location of telecommunications antennas. The objective is to avoid the creation of visual distractions, prevent obstructions to the view of pedestrians and motorists on public thoroughfares and to insure the structural integrity of supporting structures.

##### (1) Whip-and-Panel Antenna Mounting Standards.

(i) Building-mounted panel antennas are permitted on non-residential buildings and multi-family dwellings in all zoning districts, provided that they are mounted flush with the exterior of the building and that they do not project above the roof line nor more than 30 inches from the surface of the building to which they are attached. The antenna's appearance shall be such that its color and texture blend with the surrounding surface of the building.

(ii) Whip antennas are permitted on non-residential buildings and multi-family dwellings in all zoning districts, provided that the total length of the whip antennas, regardless of mounting method or location, does not exceed 15 percent of the height of the building.

(iii) Only one building/roof-mounted antenna support structure, less than 100 square feet in area, is permitted per 500 square feet of building floor area.

##### (2) Dish Antenna Mounting Standards

(i) Dish antennas shall not be permitted in any front setback area or side setback adjacent to any roadway.

(ii) Ground-mounted dish antennas in excess of five feet in height shall be screened from roadways and adjacent property by a minimum six-foot-high screening fence, evergreen hedge or masonry wall.

(iii) Dish antennas in excess of ten feet in height or more than three meters in diameter shall not be permitted in any residential zoning district.

(iv) Building/roof-mounted dish antennas one meter or less in diameter are permitted in any zoning district.

(v) Building/roof-mounted dish antennas two meters or less in diameter are permitted on all buildings in excess of 5,000 square feet of building-floor area in non-residential zoning districts.

(vi) Only one building/roof-mounted dish antenna two meters or less in diameter is permitted per 5,000 square feet of building-floor area on non-residential buildings and on multi-family dwellings in residential zoning districts.

(vii) Building/roof-mounted dish antennas in excess of two meters in diameter may be permitted on buildings in excess of 100,000 square feet of building-floor area in non-residential zoning districts.

(viii) Building/roof-mounted dish antennas in excess of two meters in diameter in non-residential zoning districts shall be painted or screened with enclosures so as to have an appearance that blends with the building on which they are located or be located so that they are not visible from any adjacent roadway.

(3) Structural Certification.

(i) Prior to the installation of any building/roof-mounted telecommunications antenna, antenna array, or support structure, the City shall be provided with an engineer's certification that the structure will support and not be adversely affected by the proposed antenna and associated equipment.

**E. Definitions.**

*Antenna.* A structure or device used to collect or radiate electromagnetic waves, including directional antennas, such as panels, wireless cable and satellite dishes and omni-directional antennas, such as whips, but not including satellite-earth stations.

*Antenna, Dish.* A parabolic or bowl-shaped device that receives and/or transmits signals in a specific directional pattern.

*Antenna, Panel.* An antenna which receives and/or transmits signals in a directional pattern.

*Antenna, Telecommunications.* An antenna used to provide a telecommunications service. This excludes lightning rods, private mobile radio systems, amateur radio antennas less than 50 feet (15 meters) in height and whip antennas less than four inches (10 cm) in diameter and less than 10 feet in height.

*Antenna, Whip.* An omni-directional dipole antenna of cylindrical shape which is no more than six inches (915 cm) in diameter.

*Co-location.* A single telecommunications tower and/or site used by more than one telecommunications service provider.

*EIA-222.* Electronics Industries Association Standard 222, Structural Standards for Steel Antenna Towers and Antenna Support Structures.

*Telecommunications.* The transmission, between or among points specified by the user, of audio and/or visual information of the user's choosing without change in the form or content of information as sent or received.

*Telecommunications Service.* The offering of telecommunications for a fee directly to the public, or to such classes as to be effectively available to the public, regardless of the facilities used.

*Tower.* A self-supporting or cable-anchored structure designed to support telecommunication antennas.

*Tower, Guyed.* Any telecommunications tower supported in whole or in part by cable anchored to the ground.

*Tower, Height.* The distance measured from grade to the highest point of any and all components of the structure, including antennas, hazard lighting and other appurtenances, if any.

**F. Appeal.** If a site plan application is denied, the applicant may submit to City Council an appeal within ten days of the denial. If City Council finds that strict application of the regulations of this Ordinance would prohibit or have the effect of prohibiting personal wireless service, as defined by federal law, City Council may modify the subject regulations to the extent necessary to prevent prohibition.

**G. Violation Deemed Nuisance.** In addition to the penalties provided in the Zoning Ordinance, any violation of this Section is hereby declared to be a nuisance. In addition to any other relief provided by the Zoning Ordinance,

the City may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this Ordinance and other available relief.

**H. Amendment to the Zoning Ordinance.** Ordinance No. 00-65A, the City of Woodcreek's Zoning Ordinance, as amended, is hereby modified and amended as set forth in this Section.

**I. Severability.** If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or application hereof which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**J. Effective Date.** This Ordinance shall take effect immediately from and after its passage and publication in the manner set forth with the provisions of the Local Govt. Code.

**K. Open Meetings.** That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, Local Govt. Code.

PASSED AND APPROVED on this the 13th day of March 2002.

CITY OF WOODCREEK, TEXAS

Attest:

Signature on file  
Peg Tharp, City Secretary

Signature on file  
Kenneth E. Jacobs, Mayor

Sections 28 through 29 reserved.

### ARTICLE III. SPECIAL PROVISIONS

#### Section 30. Non-Conforming Uses.

(a) General Policy. The general public, the City Council and the Commission are directed to take note that nonconformities in the use and development of land and buildings are to be avoided, or eliminated where now existing, whenever and wherever possible, except:

(i) When necessary to preserve property rights established prior to the date these regulations become effective as to the property in question; and

(ii) When necessary to promote the general welfare and to protect the character of the surrounding property.

(b) Nonconforming Structures. Where a lawful structure exists on the effective date of the adoption or amendment of this Ordinance, that could not be built under the terms of this Ordinance by reason of restrictions on permitted use, area, lot coverage, height, years, its locations on the lot, or other requirements concerning the structure, such structure may be continued as long as it remains otherwise lawful, subject to the following provisions:

- (i) No such nonconforming structure may be enlarged or altered in a way which increases its structural nonconformity, but any structure or portion thereof may be altered to decrease its structural non-conformity.
- (ii) Should such nonconforming structure or nonconforming portions of a structure be damaged by any means to an extent of more than fifty (50) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with this Ordinance.
- (iii) Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations of the district in which it is located after it is moved.
- (iv) Nuisances attending any use lawfully existing at the time the property is annexed into the City shall be eliminated or mitigated to the maximum extent feasible within ninety (90) days of date of annexation.

(c) Nonconforming Uses. A nonconforming use may be continued as long as it remains otherwise lawful, subject to the following provisions:

- (i) No existing structure devoted to a nonconforming use shall be enlarged, extended, constructed or reconstructed.
- (ii) The use of the structure shall only be changed to a use permitted in the district in which it is located.
- (iii) A nonconforming use that has been discontinued may be resumed only if there has been no other use of the premises or structure since the nonconforming use was discontinued, and such use was not discontinued for a period of six (6) months or more.
- (iv) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to any land outside such building.
- (v) Removal or destruction of a structure containing a nonconforming use shall eliminate the nonconforming use status. Destruction for the purpose of this subsection is defined as damage equal to more than fifty (50) percent of the replacement cost of the structure.

(vi) Non-conforming Uses. A Certificate of Non-Compliance shall be required for each non-conforming uses of any land or buildings created by adoption of this Ordinance. Application for such Certificate of Non-Compliance for a non-conforming use shall be filed with the City by the owner of the building or land with such non-conforming use within one (1) year of the effective date of this Ordinance. It shall be the duty of the City to issue a Certificate of Non-Compliance for a non-conforming use and the refusal of the City to issue a Certificate of Non-Compliance for such non-conforming use shall be evidence that said non-conforming use was either illegal or did not lawfully exist as of the effective date of this Ordinance.

(A) Nonconforming use shall terminate upon the sale, conveyance, rental or change in land use of the property except as hereafter provided and except for those structures listed in Sections (B) below, which allows for certain nonconforming uses to be amortized, with the nonconforming use being terminated after a specified amount of time. The termination date of any non-complying structure shall be set so as to provide the owner with a reasonable opportunity to recoup or recover the owner's investment in the structure.

(B) If lawful nonconforming use exists on the effective date of passage of this Ordinance, the following structures will have their use amortized, with the nonconforming use being eliminated over fifteen (15) years from the date of passage of this Ordinance:

- (a) Fences erected and existing in compliance with the City's regulations and Ordinances prior to the effective date of this Ordinance and composed of materials not allowed upon the passage of this Ordinance or which do not meet the City's current setback requirements
- (b) Accessory buildings which do not meet the masonry requirements
- (c) Wood roofs
- (d) Above-ground pools
- (e) More impervious cover than allowed by this Ordinance due to paving of front yard.

(C) The City Council shall have the power, upon recommendation of the Planning and Zoning Commission, to bring about the discontinuance of nonconforming uses after notices and hearing. The termination date of any nonconforming use shall be set so as to provide the owner with a reasonable opportunity to recoup or recover the owner's investment in the nonconforming use.

(D) Notwithstanding the foregoing, the nonconforming use of a building, roof, above-ground pool, structure, accessory building, fence or driveway (collectively or individually hereafter, the Non-conforming asset") that was lawfully constructed and erected prior to 1985, shall not terminate or expire until such time as the nonconforming asset is reconstructed or replaced. For the purpose of this section, a nonconforming asset shall be deemed to be reconstructed or replaced if fifty (50) percent or more of such nonconforming asset is reconstructed or replaced, or if modifications or repairs are made to such nonconforming asset within any twelve (12) calendar months that is equal to one half or more of the value of the nonconforming asset prior to the modification or repair.

(d) Repairs and Maintenance. On any nonconforming structure, or nonconforming portion of a structure, containing a nonconforming use, repairs and maintenance shall be performed to maintain the structure in compliance with the electrical, plumbing and building codes; provided that such repairs and maintenance shall be subject to the following conditions and limitations:

- (i) No work may be done in any period of six (6) consecutive months on ordinary repairs, or on repair or replacement of nonload-bearing walls, fixtures, wiring or plumbing, to an extent exceeding twenty-five (25) percent of the current replacement cost of such structure or nonconforming portion of such structure.
- (ii) If fifty (50) percent or more of the nonconforming structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs or maintenance, and is declared by a duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.

(e) General. No structure, use or nonconforming asset in existence on the effective date of this Ordinance shall be or constitute a nonconforming structure or use unless such structure or use was constructed, converted, or the use thereof started, in compliance with the Ordinances and laws then in effect, included, but not limited to, having received any permit then required by law.

**Sections 32-39 Reserved.**

**ARTICLE IV.  
ADMINISTRATION**

**Section 40. General.**

The City shall administer the provisions of this Ordinance, and in furtherance of such authority, the City shall:

- (a) Records. Maintain permanent and current records with respect to this Ordinance, including amendments thereto.
- (b) Applications. Receive, file, and review all zoning applications to determine whether such plats comply with this Ordinance.
- (c) Commission. Receive, hear and act upon zoning applications to the Commission as required by this Ordinance, and forward its recommendations thereon to the City Council.
- (d) Council. Receive the recommendation of the Commission, together with the recommendations of City staff, cause notice to be given, hold a public hearing, hear from interested persons and act in its legislative discretion on the zoning change or issue.
- (e) Implementation. Make such other determinations and decisions as may be required of the City by this Ordinance, the Commission or the Council; and enforce and implement this Ordinance and the final decisions by the City Council.

**Section 41. Ordinance Interpretation.**

In the interpretation and application of the terms and provisions of this Ordinance, the following regulations shall govern:

- (a) Liberally Construed. In the City's interpretation and application, the provisions of this Ordinance shall be regarded as minimum requirements for the protection of the public health, safety, comfort, convenience, prosperity and welfare. This Ordinance shall be regarded as remedial and shall be liberally construed to further its underlying purposes.
- (b) Highest Standards Govern. Whenever a provision of this Ordinance and any other provision of this Ordinance, or any provision in any other law, ordinance, resolution, rule or regulation of any kind contains any restrictions covering the same subject matter, whichever restrictions are more restrictive or impose higher standards or requirements shall govern.
- (c) Resolution of Conflicting Interpretations. Where there arises a question concerning the meaning or intent of a provision of this Ordinance, a written decision setting forth the manner in which said provision shall be interpreted and administered is encouraged. In the event exception is taken by any interested party to such a decision, the matter may be appealed to the Commission and, as appropriate, to the Council whose decision shall be final.
- (d) Written Decisions Binding. Any final written decision made as provided in subsection (c) above shall be archived and shall govern interpretation of this Ordinance until such time as an amendment of this Ordinance shall nullify such decision, or the decision is overruled or rescinded by the City Council.
- (e) State Law. The terms, provisions and conditions of this Ordinance shall be interpreted and applied in a manner consistent with state law and *Chapt. 211, Tex. Loc. Gov't. Code*, in particular.
- (f) Master Plan. All zoning applications shall conform to the Master Plan for the community and be consistent with all of the elements thereof:
  - (i) Where the proposed zoning application is inconsistent with one (1) or more of the elements of the Master Plan, the developer may petition the City for amendment to the particular element or elements of the Master Plan either prior to, or concurrent with, submitting a request for subdivision plat or development plan approval. Inconsistency with the provisions of the Master Plan shall be grounds for disapproval of the zoning application by the City.
  - (ii) Where the proposed zoning is for a zoning district or category provided for in this Ordinance but that is not included on the Master Plan existing on the date of this Ordinance, or not existing on the date of such application, the applicant shall propose an amendment to the Master Plan and provide information and documentation in support of such amendment.
- (g) Consistency with the Subdivision Ordinance. All development projects within the corporate limits of the City shall be in conformance with the City's Subdivision Ordinance. Where the proposed development requires a zoning classification or approval other than that currently applying to the property to be developed, the developer shall make appropriate application to secure the necessary zoning classification or approval required for the proposed development to comply with this Ordinance.

## Section 42. Board of Adjustments.

(a) Established. A Board of Adjustments (hereafter in this Section, the "Board") is established in accordance with the provisions of *211.008, Tex. Loc. Gov't. Code*, regarding the zoning of cities and with the powers and duties as provided in said code.

(b) Organization and Membership.

(i) Regular Membership. The Board shall consist of five residents appointed at will by the Mayor and approved by a majority vote of City Council. Terms of office shall be staggered for one (1) and two (2) years so that terms will be overlapping. The Board Members of the Board of Adjustments will serve without compensation. Vacancies on the Board of Adjustments will be filled for the unexpired term, or term as applicable. Board of Adjustments members may be removed, with or without notice, by majority vote of the City Council : (a) for incompetency, corruption, misconduct or malfeasance in office; or (b) for lack of confidence by City Council.

(ii) Alternate Members. The Board shall also consist of not more than four alternate members who will serve in the absence of one or more regular members when requested to do so by the Mayor. Alternate members shall be appointed in the same manner as regular members; shall serve for the same period as a regular member; and are subject to removal in the same manner as a regular member. Vacancies among the alternate members shall be filled in the same manner as vacancies among the regular members.

(c) Meetings. Meetings of the Board shall be held at the call of the Chair and at such other times as the Board may determine.

(d) Hearings. All meetings and hearings held by the Board of Adjustment shall be public; provided that upon the advice and consent of the City Attorney the Board may go into executive session pursuant to *Chapt. 551, Tex. Gov't. Code*.

(e) Rules and Regulations. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and such minutes shall be immediately filed in the office of the Board and shall be a public record. The Board of Adjustment shall act by resolution in which four members must concur. The Board may adopt rules in accordance and consistent with this ordinance as necessary and required. A copy of any such rules shall be furnished to any person requesting same. All rules and regulations shall operate uniformly in all cases and all resolutions and orders shall be in accordance therewith.

(f) Powers and Duties of the Board.

(i) Appeals Based on Error. The Board shall have the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of *Chapt. 211, Tex. Loc. Gov't. Code*, or this Ordinance.

(ii) Special Exceptions. The Board shall have the power to hear and decide special exceptions to the terms of this Ordinance when this Ordinance requires the Board to do so. Such special exception shall be as follows:

(A) Authorize a variance from 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, and where the topography or unusual shape of the lot and regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.

(g) Variations. The Board shall have the power to authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done, including the following:

(i) Yard and Fence Setbacks. Permit a variance in the setback requirements of any district where there are unusual and practical difficulties or unnecessary hardship in the carrying out of these provisions due to an irregular shape of the lot, topography or other conditions; provided that such variance will not significantly affect any adjoining property or the general welfare.

(ii) Structures. Authorize upon appeal, whenever a property owner can show that a strict application of the terms of this Ordinance relating to the construction or alteration of a building or structure or the use of land will impose 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 such variance 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 as established by this Ordinance, and at the same time, the surrounding property will be properly protected; provided that the Board shall not in any event permit a use on any property that is not permitted within the Zoning category for which such property is zoned.

(h) Procedures for Requesting a Variance.

(i) A request for a variance shall be made in writing and include information to support the request for a variance. Such information may include, but is not limited to, plat plans, site and building plans, contour maps and location of existing flora. The request shall clearly state the unusual conditions or circumstances which, in the applicant's opinion, justifies a variance.

(ii) The request for a variance, and a \$75.00 variance request fee, will be mailed to the City of Woodcreek, 41 Champion Circle, Woodcreek, Texas 78676.

(iii) The City of Woodcreek will be responsible for notifying all property owners within 500 feet of the property for which the variance is requested of variance request and the time and location of the Board of Adjustments meeting at which time the request for variance will be acted upon. The notification will include a complete description of requested variance.

(iv) The request for variance will be approved or denied within forty-five (45) days from the date the request is received.

(i) Appeals.

Procedure. In the event that any person has been detrimentally aggrieved by a decision of an administrative officer, relative to the enforcement of *Chapt. 211, Loc. Gov't. Code* and or this Ordinance, such person may submit an appeal in accordance with the rules of the Board within ten (10) days of the decision. Additionally, any officer, department, board or bureau of the City may appeal a decision relative to the enforcement of *Chapt. 211, Loc. Gov't. Code* and or this Ordinance.

The appellant must file a written appeal certifying the grounds for the appeal, and it shall be filed with the Board and with the administrative officer. The administrative officer shall forthwith transmit to the Board all documents which are pertinent to the appeal.

(ii) Stay of Proceedings. Such appeal shall stay all further action relative to the appealed decision by the administrative officer. If the administrative officer deems that continuing the stay would cause imminent peril to life or property, he must certify the facts relating to his opinion in a written certificate to the Board. In the event that due cause is shown and after notice to the administrative official, the stay maybe continued only by a restraining order granted by the Board or by a court of record on application.

(iii) Hearing of the Appeal. The Board shall set a reasonable time for the hearing of the appeal and shall provide notice to the parties of interest, who may appear at the hearing in person or by representation of an attorney or agent.

(iv) Decision by Board. The Board shall decide appeals within a reasonable time. Any party to the appeal may appear in person or by agent or attorney at any hearing. The Board may, upon the concurring vote of four

- (4) members, reverse or affirm, in whole or in part, or modify the administrative official's order, requirement or decision, and make the correct order, requirement, decision, or determination on the matter appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made, and to that end, shall have all powers of the officer or department from whom the appeal is taken.
- (j) Changes. The Board shall have no authority to change any provision of this Ordinance and its jurisdiction is limited to hardship and borderline cases which may arise from time to time.

### **Section 43. Conditions for Issuing a Building Permit.**

No building permit will be issued for any new structure or change, improvement or alteration of any existing structure, on any lot or tract of land and no municipal utility service will be furnished to such lot or tract which does not comply with the provisions of this Ordinance, all other applicable City Ordinances and all applicable elements of the Master Plan, except as herein exempted, or upon the written application and approval of a variance.

### **Section 44. Certificates of Occupancy.**

- (a) Policy and Application. Certificates of occupancy will be required for any of the following:
- (i) Occupancy of any structure or building hereafter erected or structurally altered.
  - (ii) Change in occupancy of an existing building to an occupancy of a different zoning district.
  - (iii) No change of occupancy of any new, or altered portion of any, structure or building, or any such building or structure will take place until a Certificate of Occupancy therefor shall have been issued by the City.
- (b) Procedure.
- (i) New Structures. No structure shall be occupied until a final inspection is made by the appropriate City official.
  - (ii) Altered Structures. Written application for a Certificate of Occupancy for an existing building which is to issued within seven (7) days after a written request for it has been made to the City. The erection or alteration of such building or part thereof shall be completed in conformity with the provisions of this Ordinance and all applicable City codes and Ordinances.
  - (iii) 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 non-conforming use, as herein provided, shall be made to the City. If the proposed use is in conformity with the provisions of this Ordinance, a Certificate of Occupancy shall be issued within seven (7) days after the application for same has been made.
- (c) Approval. Every Certificate of Occupancy shall state that the building or the proposed occupancy of a building or land complies with all provisions of law. A record of all Certificates of Occupancy shall be kept on file in the City offices and copies shall be furnished on request to any person having proprietary or tenancy interests in the building or land affected.
- (d) Temporary Certificate of Occupancy. Pending the issuance of a regular Certificate of Occupancy, a temporary certificate may be issued by the City for a period not exceeding six (6) months, during the completion of alterations or during partial occupancy of a building pending its completion. Such 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.

## **Section 45. Definitions.**

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words used in the present tense include the future tense. Words used in the plural number include the singular, and words in the singular include the plural. The word "shall" is always mandatory. The word "herein" means in this Ordinance. The word "regulations" means the provisions of any applicable ordinance, rule, regulation or policy. The word "person" means any human being or legal entity and includes a corporation, a partnership, and an incorporated or unincorporated association. 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. Any definition not expressly prescribed herein shall, until such time as defined by ordinance, be construed in accordance with customary usage in municipal planning and engineering practices.

**Above-ground Pool** means a swimming pool which is designed or constructed in a manner where the major part of the primary water basin extends above the ground level of the land and soil abutting the swimming pool; is portable versus permanent in design, fails to meet the test of being operated in a manner which would not be hazardous or obnoxious to adjacent property owners; would be distinguishable by any reasonably prudent person to be something other than an 'in-ground' swimming pool; and is clearly not a hot tub, spa or kiddie pool which are not designed to be swimming pools.

**Access** means a way of approaching or entering a property.

**Accessory Use** means a use that is customarily a part of the principal use, a use which is clearly incidental, subordinate and secondary to the permitted use, and which does not change the character thereof, including, but not limited to, garages, bathhouses, greenhouses, or a storage or tool shed. See: Accessory Structure.

**Accessory Structure** means, in a residential district, a subordinate building detached and used for a purpose customarily incidental to the main structure such as a private garage for automobile storage, golf cart storage, toolhouse, bath or greenhouse as a hobby (no business), home workshop, children's playhouse, storage house or garden shelter, but not involving the conduct of a business or occupancy by any long-term or paying guests.

**Adjacent** means abutting and directly connected to or bordering..

**Amortization** means a method of eliminating non-conforming uses by requiring the termination of the non-conforming use after a specified period of time.

**Annexation** means the incorporation of land area into the City with a resulting change in the boundaries of the City.

**Applicant** means a person applying for zoning approval under this Ordinance.

**Approval** means the final approval in a series of required actions. For instance, the approval date of a planned unit development zoning application is the date of Council approval of the Final Site Plan.

**Billboard** means a sign advertising products not made, sold, used or served on the premises displaying such sign, or a sign having a height greater than twelve (12) feet or a width greater than eighteen (18) feet, including supports.

**Board** means the Board of Adjustments of the City of Woodcreek, Texas.

**Board of Adjustments** means a committee appointed by the Council to consider appeals from certain administrative actions pursuant to *Sec. 211.008, Loc. Gov't. Code*, and that is given the authority set forth in this Ordinance and in *Sec. 211.009, Loc. Gov't. Code*.

**Buffer** means an area within a property or site, generally adjacent to and parallel with the property line, either consisting of existing natural vegetation or created by the use of trees, shrubs, berms and/or fences, and designed to limit views and sound from the site to adjacent properties and vice versa.

**Building** means any structure designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels or property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building.

**Building Area** means the gross-area covered by a structure when placed on the lot.

**Building Ordinance** means the City's Building Ordinance and related ordinances of the City providing standards, requirements and regulations for site development and the construction and erection of buildings and structures within the City, including, but not limited to, the electrical code, plumbing code, building code, and minimum housing code, adopted by the City Council from time to time.

**Building Permit** means a permit issued by the City which is required prior to commencing construction or reconstruction of any structure.

**Building Plot** means the land, lot, lots or tract of land upon which a building or buildings are located, or upon which they are to be constructed, including yards.

**Building Setback Line** means a line or lines designating the interior limit of the area of a lot within which structures may be erected. The building lines generally provide the boundaries of the buildable area of any given lot and no structure or building may be erected between a building and the corresponding lot line.

**Carport** means a structure with one or more open sides, covered with a roof (see garage definition).

**Church or Rectory** means a place of worship and religious training of recognized religions including on site housing of ministers, rabbis, priests, nuns and similar staff personnel.

**City** means the City of Woodcreek, Texas.

**City Administrator** means the Mayor of the City, or other chief administrative officer designated by ordinance, or his/her designated representative.

**City Council or Council** means the City Council of the City.

**City Limits or Within the City** means the, or within the, incorporated boundaries of the City.

**City Staff** means the officers, employees and agents of the City assigned and designated from time to time by the City Administrator and/or Council, including but not limited to the City Public Works Director, to review, comment and/or report on zoning applications.

**City Standard Details and Specifications** means a library of City approved drawings and technical data representing typical drainage, transportation, erosion & sedimentation control, and utility appurtenances to be constructed for City acceptance.

**Commission** means the Planning and Zoning Commission of the City of Woodcreek.

**Conditional Use** means an additional use which may be permitted in a district, subject to meeting certain conditions or procedures established by the City Council. No conditional use shall be permitted in any location where it will be inconsistent with the existing adjacent and nearby uses.

**Contiguous** means property that is immediately adjacent to another property and property whose lines are separated by only a street, alley, easement, right-of-way or buffer.

**Corner Lot** means a lot located at the intersection of and abutting on two (2) or more streets.

**Country Club** means an area of twenty (20) acres or more containing a golf course and clubhouse and available by private or semi-private membership, such a club may contain adjunct facilities such as private club, dining room, swimming pool, tennis courts and similar recreational or service facilities.

**County** means Hays County, Texas.

**County Appraisal District** means the Hays County Appraisal District.

**Day Camp** means a facility arranged and conducted for the organized recreation and instruction of children including outdoor activities on a daytime basis.

**Developer** means the legal owner of land to be improved and/or subdivided or his/her authorized representative.

**Developed Area** means that portion of a lot, easement, or parcel upon which a building, structure, pavement or other improvements have been placed.

**District** means a zoned section or sections of the City for which regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

**Double Frontage Lot.** See: Reverse Frontage Lot.

**Drive Approach** means a paved surface connecting the street to a lot line.

**Driveway** means a hard, impervious surface such as hot-mix asphalt or concrete surface connecting a drive approach with a parking space, parking lot, loading dock or garage.

**Dwelling** means any building or portion thereof built on-site which is designed for or used exclusively for residential purposes.

**Dwelling (Single Family)** means a detached building having accommodations for occupancy by not more than one family.

**Dwelling Unit** means a building or portion of a building arranged, occupied or intended to be occupied as residential unit designed to accommodate one (1) household for living, sleeping, eating, cooking and sanitation.

**Easement** means a grant by the property owner of the use of a strip of land for stated purposes.

**Environment** means the aggregate of social and physical conditions that influence the life of the individual and/or community.

**Exterior Side Yard** means a yard which faces and is parallel to a side street.

**Extraterritorial Jurisdiction or ETJ** means that geographic area outside the corporate boundaries of the City as established pursuant to *Sec. 42.021 and 42.022, Loc. Gov't. Code.*

**Family** means any number of individuals living together as a single housekeeping unit, in which not more than three (3) individuals are unrelated by blood, marriage, adoption, or guardianship, and occupying a dwelling unit.

**Fence** means a structure serving as an enclosure, a barrier, or a boundary, usually made of posts or stakes joined together.

**Fencing, Small-Animal** means metal fencing with the open area between the wires measuring no less than six (6) inches. Wire thickness shall not exceed .1 inches.

**Floor Area** means the total square feet of floor space within the outside dimensions of a building, including each floor level, but excluding cellars, carports or garages.

**Filing Date** means, with respect to zoning applications, the date of the first public hearing before the Commission regarding such zoning application.

**Floor Area Ratio (FAR)** means the maximum square footage of total floor area permitted for each square foot of land area. The ratio between the total square feet of floor area in all buildings located on a lot and the total square feet of land in the lot or tract on which the buildings are located.

**Flood Plain** means that land lying within a stream channel or adjacent to a stream channel within which flooding frequently occurs, the elevation above sea level of which shall be as established by the City and made of record. It is land which is required to be kept open and non-urbanized in order to maintain upstream flood plain characteristics and insure continued adequate drainage of adjacent land.

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

**Front Yard** means a space extending the full width of the lot between any building set back line and the front lot line, and measured perpendicular to the building at the closest point to the front lot line.

**Frontage** means that side of a lot, parcel or tract of land abutting a street right-of-way and ordinarily regarded as the frontal orientation of the lot.

**Garage** means a four-sided structure, fully enclosed on three sides, with a door on the fourth side, with a roof and concrete floor, accessible by a hard-surface driveway. See Chart 1 for garage requirements by Zoning District.

**Golf Course (Commercial)** means a golf course or driving range privately owned but open to the public for a fee and operated as a commercial venture.

**Governing Body** means the City Council of the City of Woodcreek.

**Greenbelt** means any area that has been platted or otherwise dedicated to the public as a greenbelt or otherwise with the intent to establish and preserve peaceful, attractive, natural or undisturbed areas adjacent to residential districts. Permitted uses include hiking, jogging and non-motorized biking and nature trails, accessory structures and uses incidental to the foregoing uses. A greenbelt is also any land area that is owned by the public or the property owners' association and generally maintained with substantial vegetation in place, with or without enhancement by landscaping and planting and without improvements other than trails and similar low-impact recreational and public uses to enhance the aesthetic quality of the community, screen or partially screen and separate properties, uses or facilities. A greenbelt is a part of the community landscaping and is generally adjacent to and parallel with a property line, right of way, creek or other drainage, consisting of existing natural vegetation or created by the use of trees, shrubs and/or berms, and designed to limit views and sound from the site to adjacent properties and vice versa, aid or benefit drainage or water quality, and any other compatible public purpose authorized by the City Council.

**Height** means the vertical distance from the highest point on a structure to the average ground elevation where the foundation meets ground.

**Home Occupation** means a traditional home office occupation having the owner as the only employee, with no outward appearance of the existing occupation and not being commercial in nature.

**Impervious Cover** means roads, parking areas, buildings, swimming pools, rooftop landscapes and other construction limiting the absorption of water by covering the natural land surface; this shall include, but not be limited to, all streets and pavement within the development.

**Improvements** means any street, alley, roadway, barricade, sidewalk, bikeway, pedestrian way, water line system, wastewater system, storm drainage network, public park land, landscaping, or other facility or portion thereof for which the local government may ultimately assume responsibility for maintenance and operation or which may affect an improvement for which local government responsibility is established.

**Interior Lot** means a lot other than a corner lot and, bounded by a street on only one (1) side.

**Legal Lot** means a lot recorded in the Official County Records pursuant to and in compliance with the subdivision regulations and/or state law in effect at the time of the creation of the lot.

**Lot** means a separate parcel of land, created by the division or subdivision of a block or other parcel, intended as a unit for transfer of ownership, or for development, or for occupancy and/or use, platted in compliance with state law. See also: Legal Lot.

**Lot Depth** means the average horizontal distance between the front and rear lot lines.

**Lot Lines** means the lines bounding a lot as defined herein.

**Lot Width** means the average horizontal distance at the front building setback line of a lot.

**Master Plan** means the overall development plan for the community which has been officially adopted to provide long-range development policies including all specified individual elements thereof among which are the plans for land intensities; land subdivision; circulation; and community facilities, utilities and services.

**Neighborhood** means the area of the City characterized by residential land uses which is bounded by physical (such as river, major street, lack of access, buffer) and/or political features (such as voting districts, subdivision boundaries).

**Neighborhood Park** means a publicly owned parcel of land, within a subdivision, dedicated solely for recreational uses and maintained by the City or under authority granted by the City.

**Nonconforming Lot** means a lot, the area, dimensions, or location of which was lawful prior to the adoption, revision or amendment of the zoning ordinance, but which fails by reason of such adoption revision or amendment to conform to the present requirements of the zoning district.

**Nonconforming Structure or Building** means a structure or building the size dimensions or location of which was lawful prior to the adoption, revision or amendment of the zoning ordinance, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

**Nonconforming Use** means any building, structure or land lawfully occupied by a use or lawfully existing at the time of passage of this Ordinance or Amendments thereto, which does not, by reason of design or use, conform after the passage of this Ordinance or Amendments with the regulations of the Ordinance or Amendment.

**Occupancy** means the use or intended use of land or a building by any person.

**Occupant Car Ratio (OCR)** means the minimum number of parking spaces without parking time limits required for each living unit, establishment or use.

**Official County Records** means the Official Records of Hays County, Texas.

**Off-Site Improvements** means any required improvement which lies outside of the property being developed.

**Off-Street Parking Space** means an area of privately owned land not less than ten (10) feet by twenty (20) feet not on a public street or alley, with an all weather surface. A public street shall not be classified as such, nor shall head-in parking adjacent to a public street and dependent upon such street for maneuvering space; provided that not more than 25% of any required off street parking spaces may be compact parking spaces of not less than one hundred twenty-eight (128) square feet exclusive of the driveways connecting said space with the street or alley.

**One-Hundred (100) Year Flood Plain** See: Regulatory 100-year floodplain.

**Open Space** means an area included in any side, rear or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves, porches, and plant material.

**Open or Outdoor Storage** means the keeping, in an unroofed area, of any goods, junk, material, merchandise, in the same place for more than twenty-four (24) hours.

**Park or Playground** means an open recreation facility or park owned and operated by a public agency such as the City or the school district and available to the general public for neighborhood use, but not involving lighted athletic fields for nighttime play.

**Parking Space** means an area that is not a street, alley or public right-of-way that is used or designed to be used for motor vehicle parking, that is not less than ten (10) feet by twenty (20) feet, exclusive of the driveways connecting said space with a street or alley. Said parking space and connecting driveway shall be durably surfaced and so arranged to permit satisfactory ingress and egress of an automobile. Compact parking spaces shall be one-hundred twenty-eight (128) square feet exclusive of the driveways connecting said space with the street or alley.

**Paved Area** means an area surfaced with asphalt, concrete or similar pavement, providing an all-weather surface. Gravel is not an acceptable paved surface.

**Performance Standard** means a set of criteria or limits relating to nuisance elements which a particular use or process may not exceed.

**Permit Issuing Authority** means the City officer, employee or agent designated by lawful authority to issue the applicable permit.

**Permitted Use** means a use specifically allowed in the applicable zoning districts without the necessity of obtaining a Conditional Use Permit.

**Person** means any human being or legal entity and includes a corporation, a partnership and an incorporated or unincorporated association.

**Primary Structure** means a structure in which the principal use of the lot is conducted. For example, for single family residential lots, the house is the primary structure.

**Privacy Fence** means an opaque fence or screen no more six (6) feet in height. A fence shall be considered opaque if it is made of opaque materials and constructed so that gaps in the fence do not exceed one-half (1/2) inch. Fences using boards placed on alternating sides of fence runners shall be considered opaque if the boards overlap at least one-half (1/2) inch.

**Public** means, with respect to land and interests in land within the City limits, the City; with respect to land and interests in land within the ETJ limits, the general public; and, with respect to the provision of any services or products by a business establishment, the general public.

**Public Grounds or Building** means a facility such as office buildings, and maintenance yards and shops required by branches of local, state or federal government for service to an area such as highway department yard or a city, county or school service center.

**Public Use** means places of non-commercial public assembly or administrative functions where the primary activity is contained within a building(s), including but not limited to churches, schools and government buildings.

**Public Works Director** means the City Public Works Director or his/her designated representative.

**Rear Yard** means a space extending across the full width of the lot between the principal building and the rear lot line, and measured perpendicular to the building to the closest point of the rear lot line.

**Regulatory 100-Year Flood Plain** means the one hundred (100) year flood plain as defined by the Federal Emergency Management Act (FEMA).

**Required Yard** means the open space between a lot line and the buildable area within which no structure shall be located except as provided for herein.

**Reserve Strip** means a narrow strip of property usually separating a parcel of land from a roadway or utility line easement, that is characterized by limited depth which will not support development and which is intended to prevent access to the roadway or utility easement from adjacent property and which are prohibited by these regulations unless their control is given to the City.

**Reverse Frontage Lot** means a double frontage lot which is to be developed with the rear yard abutting a major street and with the primary means of ingress and egress provided on a minor street.

**Right of Way** means a strip of land occupied or intended to be occupied by street, crosswalk, railroad, road, electric transmission line, or oil or gas pipe line, water main, sanitary or storm sewer main, or for other similar purpose or use. The usage of the term "right of way" for land platting purposes shall mean that every right of way hereinafter established and shown on the Final Plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Right of way intended for streets, crosswalks, water mains, wastewater lines, storm drains, or any other

use involving maintenance by a public agency shall be dedicated to the public by the maker of the plat where such right of way is established.

**Safety Services** means a facility to conduct public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.

**Same Ownership** means ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations in which a stock holder, partner, or associate or a member of his/her family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

**School (Public or Denominational)** means a school under the sponsorship of a public or religious agency having a curriculum generally equivalent to public elementary or secondary schools, but not including trade or commercial schools.

**Setback Line or Building Setback Line** means a line which marks the setback distance from the property line, and establishes the minimum required front, side or rear yard space of a building plot.

**Shrub** means any self-supporting woody evergreen and/or deciduous species.

**Side Yard** means a space extending from the front yard to the rear yard between the setback line and the side lot line measured perpendicular from the side lot line to the closest point of the setback line.

**Sign** means any device or surface on which letters, illustrations, designs, figures, or symbols are painted, printed, stamped, raised, projected, illuminated, or in any manner outlined or attached and used for advertising purposes.

**Single-Family Attached** means the use of a series of sites for two or more dwelling units, constructed with common or abutting walls and each located on a separate lot within the total development site.

**Single-Family Detached** means the use of a lot for only one dwelling unit.

**Single-Family Dwelling** means a building designed for or occupied exclusively by one (1) household. See: Single family detached.

**Site Plan** means a plan showing the use of the land, to include locations of buildings, drives, sidewalks, parking facilities to be constructed and drainage, erosion control and utilities.

**Slope** means the vertical change in grade divided by the horizontal distance over which that vertical change occurred. The slope is usually given as a percentage.

**Square Foot or Square Feet** means the square footage computed from the outside dimensions of the dwelling or structure, excluding attached garages, attics, basements, open or screened porches.

**Story** means that portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.

**Street** means any public or private right-of-way which affords the primary means of vehicular access to abutting property.

**Street Line** means that line limiting the right-of-way of the street and being identical with the property line of persons owning property fronting on the streets.

**Street-Side Yard** means an area between any required building setback line and the side property line abutting a public right-of-way, and measured perpendicular to the building to the closest point of the side property line abutting the right of way.

**Structural Alterations** means any change in the supporting members of a building, such as load bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or the exterior walls.

**Structural Integrity** means the ability of a structure to maintain stability against normal forces experienced by said structure.

**Structure** means any building or anything constructed or erected on the ground or which is attached to something located on the ground. Structures include buildings, telecommunications towers, sheds, parking lots that are the primary use of a parcel and permanent signs. Sidewalks and paving shall not be considered structures unless located within a public utility or drainage easement.

**Structure Principal** means the principal structure which fulfills the purpose for which the building plot is intended.

**Stucco** means masonry on blocks or lath.

**Subdivision** means the division or redivision of land into two (2) or more lots, tracts, sites or parcels for the purpose of development, laying out any addition to the City, or for laying out any subdivision or building lots, or any lot, street, alley, access easement, public utility easement, park or other portion intended for use by the public, or for the use of any owner, purchaser, occupant, person or entity.

**Swimming Pool (Private)** means a swimming pool constructed for the exclusive use of the residents of a single family or other residential dwelling, located and fenced in accordance with City regulations and not operated as a business or maintained in a manner to be hazardous or obnoxious to adjacent property owners. See: Above-Ground Pool.

**Variance** means an adjustment in the application of the specific regulations of this Ordinance to a particular parcel of property which, because of special conditions or circumstances peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district.

**Watershed** means area from which stormwater drains into a given basin, river or creek.

**Working Days** means Monday through Friday exclusive of City recognized holidays.

**Yard** means an open space at grade between the principal and accessory buildings and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

**Yard Depth** means the shortest distance between a lot line and a yard line.

**Yard, Front.** A yard extending across the front of a lot between the side lot lines, and being the minimum horizontal distance between the street easement line and the main building or any projections thereof other than the projections of the usual steps, balconies or bays, or unairconditioned porch. On corner lots the front yard shall be considered as parallel to the street upon which the yard has its least dimension.

**Yard Line** means a line drawn parallel to a lot line at a distance therefrom equal to the depth of the required yard.

**Yard, Rear** means a yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than the projections of steps, balconies or bays, or unairconditioned porches, accessory dwellings or detached garages.

**Yard, Side** means a yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of any building on the lot, or any projections thereof.

**Zero-lot-line lot** means a single-family lot that has a side wall along or near one of the lot lines so that a usable yard of a minimum of ten (10) feet from the side lot line to the building line is created on the other side of the lot.

**Zoning** means the division of a municipality into districts in an effort to achieve compatible land use relationships, and the associated establishment of regulations governing the use, placement, spacing and size of land and buildings in order to achieve that compatibility.

**Zoning Map** means the official map showing the division of the city into districts, which is a part of this zoning ordinance.

**Zoning (Spot)** means the zoning or rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses.

**ARTICLE V.  
CLOSING PROVISIONS**

**Section 46. Amendments.**

(a) **Statement of Intent.** For the purpose of establishing and maintaining sound stable and desirable development within the territorial limits of the City, this Ordinance shall not be amended except to correct error in the Ordinance, or because of changed or changing conditions in a particular area or in the City generally, or to rezone an area, extend the boundary of an existing zoning district or to change the regulations and restrictions thereof, all in accordance with a comprehensive plan. The Council may, from time to time, adopt, amend and make public rules and regulations for the administration of this Ordinance. This Ordinance may be enlarged or amended by the Council after public hearing, due notice of which shall be given as required by law.

(b) **Amendment Limitation-Rezoning.** Subject to the limitations of the foregoing Statement of Intent, an amendment of this Ordinance may be requested by any person, provided that an amendment to rezone any property may be initiated only by:

- (i) the City Council on its own motion;
- (ii) the Planning and Zoning Commission; or
- (iii) petition by the landowner or his/her authorized agent

(c) **Responsibility for Change.** The City Council has sole responsibility for changes in the Zoning Map and changes in the Zoning Ordinance. The zoning and rezoning of land is in the legislative discretion of the City Council. Zoning and rezoning shall be by ordinance only.

(d) **Referral of Amendment to Commission.** Any request for rezoning as prescribed in Sec. 46 (b.) above, or the receipt of an administratively complete petition and application to zone or rezone, a lot, tract or parcel of land, which petition and application have been examined and approved as to form by the City Secretary, shall be referred to the Commission for consideration, public hearing and recommendation to the Council. The Council may not enact a rezoning amendment until the Commission has held a public hearing and made its recommendation to the Council, or has made a final vote on the matter without obtaining a majority, on the zoning or rezoning of the property.

(e) **Action by the Commission.** The Commission shall cause such study and review to be made as advisable and required, shall give public notice and hold a public hearing as provided by state law, and shall recommend to the Council such action as the Commission deems proper. Written notice of the proposed zoning change shall be mailed, by the U.S. Postal Service, to the owner of each tract or parcel of land that is within two hundred feet (200') of the property for which zoning is requested, not less than fifteen (15) days prior to the date of the public hearing to be held by the Commission.

(f) **Action by the Council.** The Council shall give public notice and hold a public hearing before taking final action to zone or rezone any land.

(g) **Public Hearing and Notice of the Proposed Zoning Change.**

(i) Not less than fifteen (15) days prior to the date of the public hearing to be held by the Commission on each zoning or rezoning, written notice of the public hearing and the zoning proposed shall be mailed by the U.S. Postal Service to the owner of each lot, tract or parcel of land within two-hundred feet (200') of the lot, tract or parcel being considered for zoning. Such notice shall be mailed by first class mail addressed to the persons or firms to whom the properties are assessed on the City tax rolls.

(ii) Notice of the public hearing to be held by the Council shall be given by publishing such notice at least once in a newspaper of general circulation in the City, at least fifteen (15) days prior to the date set for public hearing.

(iii) If the zoning or rezoning is proposed by the Council or the Commission, notice of the proposed zoning change shall be made by the City Secretary, mailing notification by first class mail to the person

or firm to whom the property is assessed on the City tax rolls, and to all persons or firms to whom the property within two-hundred (200) feet of the proposed zoning change is assessed on the City tax rolls.

(iv) The required notice for public hearing having been given for the zoning or rezoning of a tract of land, the Commission or the Council may, as applicable, continue such matter to subsequent public meetings for consideration and may in the same zoning process or proceeding recommend zoning/rezoning or, as applicable, zone or rezone the property for which notice was given for a use or zoning district that is a less intensive use than the use for which the notices were given, without additional or further notices being given; provided that the less intensive district is within the same general-use category, e.g., duplex requested and single-family zoning granted, multiple family zoning requested and the granted rezoning is a less intensive multiple-family zoning duplex or single family.

**(h) Protest of Proposed Amendment.** If a protest(s) against any proposed rezoning or zoning change for any land is presented in writing to the City Secretary prior to the public hearing thereon, duly signed by the owners of twenty percent (20%) or more either of the area of lots included in the proposed change or of the lots or land immediately adjoining the same and extending two-hundred (200) feet therefrom, such amendment shall not become effective except by the favorable vote of three-fourths of all members of the Council.

**(i) Procedure for Amendment Petition.**

(i) **Filing of Application.** All petitions to change zoning or rezone property shall contain at least the following:

(a) The petitioner's name, address, and interest in the petition, as well as the name, address and interest of every person having a legal or an equitable interest in the land covered by the petition;

(b) The nature and effect of the proposed amendment and zoning or permit requested;

(c) A fully scaled map showing:

The land affected by the proposed amendment;

A legal description of the land;

The present zoning classification of the land;

The zoning classification of all abutting land; and

All public and private rights-of-way and easements bounding and intersecting the land.

(d) If applicable, the alleged error in this Ordinance, which would be corrected by the proposed amendment, together with a detailed explanation of such error and how the proposed amendment will correct same.

(e) The changed or unchanging conditions, if any, in the area or in the municipality generally, which make the proposed amendment reasonably necessary.

(f) A statement of all other circumstances, factors and reasons the applicant offers in support of the proposed amendment.

**(ii) Time Limitation.** If a petition for rezoning is denied by the City Council, another petition for reclassification of the same property or any portion thereof shall not be filed with a period of twelve (12) months from the date of final denial except with the permission of the City Council.

**(j) Fees.** If the application is submitted by other than the City Council or by the Planning and Zoning Commission, the applicant seeking rezoning approval shall pay to the City at the time of submittal a fee to be determined by City Council.

**Section 47. Violations.**

Except as otherwise provided for in this Ordinance, it shall be unlawful for any person (see definition of person in Section 45, Definitions, first paragraph) to develop, improve or sell any lot, parcel, tract or block of land within the City's Extra-territorial jurisdiction, regardless of the size or shape of said lot, parcel, tract or block, unless such lot, parcel, tract or block of land conforms with this Ordinance.

**Section 48. Enforcement.**

(a) Administrative Action. The City shall enforce this Ordinance by appropriate administrative action, including but not limited to the rejection of plans, maps, plats and specifications not found to be in compliance with this Ordinance and good engineering practices, and the issuance of stop work orders.

(b) Court Proceedings. Upon the request of the City Council the City Attorney shall file an action in District Court to enjoin the violation or threatened violation of this Ordinance, or to obtain declaratory judgment, and to seek and recover court costs and attorney fees, and/or to recover damages in an amount sufficient for the City to undertake any construction or other activity necessary to bring about compliance with a requirement regarding the property established pursuant to this Ordinance.

**Section 49. Construction.** The terms and provisions of this Ordinance shall not be construed in a manner to conflict with *Chapt. 211, Tex. Loc. Gov't. Code*, and if any term or provision of this Ordinance shall appear to conflict with any term, provision or condition of *Chapt. 211*, such Ordinance term or provision shall be read, interpreted and construed in a manner consistent with and not in conflict with such Chapter, and, if possible, in a manner to give effect to both. The standard and accepted rules of statutory construction shall govern in construing the terms and provisions of this Ordinance.

**Section 50. Amendment of Ordinances** Ordinance 85-16N is hereby amended in its entirety and all Ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this Ordinance and any other code or Ordinance of this City, the terms and provisions of this Ordinance shall govern.

**Section 51. Severability.** If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

**Section 52. Prima Facie Evidence.** In any prosecution charging a violation of this Ordinance governing the zoning regulations, proof that the property described in the complaint was in violation of any Section above, together with proof that the defendant named in the complaint was, at the time of the zoning violation, either the occupant or the registered owner of such property, shall constitute in evidence a prima facie presumption that the owner of such property was the person who knowingly and intentionally committed or permitted the violation for the time during which such violation occurred.

**Section 53. Savings Clause.** All rights and remedies of the City of Woodcreek are expressly saved as to any and all violations of the provisions of any Ordinances affecting zoning or issuance of permits within the City which have accrued at the time of the effective date of this Ordinance; and as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**Section 54. Effective Date.** This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

**Section 55. Open Meetings.** It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 511, Tex. Gov't. Code*.

**Section 56. Penalty.** Any person who shall violate any of the provisions of this Ordinance, or shall fail to comply therewith, or with any of the requirements thereof, within the City limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of two thousand dollars (\$2000.00). Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein.

PASSED AND APPROVED on this the 12th day of December 2003.

Signature on File  
Morris Haggerton, Mayor

ATTEST:

Signature on File  
Peg Tharp, City Secretary

Ordinance 00-65 passed November 16, 2000.  
Amendment 01-65A passed June 13, 2001  
Amendment 02-65B passed March 13, 2002 (antennae)  
Amendment 02-65C passed June 12, 2002  
Amendment 02-65D passed December 11, 2002  
Amendment 03-65E passed April 9, 2003  
Amendment 03-65F passed November 12, 2003  
Amendment 04-65G passed February 11, 2004  
Amendment 04-65H passed March 10, 2004  
Amendment 04-65I passed May 12, 2004  
Amendment 04-67J passed December 8, 2004  
Amendment 05-65K passed March 9, 2005  
Amendment 05-65L passed April 13, 2005  
Amendment 05-65M passed May 11, 2005  
Amendment 05-65N passed June 1, 2005  
Amendment 06-65O passed February 8, 2006