



**City of Saginaw**  
Planning and Zoning Commission  
Meeting Agenda

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Tuesday, March 12, 2024, 6:00 PM  
Council Chamber  
333 West McLeroy Boulevard  
Saginaw, Texas 76179

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**1: Call to Order**

- 1A. Roll Call to Establish Quorum
- 1B. Audience Participation
- 1C. Approval of Minutes  
Minutes for February 13, 2024.

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**2: Public Hearings**

- 2A. Consideration and Action Regarding a Request for a Specific Use Permit to Allow a Convenience Store with Fuel Sales at 500 S. Saginaw Boulevard.

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**3: Business**

- 3A. WORKSHOP-- Planning and Zoning Commission Training

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**4: Staff Report**

- 4A. Project Updates  
Project updates for February 2024.

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**5: Executive Session**

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**6: Adjournment**

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*Date Posted: March 6, 2024*

## **PLANNING AND ZONING COMMISSION**

David Kraus	Place No. 1	Term Expires July 1, 2025
William Barngrover	Place No. 2	Term Expires July 1, 2024
Philip Allen	Place No. 3	Term Expires July 1, 2025
Lainey Wood	Place No. 4	Term Expires July 1, 2024
Jason LaBruyere	Place No. 5	Term Expires July 1, 2025
Benjamin Guttery	1st Alternate	Term Expires July 1, 2025
Malinda Julien	2nd Alternate	Term Expires July 1, 2024



## **AUDIENCE PARTICIPATION**

Anyone in the audience who would like to speak on an agenda item and is not listed as a representative for that item; please proceed by filling out an audience participation form to speak on that item. Audience participation forms are located at the front entrance of the chambers. Please turn in your filled out form to the Planning Manager whom will pass it on to the Chairman. The Chairman will call on you at the appropriate time.



Planning & Zoning Commission Memorandum

Prepared By: Susy Victor

**Approval of Minutes**

Minutes for February 13, 2024.

Meeting	Agenda Group	
Tuesday, March 12, 2024, 6:00 PM	Call to Order	Item: 1C
Reference File		
Community Goals		

**BACKGROUND/DISCUSSION:**

The minutes for February 13, 2024 are presented for approval.

**FINANCIAL IMPACT:**

N/A

**RECOMMENDATION:**

Staff recommends approval.

**Attachments**

02.13.24.pdf

## **Minutes for the Planning & Zoning Commission**

333 West McLeroy Boulevard, Saginaw, Texas 76179

February 13, 2024, 6:03 PM - February 13, 2024, 7:46 PM

### **Present at the Meeting:**

Member, Place No. 1, David Kraus  
Chairman, Place No. 2, William Barngrover  
Alternate Member, Alt. No. 2, Malinda Julien  
City Attorney, Bessie Bronstein  
Planning Manager, Susy Victor-Trevino  
Planning Technician, Maria Hernandez

### **Absent from the Meeting:**

Member, Place No. 3, Phillip Allen  
Member, Place No. 4, Lainey Wood  
Vice-Chairman, Place No. 5, Jason LaBruyere  
Alternate Member, Alt. No. 1, Benjamin Guttery

### **Visitors at the Meeting:**

Jerry B. Robbins  
Melissa Robbins  
Jon Julien  
Christine Greenlee  
Shane Greenlee  
Kurt M. Hicks  
Kim Getlmeia  
Grace Gatica  
Sarah Gordon  
Destiny Gordon

## **1. Call to Order**

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### **1A. Roll Call to Establish Quorum**

Chairman Barngrover called roll. The quorum will consist of Chairman Barngrover, Member Kraus, and Alternate Member Julien.

### **1B. Audience Participation**

Chairman Barngrover explained the protocol for audience participation.

### **1C. Approval of Minutes**

The minutes of a regular meeting on December 12, 2023, were presented for approval.

David Kraus made a motion to Approve that was seconded by Malinda Julien with a result of 3-0-0-0. passing

## 2. Public Hearings

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**2A. PUBLIC HEARING-- Consideration and Action Regarding a Request for a Change in Zoning from Office Professional (OP) to Neighborhood Mixed-Use (NMU) on the approximate 9.9 acres out of the Walker, Josiah Survey, Abstract 1602 Tract 3A1F & A1798 TRS 1E1 & 1E2 more commonly known as 1051 Grand Central Parkway (Per TAD).- 6:05 PM**

Public Hearing was opened at 6:05 PM and closed at 7:07 PM

Susy Victor-Trevino, Planning Manager, briefed the Commission and the audience on the background of the item through a PowerPoint presentation. She went over the frequently asked questions that the community has had, such as; the property location, notice requirements, the land classifications, and the reasoning behind the zoning request.

She explained that the rezoning was a product of the implementation phase of the Comprehensive Plan's future land use plan. This item was city-initiated and not driven by any potential development. She stated that rezoning can be utilized as a proactive tool that cities use to plan for the future.

The Planning Manager also shared the State of Texas's legal requirements for mail-out notices within 200 feet of the subject property and posting a legal class field to announce the public hearing. She explained and showed the audience how residents can sign up for digital notifications through the city website to become notified of all future public hearings via text or e-mail.

Audience participation consisted of the following individuals:

- Grace Gatica
- Shawn Greenlee
- Sheena Hensley
- Kurt M. Hicks
- Jerry B. Robbins

The Chairman also read aloud the reply forms for the following individuals:

- Gadalia Estremera
- William Hodges

- Cassie Johnson
- Phyllis and Gardy Modgling
- Kathy and Richie Serrano
- Kurt M. Hicks and Judy Sutherland

City Attorney, Bessie Bronstein, explained that the audience and staff could only discuss the property in question when analyzing the rezoning per the Open Meetings Act. All of the audience members and reply-form senders were opposed to the rezoning due to the possibility of a multi-family development on the vacant tract. They shared their concerns regarding crime, traffic, and property values. Various audience members had questions for staff regarding the intent of the rezoning, the owner's stance, noticing, and lack of communication. Planning Manager, Victor-Trevino and City Attorney, Bessie Bronstein, responded to all of their questions and concerns and explained the overall hearing and voting process.

**A motion was made by Alternate Member Julien to table the item with no second. Motion failed.**

**David Kraus made a motion to Deny that was seconded by Malinda Julien with a result of 3-0-0-0. passing**

### **3. Business**

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#### **3A. WORKSHOP-- Planning and Zoning Commission Training- 7:40 PM**

City Attorney, Bessie Bronstein, briefly introduced the training to the Commission and explained that she believed it would be best to wait until all members were present to proceed with the formal training. The Planning and Zoning Commission agreed and the item was tabled to the next meeting.

### **4. Staff Report**

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#### **4A. January 2024 Staff Report- 7:44 PM**

Planning Manager, Susy Victor-Trevino reviewed current projects under construction in the City.

### **5. Executive Session**

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### **6. Adjournment**

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#### **6A. Adjournment**

Malinda Julien made a motion to Approve that was seconded by David Kraus with a result of 3-0-0-0. passing



**Consideration and Action Regarding a Request for a Specific Use Permit to Allow a Convenience Store with Fuel Sales at 500 S. Saginaw Boulevard.**

Meeting	Agenda Group	
Tuesday, March 12, 2024, 6:00 PM	Public Hearings	Item: 2A
Reference File		
Community Goals		

**BACKGROUND/DISCUSSION:**

A few years ago, the City of Saginaw created a zoning overlay district for the Saginaw Boulevard corridor. The Saginaw Boulevard Overlay District requires any applicant seeking to develop a convenience store with fuel sales to apply and obtain a "specific use permit" (*SUP*) to be considered a permissible use. These establishments are no longer allowed by right on property within the district.

When the Saginaw Boulevard Overlay District was adopted, some existing structures within the district became deemed "legal non-conforming" structures. Legal non-conforming structures indicate that a structure does not conform to today's zoning standards but did conform to the zoning standards previously established prior to a rezoning/ordinance change. Legal non-conforming structures are allowed to remain in their existing locations and keep their legal non-conforming status as long as no further modifications cause the structure to become further non-conforming. If a structure creates modifications increasing their non-conformity they lose their status as a legal non-conforming structure.

The applicant for 500 S. Saginaw Boulevard (Circle K) has applied for a *SUP* to allow a convenience store with fuel sales. The use currently exists but they are proposing to build an above ground DEF tank that would make the property further non-conforming.

Staff recommends denial of this *SUP* and are not in favor of an above ground DEF tank being built on this property. The intent of the overlay district is to create a more visually appealing aesthetic for the boulevard while promoting the general welfare of the community; staff believes an above ground DEF tank would deter from this goal and create safety concerns.

**FINANCIAL IMPACT:**

N/A

**RECOMMENDATION:**

Staff recommends denial.

**Attachments**

SUP (Printed Application).pdf

SUP (Alternate Option Letter).pdf

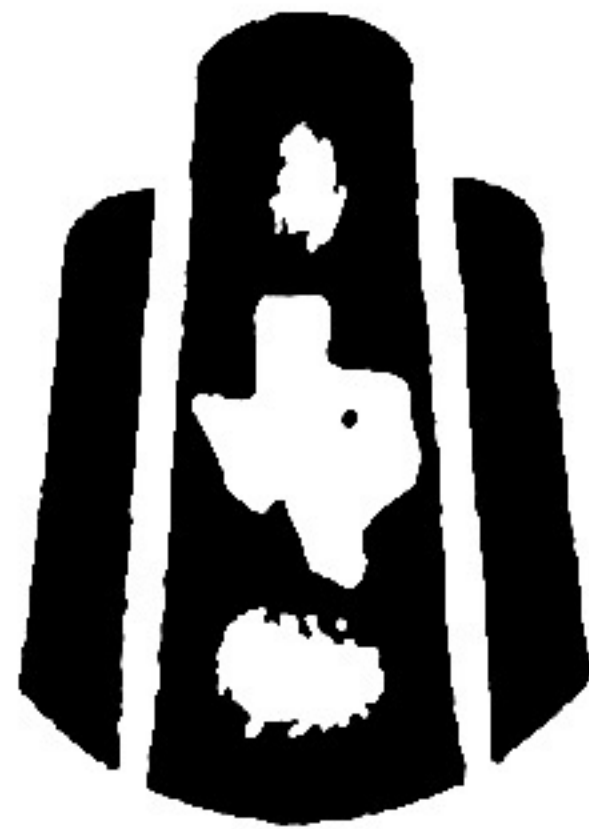
SUP (Site Plan).pdf

SUP (Plans).pdf

SUP (Zoning Compliance Report).pdf

SUP Application - 500 S Saginaw Blvd.pdf





# City of Saginaw

## APPLICATION FOR SPECIFIC USE PERMIT

### I. PROPERTY INFORMATION

LOCATION OF PROPERTY: 500 S. Saginaw Blvd., Saginaw TX

LEGAL DESCRIPTION: Hancho Worth Addition

LOT: A1A BLOCK: 7 ADDITION: Unit 1

TRACT: \_\_\_\_\_ ABSTRACT: \_\_\_\_\_ SURVEY: \_\_\_\_\_

ZONING: Commercial / Saginaw Blvd Overlay District

PRESENT USE AND IMPROVEMENTS ON PROPERTY:

Convenience store & gas Commercial -  
Debt tank relocation

APPLICANT INFORMATION:

Johnna Domino 4240 E. Surpa St

Johnna Domino

APPLICANT NAME

#402 Ontario CA

ADDRESS

909-451-3119

TELEPHONE

### II. OWNER INFORMATION:

Big Diamond, LLC

19500 Bulverde Rd Ste. 100, San Antonio, TX 78259

210-682-5000

PROPERTY OWNER NAME

ADDRESS

TELEPHONE

(Property Owner Signature)

Marcella Rocha - Assistant Secretary

### III.

AGENT INFORMATION:

Johnna Domino

AGENT

Johnna Domino

(Agent Signature)

4240 E. Surpa #402

Ontario CA 91761

ADDRESS

909-451-3119

TELEPHONE

HAS A PREVIOUS APPLICATION OR APPEAL BEEN FILED ON PROPERTY?

☒ NO

☐ YES, DATE \_\_\_\_\_

I CERTIFY THAT (I AM THE LEGAL OWNER OF RECORD) (I HAVE SECURED THE PROPERTY OWNER'S PERMISSION) AND HAVE FULL AUTHORITY TO MAKE THIS APPLICATION AND/OR APPEAL

Johnna Domino  
APPLICANT SIGNATURE

02/12/2024  
DATE



Same as current

with the joining changes we are applying  
for the special use permit to allow for  
updates to be made to the pending  
portion of the project

## CITY COUNCIL MEETING DATE



February 8, 2024

Plan Check No.: TBD

Subject: Circle K – Saginaw, TX  
DEF Tank Relocation Alternate

Job Name: CRKTXBU – Saginaw, TX (500 S. Saginaw Blvd.)  
Job Address: 500 S. Saginaw Blvd., Saginaw, TX 76179

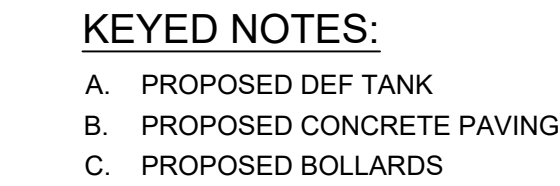
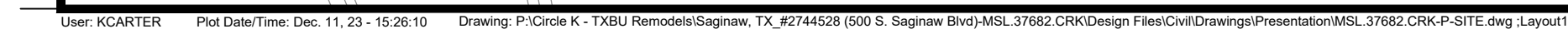
To Whom it May Concern,

For the Circle K located at the address above; we are proposing an alternate option to also be reviewed during our board meeting. The current drawings provided, call for the relocation/ placement of and above ground DEF tank. As a secondary option we would also like to propose the idea of placing the tank underground. The proposed DEF tank does not contain any hazardous fluids and is needed to supplement the need for diesel fueled vehicles in order to be in compliance with EPA regulations in all 50 states.

If the alternative option is approved as a viable option, we will then provide updated drawings with the underground tank option for further review. Any questions regarding the underground tank option can be addressed during our board meeting.

Sincerely,

Keyanna Yerry  
Project Manager  
214-377-6423 | kyerry@core-states.com



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THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON DESIGN DRAWINGS, RECORDS OF THE VARIOUS UTILITY COMPANIES, AND WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. CORRESPONDENTS, INC. DOES NOT GUARANTEE THAT LOCATIONS SHOWN ARE EXACT. THE CONTRACTOR MUST CONTACT THE APPROPRIATE UTILITY COMPANIES AT LEAST 72 HOURS BEFORE ANY EXCAVATION.

DOCUMENT  
CONSTRUCTION  
DOCUMENT FOR  
CIRCLE K AT  
SAGINAW, TX

ENGINEER SEAL

SHEET NO

# C1





# CIRCLE K STORES, INC.

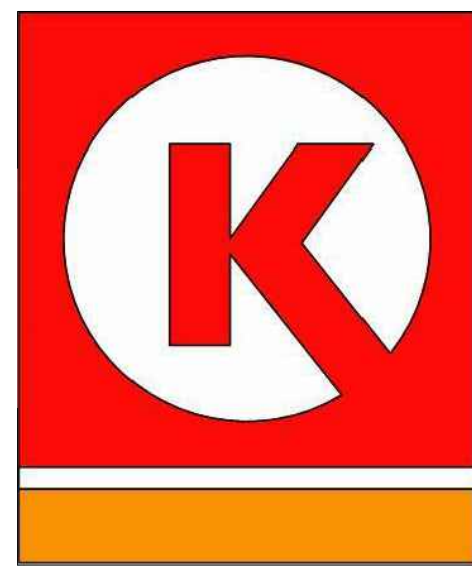
NEC FRANKFORD AVE. & 114TH ST.

LUBBOCK, TX 79424

# FUEL SYSTEM DEF TANK RELOCATION DRAWINGS

DESIGN CODES	SYMBOLS LEGEND	
ALL CONSTRUCTION SHALL COMPLY WITH: LOCAL BUILDING CODES AND ORDINANCES LOCAL FIRE CODE AND ORDINANCES NFPA 30 NFPA 30A LATEST EDITION OF API RECOMMENDED PRACTICES - 1615	API N.C. & NIP @ NO. A.C. N.O. APPROX. N.T.S. AUX. N/A BLU. O.D. BLK. P ¢ PVC COMB. PLC. CONN. ± CORP. # CSLD QTY. ø REF. DIM. REQD. D.C. RSG. DWG. SCH. DBL. SCR'D. (E) SEC. ELECT. SPEC'S. E.S.O. S.T.P. EMT TYP. ELL U.L. EMT U.F.C. FLEX. U.G. FRP U.S.T. FNPT UNL F.G. V '	AMERICAN PETROLEUM INSTITUTE NORMALLY CLOSED AND NIPPLE AT NUMBER ASPHALT CONCRETE NORMALLY OPEN APPROXIMATE NOT TO SCALE AUXILIARY NOT APPLICABLE BLUE OUTSIDE DIAMETER BLACK PRODUCT LINE CENTERLINE POLYVINYL CHLORIDE COMBINATION PLACES CONNECTOR/CONNECTION PLUS OR MINUS CORPORATION POUND OR NUMBER CONTINUOUS STATISTICAL LEAK DETECTION QUANTITY DIAMETER REFERENCE DIMENSION REQUIRED DIRECT CURRENT RIGID STEEL GALVANIZED DRAWING SCHEDULE DOUBLE SCREWED EXISTING SECTION ELECTRICAL SPECIFICATIONS EMERGENCY SHUT OFF SUBMERGED TURBINE PUMP ELECTRICAL METALLIC TUBING TYPICAL ELBOW UNDERWRITERS LABORATORY ELECTRICAL METALLIC TUBING UNIFORM FIRE CODE FLEXIBLE UNDER GROUND FIBERGLASS REINFORCED PLASTIC UNDERGROUND STORAGE TANKS FEMALE NATIONAL PIPE THREAD UNLEADED FIBERGLASS VAPOR LINE FEET
	VAC ELD VIO. GAL. V.R. GALV. WHT W/ H.P. I.D. " J-BOX MAX. MFRS MNPT MIN. NPT (N)	VOLT AMP CURRENT ENHANCED LEAK DETECTION VIOLET GALLON VAPOR RECOVERY GALVANIZED WHITE HEX HEXAGON WITH HORSEPOWER INSIDE DIAMETER INCH JUNCTION BOX MAXIMUM MANUFACTURERS MALE NATIONAL PIPE THREADS MINIMUM NATIONAL PIPE THREAD NEW

SHEET #	SHEET NAME
TK001	COVER
TK002	GENERAL NOTES
TK101	SITE PIPING PLAN
TK504	FUEL SYSTEM DETAILS



**CIRCLE K**  
**CIRCLE K STORES, INC.**  
UNIVERSITY AVE. & 114TH ST.  
LUBBOCK, TX 79424

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## CORE STATES

**GROUP**

212 SE 34th Street  
Suite 2  
Bentonville, AR 72712  
479.986.4400  
core-states.com



DOB SCAN NO.

[illegible]

PROJECT INFORMATION	
PROJECT NO:	CRK.34611.AE.CRK
DATE:	
SCALE:	AS NOTED
DRAWN BY:	
CHECKED BY:	

SHEET TITLE
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COVER SHEET

SHEET NUMBER

TK001





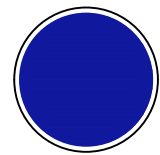




Drawing Name: C:\Users\Mark\Desktop - Core States Group\Subarea\Subarea - Fuel System Details\Fuel System Details.dwg, Last Modified: Dec 11, 2023 - 1:30pm, Plotted on: Dec 11, 2023 - 2:57pm by mskate

1b	NOT USED	SCALE: 3/4" = 1'-0"
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1a	NOT USED	SCALE: 1/2" = 1'-0"
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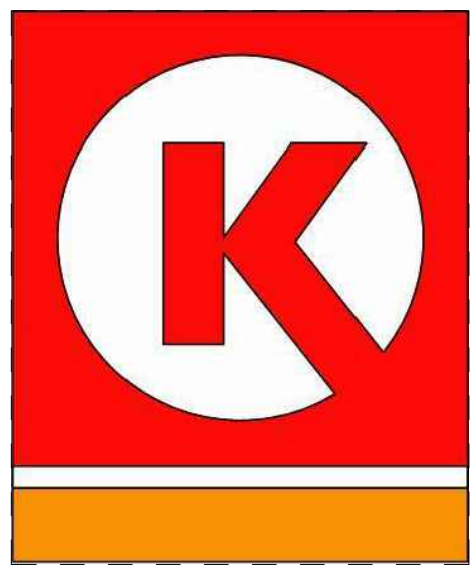
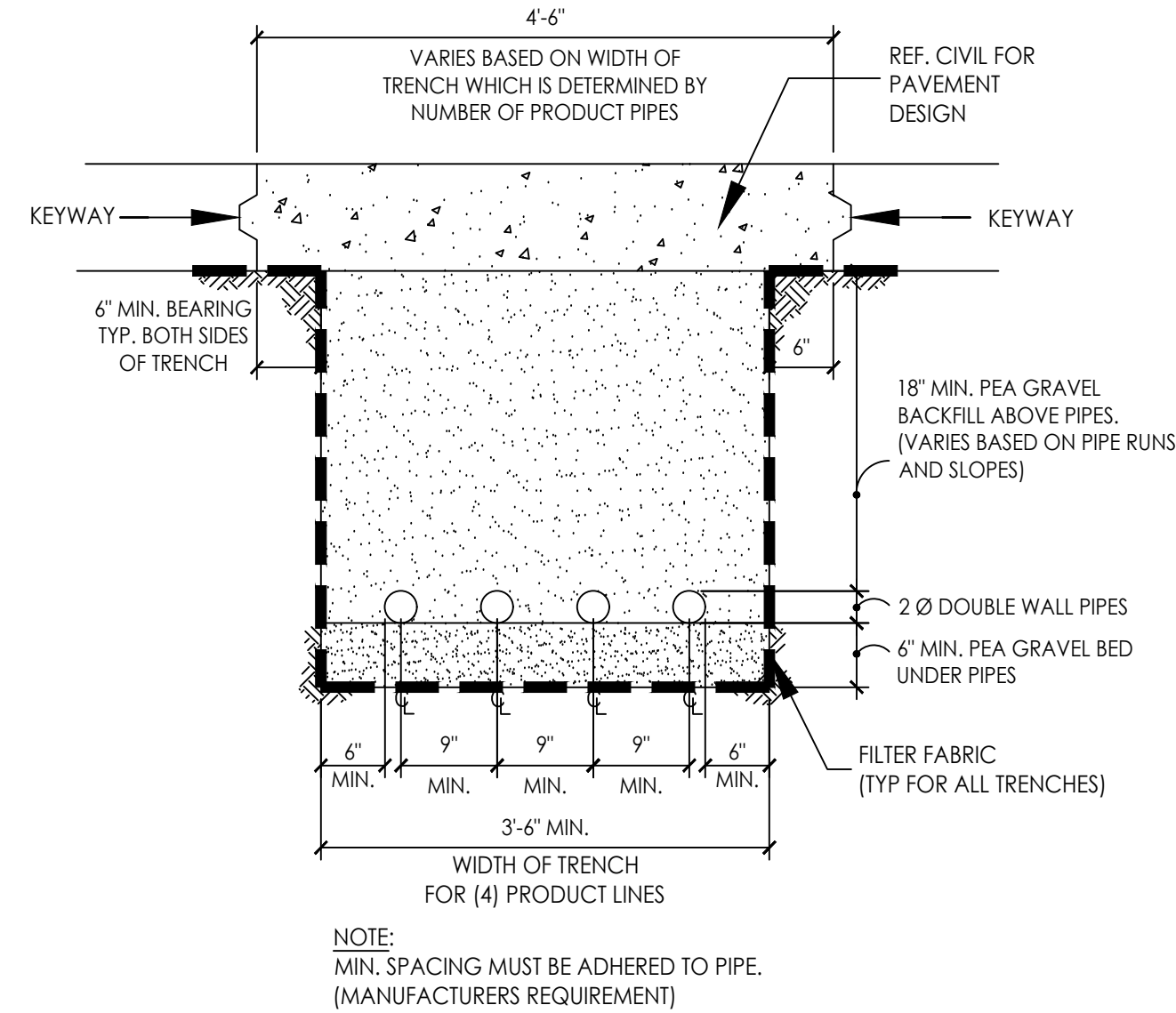
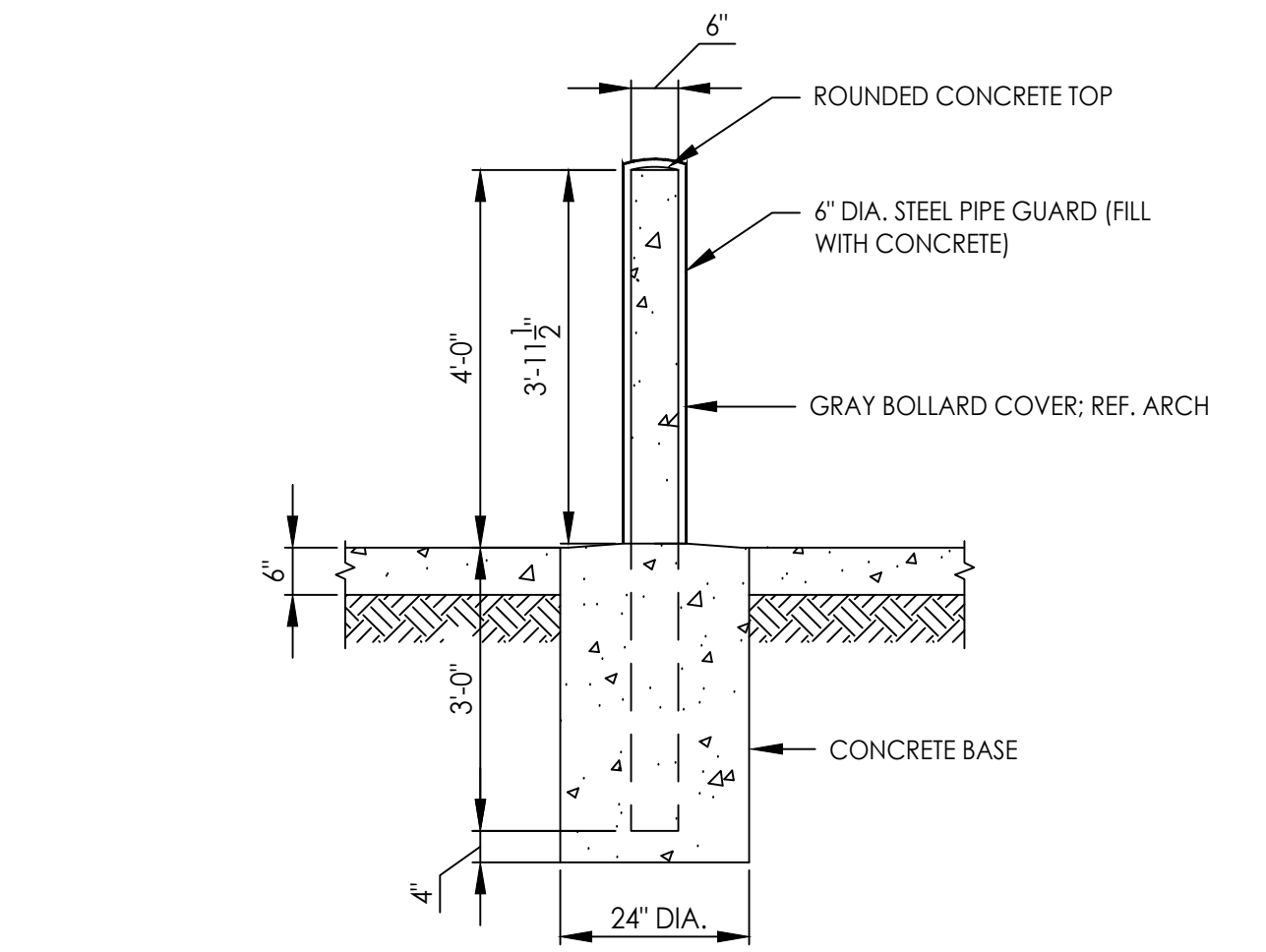


DIESEL EXHAUST FLUID; PAINT DARK BLUE

2	API COLOR CODES FOR MANWAYS
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3	NOT USED	SCALE: 1/2" = 1'-0"
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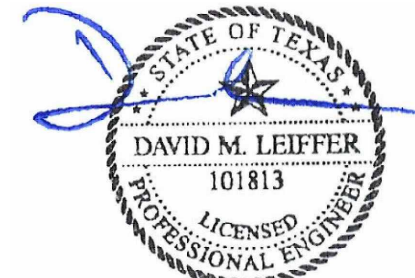
5	PIPE TRENCH	SCALE: 3/4" = 1'-0"
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CIRCLE K  
CIRCLE K STORES, INC.  
UNIVERSITY AVE. & 114TH ST.  
LUBBOCK, TX 79424

CORE STATES  
GROUP

212 SE 34th Street  
Suite 2  
Bentonville, AR 72712  
479.956.4400  
core-states.com



12/11/23

DOB SCAN NO.

ISSUE	DATE	DESCRIPTION
1	12/11/23	PERMIT SET

PROJECT INFORMATION  
PROJECT NO: CRK.34611.AE.CRK  
DATE: AS NOTED  
DRAWN BY:  
CHECKED BY:

SHEET TITLE

FUEL SYSTEM  
DETAILS

SHEET NUMBER

TK504



## ***ZONING COMPLIANCE REPORT***

# BLEW

Surveying | Engineering  
Environmental

### **Preliminary Draft Report**

**Blew Project Number:** 23-6706.02

**Report Date:** November 29, 2023

**Prepared By:** Sidney Hanna

**Company Name:** Blew and Associates, P.A.

3825 North Shiloh Drive, Fayetteville, AR 72703

www.blewinc.com

## ***PROJECT LOCATION***

**Address:** 500 South Saginaw Boulevard, Saginaw, Texas 76179



## ***PREPARED FOR***

This report is for the benefit of \_\_\_\_\_

**Disclaimer:** This Zoning Compliance Report is not a legal opinion and should not be construed as one. The information shown herein was obtained from governmental sources, statements of public officials, examination of survey, and other documentation provided to, but not prepared by Blew and Associates, P.A. The conclusions given are based on the information and data available to Blew during the preparation of this report.

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## **5) Right to Rebuild After Casualty (In Event of Nonconforming Status)**

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- 7.2 Height Requirements
- 7.3 Lot Size
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- 7.5 Parking
- 7.6 Nonconformities

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## ***1)EXECUTIVE SUMMARY***

Circle K – 2 sites TX  
500 South Saginaw Boulevard  
Saginaw, Texas 76179  
Jurisdiction: City of Saginaw

**Zoning District:** "CC" Community Commercial within the  
Saginaw Boulevard Overlay District

**Is the Current Use Permitted?** Yes, the use of a gas station is  
permitted.

**Code Violations?**

**Zoning:** Pending Verification

**Building:** Pending Verification

**Fire:** Pending Verification

**CO's Attached:** Pending Receipt

**Nonconformities?** None

**Status:** Legal Conforming as noted herein

The current zoning district for the subject property "CC" Community Commercial within the Saginaw Boulevard Overlay District. The use of gas station is permitted by right in the "CC" Community Commercial within the Saginaw Boulevard Overlay District zoning district. Information regarding open zoning, building, and fire code violations has been requested and will be forwarded upon receipt. No variances, exceptions, or conditions have been disclosed that would affect the subject property. The property is considered to be conforming to current zoning district requirements as noted herein. Upon comparing applicable zoning code requirements to existing property conditions as noted on the survey, no known nonconformities were disclosed with regard to setback, height, lot area, floor area ratio or parking.

## **2) SUBJECT PROPERTY**

**2.1 Property Address:** 500 South Saginaw Boulevard, Saginaw, Texas 76179

**2.2 Tax Parcel Number:** 02309270

**2.3 Year Built:** 1980

## **3) ADJACENT PROPERTY ZONING**

**North:** "CF" Community Commercial District within the Saginaw Boulevard Overlay District

**South:** "CC" Community Commercial within the Saginaw Boulevard Overlay District

**East:** South Saginaw Boulevard

**West:** "CC" Community Commercial within the Saginaw Boulevard Overlay District

## **4) CERTIFICATES OF OCCUPANCY**

This information has been requested and will be updated upon receipt.

## **5) RIGHT TO REBUILD AFTER CASUALTY**

### **Per City of Saginaw Zoning Code Section 4-6 Nonconforming Structures:**

*"Should such nonconforming building or nonconforming portion of a building be destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, or 50 percent of the area of the structure, it shall not be reconstructed except in conformity with the provisions of this ordinance, or when approved by the board of adjustment, after public hearing thereon, when the board's findings, having due regard for the property rights of persons affected, were considered in the light of public welfare and the character of the area surrounding the nonconforming building and the conservation and protection of property."*

## **6) CODE VIOLATIONS**

**Building:** This information has been requested and will be updated upon receipt.

**Fire:** This information has been requested and will be updated upon receipt.

**Zoning:** This information has been requested and will be updated upon receipt.

## 7) ZONING REQUIREMENTS

Required conditions taken from zoning code pages enclosed herein. Existing conditions taken from survey enclosed herein. The requirements noted below are derived from the following Code sections 6-14 and 8-9, unless otherwise noted. The determination of front, rear and side setbacks set forth in this report are open for interpretation by the local municipality. Blew and Associates, P.A. cannot certify to the reliability of the same. There are no additional zoning regulations within the Saginaw Boulevard Overlay District.

7.1 Building Setback Requirements:	Required:	Existing:
Minimum front	20'	48.3'
Minimum side	None	61.2'
Minimum street side	15'	61.2'
Minimum rear	10'	60.5'
Does existing building conform to setback restrictions? Yes		

7.2 Height Requirements:	Required:	Existing:
Maximum (measured in feet):	110'	14.4' ±
Maximum (number of stories):	8 Stories	1 Story
Does existing building conform to height restrictions? Yes		

7.3 Lot Size Requirements:	Required:	Existing:
Minimum lot area	N/A	25,804 Square Feet ±
Minimum lot width	N/A	150.00'
Minimum lot frontage	None Stated	325.20'
Does existing development conform to lot size restrictions? Yes		

7.4 Density Requirements:	Required:	Existing:
Maximum floor area ratio	None Stated	0.05 ±
Maximum lot coverage (for building)	50%	1,525 Square Feet ± (5%)
Maximum units per acre	None Stated	N/A
Does existing building conform to density restrictions? Yes		

7.5 Parking Requirements:	Required:	Existing:
Number of parking spaces	Minimum of 6	6 Spaces
Parking Space Formula: Minimum of 6		
Parking Space Calculation: N/A		
Does existing development conform to the required parking? Yes		

## 7.6 Nonconformities

None found	
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## 8) INFORMATION RESOURCES

### Municipality

Victor Trevino  
Planning and Zoning  
817-230-0040

### Surveyor

BRADLEY G. WELLS  
RPLS NO. 5499  
STATE OF TEXAS  
TEXAS FIRM REGISTRATION NO. 10194275  
Blew and Associates, PA Job #23-6706  
Survey Field Date: October 05, 2023

## ***9) SUPPORTING DOCUMENTATION***

### **9.1 Municipality Zoning Verification Letter and Additional Correspondence**

**Disclaimer:** Blew obtained data related to the subject property from secondary sources, including, but not limited to, municipal jurisdictions, the Client and its representatives, designated site contact, property owner and authorized representatives, online sources, and interviews. This assessment includes data and determinations reasonably made following review of available data, which Blew assumes to be correct and accurate. Should other information be provided subsequent to our assessment that is materially different than data reviewed and relied upon at the of the assessment, our opinions and findings may change accordingly. As such, Blew makes no guarantee as to the accuracy and/or reliability of information provided during the course of our limited assessment activities.

Pending Receipt.



Surveying | Engineering | Environmental

## Zoning Verification Memorandum

Project Name: Circle K – 2 sites TX  
500 S Saginaw Boulevard  
Saginaw, Texas 76179  
Parcel Number: 02309270  
Blew Project Number: 23-####.01

November 29, 2023

The above property is zoned "CC" Community Commercial within the Saginaw Boulevard Overlay District.

Confirmed by:

City Map  
Planning and Zoning  
City of Saginaw, TX



479-4434506



blewinc.com



3825 N Shiloh Dr.  
Fayetteville, AR 72703



## **9.2 Certificate of Occupancy**

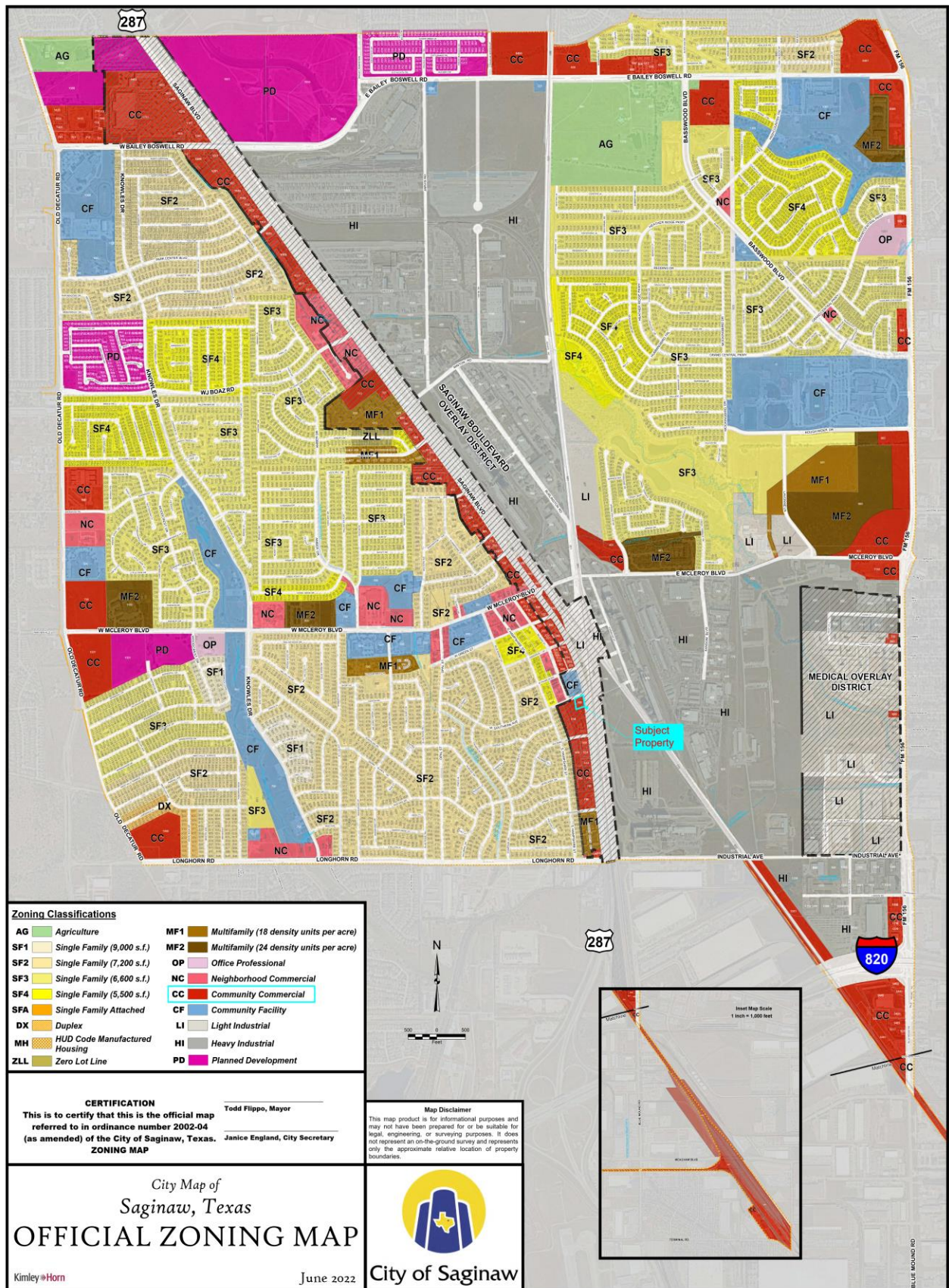
Pending Receipt.

### **9.3 Site Plans and additional documents provided by Municipality**

Pending Additional Documents.

## 9.4 Zoning Map

**Disclaimer:** Zoning maps, ordinances, districts and other municipal designations can change over time. As such, the findings presented herein apply strictly to the zoning code in place at the time of the assessment as provided by the applicable jurisdiction.



## **9.5 Zoning Code Pages**

## Sec. 5-1. - Permitted use table.

A. *Land use table legend.* The following table presents the zoning district classifications and the permitted uses within those classifications. Uses are listed as being "Permitted", permitted by "Specific Use Permit", and prohibited uses as signified by blank cells. Conditions are provided in section 5-2, Special Conditions for Listed Uses. Any use not expressly authorized and permitted herein is expressly prohibited.

P	Permitted Use	AG	Agriculture	MF2	Multi-Family
		SF-1	Single Family	MH	HUD Code Manufactured Housing
S	Specific Use Permit	SF-2	Single Family	OP	Office Professional
		SF-3	Single Family	NC	Neighborhood Commercial
	Prohibited Use	SF-4	Single Family (Inactive)	NMU	Neighborhood Mixed- use
		ZLL	Zero Lot Line	CC	Community Commercial
		DX	Duplex	CF	Community Facilities
		MF1	Multi-Family	LI	Light Industrial
				HI	Heavy Industrial

P = Permitted Use, S = Specific Use Permit, Blank = Prohibited Use

#### City of Saginaw Land Use Table

Residential											Land Use Designation	Nonresidential							Supplemental Conditions
A	S	S	S	S	S	D	Z	M	M	M		O	N	N	C	C	L	H	
G	F	F	F	F	F	X	L	H	F	F		P	C	M	C	F	I	I	
	1	2	3	4	A		L		1	2				U					

RESIDENTIAL LAND USES																		
P																		
										P	P							
										P	P							
P	S																	
P	S	S	S	S	S													
P	P	P	P	P	P	P	P	P	P	P	P							
					S	S	S			P	P							
										P								
P	P	P	P	P	P	P	P	P		P	P							
										P	P							
P	P	P	P	P	P													
					P	P	P			P	P							
P	P	P	P	P	P													
						P												



P	S	S	S	S	S	S	S	S		P	P	Group Home for the Disabled or Disadvantaged			P					2
									S			Manufactured Housing Park or Subdivision								2
PUBLIC, CIVIC, AND UTILITY USES																				
S												Airport, Public/Private						P		2
												Animal Pound, Shelter					P	P	P	
P										S	S	Assembly Hall	S	S	S	P	P	P	P	2
S												Athletic Field and Play Field					S	P	P	7, 22
S												Cemetery, Mausoleum, Crematorium					S	S	P	2
										P	P	Community Center			P	P	P	P	P	
												Electrical Generating Station							S	7
P	P	P	P	P	P	P	P	P	P	P	P	Electrical Transmission Line	P	P	P	P	P	P	P	
P	P	P	P	P	P	P	P	P	P	P	P	Electrical Substation	P	P	P	P	P	P	P	20
												Garage, Public				S	S	P	P	
P	P	P	P	P	P	P	P	P	P	P	P	Gas Regulator Station	P	P	P	P	P	P	P	



S	S	S	S	S	S	S	P	P	P	P	Golf Course, Public					P	P	P	2
P	P	P	P	P	P	P	P	P	P	P	Government Administration Facility	P	P	P	P	P	P	P	
S	S	S	S	S	S	S	S	S	S	P	Library	P	P	P	P	P			2
											Lodge, Fraternal, Sorority & Clubs	S	S	S	P	P	P	P	2
											Museum		P	P	P	P	P	P	
	P	P	P	P	P	P	P	P	P	P	Park	P	P	P	P	P	P	P	
										P	Philanthropic and/or Charitable Use		P	P	P				
											Public Maintenance Building, Storage Yard					P	P	P	
	P	P	P	P	P	P	P	P	P	P	Public Safety Facility, Police & Fire	P	P	P	P	P	P	P	
	P	P	P	P	P	P	P	P	P	P	Public Utility	P	P	P	P	P	P	P	
P	P	P	P	P	P	P	P	P	P	P	Religious Institution	P	P	P	P	P	P	P	<u>22</u>
	P	P	P	P	P	P	P	P	P	P	Telephone Exchange, Switching or Relay	P	P	P	P	P	P	P	
EDUCATIONAL USES																			
S											School, Business College	S		S	P		S	S	<u>2, 22</u>
S											School, College or University	S		S	P	S	S	S	<u>2, 22</u>

												School, Commercial Instruction	S		S	P				2, <u>22</u>
S												School, Commercial Trade	S		S	P		S		2, <u>22</u>
P	P	P	P	P	P	P	P	P	P	P	P	School, Home								
S	S	S	S	S	S	S	S	S	S	S	S	School, Home Day								2
												School, Institution, Rehabilitation & Training Center	S		S	P	S	S		2
										S	S	School, Nursery	P	P	P	P				2
S	S	S	S	S	S	S	S	S	S	S	S	School, Primary or Secondary	S	S	S	S	S	S	S	<u>22</u>
												School, Vocational	S			P		S		2
AMUSEMENT AND ENTERTAINMENT USES																				
												Amusement Center, Indoor		P	P	P		P	P	
												Amusement Center, Outdoor				P		P	P	1, 7
												Athletic Field & Play Field, Commercial		S	S	S		P	P	1, 7, <u>22</u>
												Auditorium				P				
												Camp Ground & Related Facilities				S		S	S	2
S	S	S	S	S	S	S	S	S		S	S	Country Club		S	S	S				2

S													Golf Course, Driving Range				P		P	P	1, 7
													Golf Course, Miniature		S	S	P				2
S	S	S	S	S	S	S	S	S	S	S	S	S	Golf Course, Private		S	S	S				2
													Go Cart Track and Other Vehicular Track or Facility						S	S	1, 5, 7
													Gymnasium	P	P	S	P				1
													Movie Theater, Cineplex		S		P				2, 7, <u>22</u>
													Private Club	S	S	S	S				2
P													Recreational Ranch or Farm								
S													Rodeo Ground/Fair Ground				S		S	S	1, 7, <u>22</u>
													Skating Rink, Indoor		P	S	P		P		
P													Stable, Commercial								1, 5
P	S	S	S	S									Stable, Private						S	S	2
													Swimming Pool, Commercial			S	P		P		2
													Shooting Range, Indoor				S		P	P	2, 5
													Shooting Range, Outdoor						S	S	1, 5

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AUTOMOTIVE USES																				
												Auto Auction					S	P	1, 7, 11, 13	
												Auto Car Wash		S		S	P	P	2, 7	
												Auto Impound Lot/Wrecker Business						S	2, 7, 13	
												Auto Paint & Body Shop					P	P	11, 12, 13	
												Auto Parts & Accessory Sales		S		P	P	P	2	
												Auto Rental (Car & Truck)		S		P	P		2, 13	
												Auto Repair Garage		S		S	P	P	1, 11, 12, 13	
												Auto Sales, New & Used				S	P	P	2, 7, 12, 13	
												Auto Service Station		S		P	P	P	2, 7, 11, 12, 13	
												Auto Service Station, Light Maintenance		S		P	P	P		
												Bus, Train, & Taxi Station or Terminal		S	S	P		P	P	2, 13
												Farm Machinery & Implement Sales & Service				S	P	P	2, 12, 13	
												Heliport						S	S	2

													Motor Freight Terminal					S	P	2, 7
													Motorcycle Sales		S		P	P		2, 12, 13
S	S	S	S	S	S	S	S	S	S	S	S	S	Park and Ride Lots	S	S	S	P	S	P	2, 7
													Parking Lot, Commercial (Auto)				P	P	P	7
													Parking Lot, Commercial (Truck)					P	P	7
													Parking lot, off premises	S	S	S	S	S	S	7
													Recreational vehicle Rental				S	P	P	2, 7, 13
													Recreational vehicle storage (commercial)					P	P	7, 11
PROFESSIONAL USES																				
													Accessory Banking	P	P	P	P			
													Bank, Savings and Loan Association, Financial Institution	P	P	P	P			
													Office, Business	P	P	P	P			
													Office, Professional	P	P	P	P			
													Office, Real Estate Development Tract or Field Office	P	P	P	P			

																Bank, Savings and Loan Association, Financial Institution	P	P	P	P							
COMMERCIAL, RETAIL, AND SERVICE USES																											
																Ambulance Service	S	S		P	S	P	P				2
P																Animal Grooming		S		P		P	P				2
																Antique Shop		S	P	P							2
																Apparel Alteration and Repair or Tailor Shop		P	P	P							
																Appliance Repair, Household		P	S	P							
																Art Gallery	S	P	P	P							2
																Arts, Crafts, and Hobby Shop		P	P	P							
																Auction House, Indoor				P							1
																Bakery, Retail Confectionery	P	P	P	P							
																Bakery, Wholesale Candy		S	S	P		P					2
																Barbershop, Beauty Salon, other Personal Shop	P	P	P	P							
																Bingo Hall				S		S					1, 23
																Brewery				S		S	S				1

												Building Material Sales	P		P		P	P	1, 3, 7, 13, <u>22</u>
												Cabinet &/or Upholstery Shop			S		P	P	2, 3
												Catering Service	P	P	P				
												Contractor, no Outside Storage Permitted	S		P		P	P	
												Contractor, Outside Storage Permitted					P	P	1, 3, 7, 13
												Contractor Storage or Equipment Yard					P	P	1, 3, 7, 13
												Convenience Store, with or without Fuel Sales	P	S	P		P	P	7
												Copy Shop	S	S	S	P			2
												Cosmetic Tattoo Establishment	P	P	S	P			
												Cottage Industry	P	P	P				
									S	S		Daycare Center, Adult	S	P	S	P			2
									S	S		Day Care Center, Child	S	S	S	P			2, 10
P	P	P	P	P	P	P	P	P	P	P	P	Day Care, in the Home							10
												Department Store	S	S	P				2



														Extended-Stay Hotel/Motel	S		S					2, 7
														Exterminating Service	S		P		P	P		2
														Factory Outlet, Retail or Wholesale Store			P		P			3, 7, 13, <u>22</u>
P														Farmers Market, Outdoor	S	S	P	P				2, 7,
														Flea Market					S	S		2, 5, 7, <u>22</u>
														Funeral Home, Mortuary	S		P		P			1, <u>22</u>
														Furniture, Fixture & Appliance Store	S		P					2
														Furniture Repair	S		P		P	P		2
														Gift Shop including Florist	P	P	P					
P														Greenhouse or Plant Nursery	P	P	P		P			7
														Grocery Store	P	P	P					
														Hardware Store	P	P	P		P			
														Health Club, Recreation Facility	S	P	P	P				2
														Hobby Studio, Private	P	P	P					
														Home Improvement Store	S	S	P		P			2, 13

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											Rental Yard, Commercial & Heavy Equipment				S			P	1, 3, 7, 13, <u>22</u>
											Repair, Small Engine		S		P		P	P	
											Restaurant, limited		S	P	S				
											Restaurant, with alcohol sales		P	P	P				2, 7, <u>22</u> , <u>26</u>
											Restaurant, without alcohol sales		P	P	P				2, 7, <u>22</u> , <u>26</u>
											Restaurant, Drive-in / Drive-thru		P	S	P				7, <u>22</u> , <u>26</u>
											Restaurant, Refreshment Stand (Temporary or Seasonal)		P	P	P				7
											Sexually Oriented Business	See Ordinance No. 95-1 (as amended)							
											Shoe Repair		P	P	P				
											Snow Cone Stand Seasonal			P	P		P	P	1, 25
											Sign Shop, Painted or Silk-screened				P		P	P	
											Special Event Venue		S	S	S		S		1
											Stone Monument Sales				S		P	P	2, 3, 7
											Studio, Dance	S	P	S	P	S	P	P	

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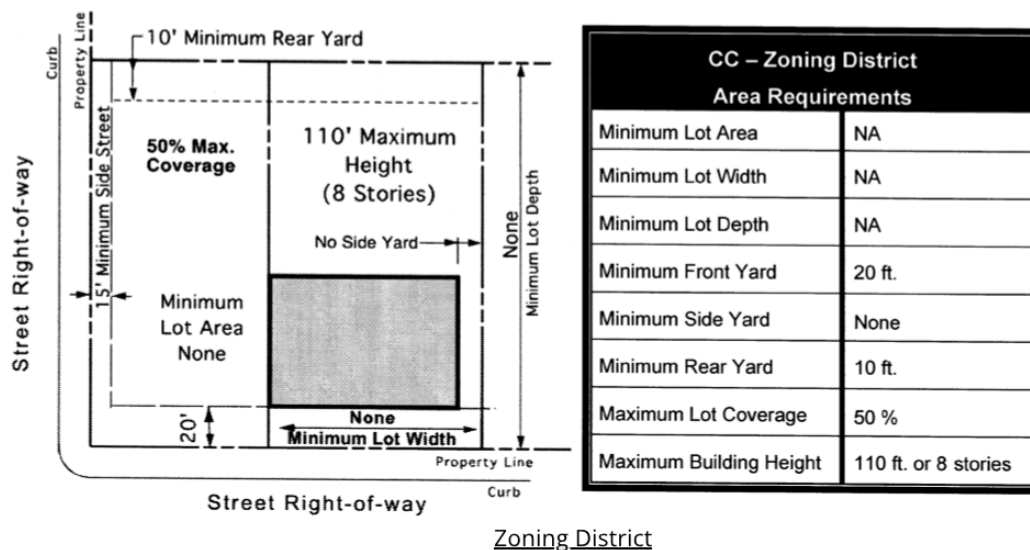
S												Line Compressor Station	S	S	S	S	S	S	S	1, 15, 24
												Machine Shop						P	P	
												Manufacturing Facility (Light)						P	P	7, <u>22</u>
												Meat Product Processing							S	2, 7, <u>22</u>
												Metal Recycling Facility							S	
												Mini-warehouse		S		S		P	P	2, 7, 18
												Natural Resources Mining								
P	P	P	P	P	P	P	P	P	P	P	P	Oil and Gas Wells	P	P	S	P	S	P	P	15
												Pharmaceutical Plant						P	P	7, <u>22</u>
												Plastic Products Manufacturing						P	P	7, <u>22</u>
												Salvage Yard								7
												Stockyard							S	2, 7, <u>22</u>
												Storage and Warehousing Establishment						P	P	2, 7, 13
												Storage Yard						P	P	7
												Telecommunications, Wireless Facility								14

													Textile Manufacturing						P	P	7, <u>22</u>
													Warehousing, Freight Office and or Storage						P	P	7, 13, <u>22</u>
													Welding or Machine Shop						P	P	7
ACCESSORY USES																					
P	P	P	P	P	P	P	P	P	P	P	p	Accessory building	P	P	P	P	P	P	P	P	<u>16</u>
												Cargo Container				P		P	P		
S	S	S	S	S	S	S	S	S	S	P	P	Carport, Residential						P	P	P	21

(Ord. No. 2002-09, § 1, 6-18-02; Ord. No. 2003-03, § 1, 4-1-03; Ord. No. 2003-14, § 1, 12-2-03; Ord. No. 2004-09, § 1, 4-20-04; Ord. No. 2004-21, § 2, 12-21-04; Ord. No. 2005-03, § 1, 2-15-05; Ord. No. 2007-08, § 1, 3-20-07; Ord. No. 2009-10, § 1, 7-21-09; Ord. No. 2009-13, § 1, 9-1-09; Ord. No. 2011-02, § 1, 3-15-11; Ord. No. 2011-16, § 1, 8-16-11; Ord. No. 2011-18, § 2, 8-16-11; Ord. No. 2012-08, § 1, 2-21-12; Ord. No. 2012-09, § 1, 2-21-12; Ord. No. 2012-17, § 1, 10-16-12; Ord. No. 2013-04, § 1, 2-19-13; Ord. No. 2013-13, § 1, 8-20-13; Ord. No. 2014-04, §§ 1—3, 2-18-14; Ord. No. 2014-07, §§ 1, 2, 4-1-14; Ord. No. 2014-08, § 2, 4-15-14; Ord. No. 2018-03, § 1, 4-17-18; Ord. No. 2018-13, § 1, 8-21-18; Ord. No. 2018-22, § 1, 12-18-18; Ord. No. 2019-12, § 1, 8-13-19; Ord. No. 2020-02, § 1, 2-18-20; Ord. No. 2020-03, § 1, 2-18-20; Ord. No. 2020-06, § 2, 3-17-20; Ord. No. 2020-07, § 1, 3-17-20; Ord. No. 2020-16, § 1, 8-18-20; Ord. No. 2021-11, § 1, 4-20-21; Ord. No. 2021-13, § 1, 5-18-21; Ord. No. 2021-19, § 1, 8-16-21; Ord. No. 2022-11, § 5(Exh. A), 9-6-22; Ord. No. 2022-08, § 1, 10-18-22)

## Sec. 6-14. - CC (Community Commercial)

- A. *Purpose.* The "CC" district is established to provide for a broad range of retail and service oriented commercial uses. This district is generally located near major thoroughfares because of the intensity of vehicular traffic visiting these uses. Because of the more intense commercial use, care should be given in locating the CC district near residential uses.
- B. *Permitted uses.* Uses in the "CC" district shall be in accordance with section 5-1, Permitted Use Table.
- C. *Area requirements.* The requirements regulating the minimum lot size, minimum yard size (front, side, and rear), maximum building height (stories and feet), and maximum lot coverage, and minimum floor area, as it pertains to this district, shall conform with the provisions provided in the density, area, yard, height, and lot coverage requirements for the CC zoning district.

Zoning District

- D. *Off-street parking and loading requirements.* Off-street parking and loading requirements shall conform to the provisions of section 8-9, Off Street Parking and Loading Requirements.
- E. *Landscaping.* Landscaping shall be in accordance with section 8-13, Landscaping Regulations.
- F. *Signs.* Signs shall be in accordance with section 8-10, Sign Regulations.
- G. *Exterior construction.* Exterior Construction shall be in accordance with section 9-1.C, Commercial.

(Ord. No. 2003-03, § 1, 4-1-03)



Sec. 7-4. - Saginaw boulevard overlay district.

- A. *Purpose.* This ordinance establishes development standards for properties that have frontage and/or access (either direct or through another property) to Saginaw Boulevard. These regulations govern land use, building materials, landscaping, signage, and screening and recognize the street's unique character and importance as the city's primary commercial boulevard and entryway. The intent of these standards is to promote the public health, safety and general welfare, to coordinate and guide future development and redevelopment in accordance with the comprehensive plan and to protect and enhance the city's aesthetic and visual quality.
- B. *Boundaries.* The Saginaw Boulevard overlay district includes all properties zoned office professional, neighborhood commercial, and community commercial that have frontage and/or access (either direct or through another property) to Saginaw Boulevard from East Industrial Boulevard on the south, the railroad on the east and the northern city boundary. The provisions of the overlay district shall apply to all properties located fully or partially within the above defined area.
- C. *Base zoning districts.* Where the Saginaw Boulevard overlay district requirements conflict with the base zoning for properties located within the area described in subsection B above, the overlay district shall apply. Otherwise the base zoning of a property shall not be affected by the provisions of this overlay district.
- D. *General requirements of the Saginaw Boulevard overlay district.*
1. *Permitted and prohibited uses.* Uses permitted by right or by specific use permit within the overlay district shall be as noted for the base zoning districts in the use charts in section 5-1 except as follows:
    - a. *Prohibited uses:*
      - (1) Auto sales, new and used.
      - (2) Building material sales.
      - (3) Cargo container.
      - (4) Landscape service.
      - (5) Machinery sales or repair.
      - (6) Mini-warehouse.
      - (7) Motorcycle sales.
      - (8) Non-depository financial institutions.
      - (9) Recreational vehicle rental.
      - (10) Rental yard, commercial and heavy equipment.
      - (11) Stone monument sales.

- (12) Private card club.
- (13) Bingo hall.
- b. *Uses requiring a specific use permit.* The following uses shall require approval of a specific use permit in accordance with section 5-4:
  - (1) Convenience store with fuel sales.
  - (2) Golf course, driving range.
  - (3) Golf course, miniature.
  - (4) Water park, commercial.
  - (5) Auto car wash.
  - (6) Auto rental (car and truck).
  - (7) Auto service station.
  - (8) Auto service station, light maintenance.
  - (9) Contractor, no outside storage permitted.
  - (10) Exterminating service.
  - (11) Greenhouse or plant nursery.
  - (12) Home improvement store.
  - (13) Small engine repair.
  - (14) Auto paint and body shop.
- c. *Non-conforming uses.* Non-conforming uses shall be regulated by the provisions of article 4, section 4-13 of this appendix.
- 2. *Setbacks.* Buildings shall be located on properties in accordance with the following minimum and maximum front yard setbacks:
  - a. For buildings with no drive aisles or parking located between the building face and the street right-of-way—A minimum setback of 20 feet and a maximum setback of 25 feet.
  - b. For buildings with drive aisles and/or parking located between the building face and the street right-of-way—A maximum setback of 100 feet. Alternatively, the building setback may exceed 100 feet with a 15 foot increase in the minimum landscaped edge for single tenant buildings or multiple-tenant retail shopping centers that are 60,000 square feet or greater in size.
- 3. *Landscaping.* Landscaping shall be provided and installed in accordance with section 8-13. Where buildings observe the 25 foot maximum setback, a minimum of 15 feet of landscaping must be provided between the building face and the street right-of-way.
- 4. *Screening.* Walls, fences, landscaping and other screening devices shall be installed in accordance with section 8-12 and as follows:

- a. *Trash enclosures.* Chain link with vinyl slats is prohibited as a screening material. Solid gates must be provided for trash enclosures that face a public street.
  - b. *Rooftop mechanical units.* Roof-mounted mechanical units must be screened from view at a point 5.5 feet above the property line with a parapet wall, screen, mansard roof, or alternative architectural element. The height of the screening element shall be equal or greater than the height of the mechanical unit(s) provided that the element shall not extend more than five feet above the roof on a one or two-story building or more than 13 feet above the roof on a building of three or more stories. A mechanical unit which is taller than the maximum permitted height of the screening feature shall be set back from the screen five feet plus two feet for each foot it exceeds the height of the screen.
5. *Building materials and design.* All buildings constructed within the overlay district shall comply with the following:
- a. *Building façade materials.* A minimum of 75 percent of each exterior wall shall be of masonry construction as defined in section 12-2 and glass, except that concrete may only be used as an exterior material on the rear of buildings not visible from public streets. A maximum of ten percent of any exposed exterior wall may be finished with exterior insulation and finish systems (EIFS).
  - b. *Building façade design.* The following articulation standards shall apply to all building facades that face public streets:
    - (1) Horizontal articulation. No building façade shall extend for a distance greater than three times its average height without a perpendicular offset. The depth of an offset may vary but shall be a minimum of 15 percent of the average building height. The minimum length of an offset shall be equal to ten percent of the entire façade.
    - (2) As an alternative to the articulation requirement in (1) above, one-story commercial storefronts designed for multiple tenants with a minimum of 60 percent glass may utilize a minimum of four of the following architectural details along 100 percent of facades that face public streets:
      - (a) Canopies or awnings.
      - (b) Pilasters.
      - (c) Recessed entries.
      - (d) Ornamental cornices.
      - (e) Façade material change.
      - (f) Color change.
      - (g) Repetitive decorative applied features and/or decorative lighting.
    - (3)

Vertical articulation. No wall shall extend horizontally for a distance greater than three times its average height without a change in elevation. An elevation change shall be a minimum 15 percent of the average building height and shall extend for a distance of at least ten percent of the entire facade.

- d. *Roofs.* Flat roofs and parapet walls around flat roofs shall have a cornice, cap or other detail with a vertical dimension equal to at least three percent of the height of the building.
  - e. *Additions to non-conforming buildings.* The square footage of existing non-conforming buildings may be increased up to 20 percent without bringing the building into compliance with the above standards.
6. *Signage.* Signage in the overlay district shall comply with the following requirements:
- a. Pole signs are prohibited.
  - b. Signs attached to or hung behind windows may only cover 25 percent of the window surface on each building face.
  - c. Freestanding signs must be monument signs with a maximum height of 12 feet and a maximum size of 90 square feet.
  - d. Reserved.
  - e. Reserved.
  - f. Single tenant properties are limited to one freestanding sign per street front.
  - g. For shopping centers and other multi-tenant uses, one multi-purpose sign of a monument style shall be allowed per street frontage. Multi-purpose monument signs shall not exceed 12 feet in height with a maximum overall square footage of 225 square feet. However, the copy area of the sign shall not exceed 150 square feet, leaving a base area of 75 square feet.
  - h. Murals may be painted or applied to the exterior walls of buildings; however, the mural shall not contain logos or names of any business entity.
7. *Light standards.* Light standards installed in parking lots shall not exceed 32 feet in height and shall be of square or shoebox design.

(Ord. No. 2019-22, § 2, 11-5-19; Ord. No. 2020-16, § 2, 8-18-20)

## Sec. 8-9. - Off-street parking and loading requirements.

Whenever any ordinance, regulation, or plan, enacted or adopted by the city council is for the purpose of providing off-street automobile parking spaces or of establishing requirements that such spaces be provided within any section or sections of the city, then such plan or requirements shall govern within such sections. Otherwise off-street automobile parking spaces shall be provided as follows, applicable to buildings hereafter erected and uses hereafter established, to such nonconforming uses as may be required to conform to the regulations hereof, and to extensions and enlargements of buildings and uses.

A. *Parking table.* Except as otherwise provided in this section, off-street parking spaces shall be provided as follows:

Schedule of Parking Requirements		
Land Use	Requirements	Additional Requirements
<b>Residential</b>		
Single-Family Detached Units	4/ unit	2 must be enclosed See <u>Section 4-6 5.</u>
Duplex	2 / unit	None
Townhouse, Condominium, Triplex, Quadruplex or Row	3 / unit	None
Multi-Family	1.5 / 1 bed unit 2 / 2 bed unit 2.5 / 3 bed unit	None
HUD Code Manufactured Home	2 / unit	None

Boarding or Rooming House, Hotel or Motel / Residence Motel or Inn	1 / residential unit	1 additional space for 200 sq. ft. of Exhibit or Ballroom space, plus 1 space per 100 sq. ft. of Meeting Rooms, plus 1 space per 2.5 seats in Restaurant and Lounge
Retirement Housing: Ambulatory Independent Residents	1.5 / unit	None
Retirement Housing: Nursing Home Facilities	1 / 2 beds	None
Dormitory	1.5 / 2 occupants for designed occupancy	None
Fraternity, Sorority, or Lodge	1 / 125 sq. ft.	None
<b>Institutional</b>		
Community Center	1 / 4 persons	None
Schools: Elementary Junior High Senior High Trade	1 / 25 students 1 / 18 students 1 / 5 students 1 / 4 students	None
Public Assembly Hall	1 / 3 seats	None
College or University	1 / 4 day students	None
Church	1 / 3 seats in the sanctuary or auditorium	None

Day Care or Day Nursery	1 / 5 pupils	None
Hospital	1.5 / bed	None
Mortuary or Funeral Home	1 / 4 seats in chapel	None
<b>Recreational</b>		
Theater	1 / 4 seats	None
Bowling Alley	4 / lane	None
Pool Hall, Arcade, Other Indoor Commercial Amusement	1 / 100 sq. ft. of floor area	None
Outdoor Commercial Amusement	1 / 500 sq. ft. of site area exclusive of building	None
Ballpark or Stadium	1 / 4 seats	None
Lodge or Fraternal Organization	1 / 125 sq. ft. of floor area	None
Driving Range	1 / 10 linear ft. of designated tee area	None
Miniature Golf	1 / tee	None
Personal Service Shop	1 / 250 sq. ft. of floor area up to 5000 sq. ft., then 1 / 200 sq. ft.	None
Indoor Retail Store or Shop	1 / 250 sq. ft. of floor area up to 5000 sq. ft., then 1 / 200 sq. ft.	None

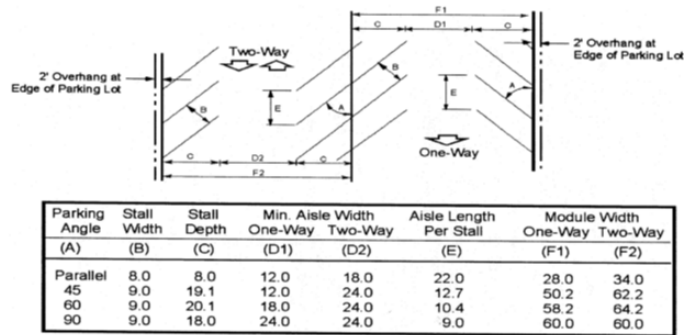
Outdoor Retail Sales	1 / 500 sq. ft. of site area, exclusive of building	None
Furniture, Appliance Sales or Repair	1 / 600 sq. ft. of floor area	None
Coin- Operated or Self- Service Laundry or Dry Cleaner	1 / 200 sq. ft. of floor area	None
Restaurant, limited	1 / 250 square feet of floor area	None
Shopping Center, Malls and Multi-occupancy uses (3-50 acres)	1 / 250 sq. ft. of floor area	None
Shopping Centers, Mall and Multi-occupancy use (over 50 acres)	1 / 300 sq. ft. of floor area	None
Eating or Drinking Establishment (no drive- through service)	1 / 2.5 seats	None
Eating or Drinking Establishment (with drive- through service and all others)	1 / 150 sq. ft.	None
Bingo Hall	1 / 2 seats	None
Physical Training and Athletic Facility	1 / 250 square feet of floor area	None



<b>Business Services</b>		
Bank and Savings & Loan or Other Similar Institution	1 / 300 sq. ft. of floor area	None
Massage Therapy Establishment	1 / 250 sq. ft. of floor area	None
Medical, Dental Clinic or Office	1 / 150 sq. ft. of floor area	None
Veterinary Clinic	1 / 300 sq. ft. of floor area	None
Other Office or Professional Business	1 / 250 sq. ft. of floor area	None
<b>Automotive &amp; Equipment</b>		
Service Station	Minimum of 6	None
Auto Parts Repair Garage or Shop	1 / 350 sq. ft. of floor area	None
Auto Parts Accessory Sales	1 / 300 sq. ft. of floor area	None
Vehicle or Machinery Sales (indoors)	1 / 500 sq. ft. of floor area	None
Car Wash (full -serve)	3 stacking spaces/ wash bay	None
Car Wash (self-serve or automatic)	3 stacking spaces/ wash bay	None

Brick or Lumber Yard	1 / 3 employees or 1 / 1,000 sq. ft. of floor area (whichever results in more spaces)	None
Manufacturing or Warehousing	1 / 3 employees or 1 / 1,000 sq. ft. of floor area (whichever results in more spaces)	None
Outside Storage	1 / 5,000 sq. ft. of floor area	None
Mini-warehouse	1 / 3,000 sq. ft. of floor area	None

1. Reduction. In cases where the applicant can provide documentation that parking spaces exceed the amount necessary for the use and that a reasonable alteration of spaces may be provided. Said reduction shall not represent more than 15 percent of the total required spaces and shall require a special exception from the board of adjustment.
2. Mixed use buildings. Where a building or a site contains two or more uses, the off-street parking requirement shall be computed as the sum of the required off-street parking spaces for each individual use with the exception of shopping centers and multi-use purposes.
3. Drive lane widths and parking space sizes. Drive lanes and parking space sizes shall be required as shown in the following illustration. A driveway for access to any nonresidential, single parking space or to a parking lot shall not measure less than that shown in the parking layout illustration. All drive approach widths shall be no less than those indicated in the below graphic. All two-way drive lanes shall be a minimum of 24 feet in width. Parking spaces shall be nine feet wide by 18 feet deep for all 90-degree parking spaces. Angled spaces shall be as shown in the graphic.



### Drive Lane Widths and Parking Space Sizes

4. On-premise parking required. All required commercial and residential parking spaces shall be located on the premises to which such requirement applies or within an off-street space of which the distance is not more than 300 feet from such premises.
5. Residential parking development standards. The following regulations shall apply to all residentially zoned districts and apply to any required front or side yard being used to park or store vehicles, including boats and trailers.
  - a. All vehicles which are parked or stored on private property in residential areas are to be on a monolithic concrete paved surface or a surface of contiguous concrete pavers (normally used in paving construction and to be two inches or more in thickness).
  - b. Pavers are not to exceed one-half inch above the surface of the yard in which they are placed to allow them to be properly mowed and trimmed around.
  - c. Vehicles are to be completely resting on such surfaces from the point they leave the public streets to the point upon which they are parked or stored.
  - d. All vehicles which are parked or stored in a required rear yard shall be so placed behind a screening partitions of fencing materials or dense vegetation so as to obscure the vehicle from view from a public street.
  - e. All vehicles shall be so parked in relation to the street and dwelling at right angles and not to extend over any walkway or be closer than eight inches from the back of the curb so they will not obstruct the pedestrian ways. Notwithstanding the foregoing, vehicles parked on residential lots maintaining a primary vehicle entryway in the side yard of the lot, of a length no greater than ten feet, may impede the pedestrian walkway if the vehicle will not fit entirely within the vehicle entryway.
  - f. Any vehicle found in violation of this provision must be made operable or moved to an enclosed building within ten days from the notification of such condition existing. All repeat violations which occur at the same address shall be subject to immediate penalties and/or fines as allowed by law.

6. Nonresidential parking development standards. The off-street parking or loading facilities required for nonresidential uses mentioned in these regulations shall be paved according to any of the following standards:
    - a. Four inches of reinforced Portland cement concrete over compacted subgrade in all districts;
    - b. Not less than two inches of hot mixed asphalt over at least six inches of lime treated subgrade in all districts; or
    - c. Not less than two inches of hot mixed asphalt over six inches of crushed stone, flexible base in "LI" or "HI" zoned districts only.
    - d. Lots shall be graded and drained in such a manner that run-off shall be properly channeled into a storm drain, watercourse, pond area or other appropriate facility.
  7. Maintenance requirements. To insure that all requirements set forth in this section are carried forward, it will be the responsibility of the owner of the parking area to maintain the facility. All off-street parking areas shall be kept free of trash, debris, vehicle repair operation or display and advertising uses. At no time after initial approval of the parking area layout can changes be made in the location and number of provided spaces without approval of the city inspector.
- B. *Special events and other one-time events.* "Special event" means a festival, celebration, performance or other such special event which occurs no more frequently than once per year, and which will or should be reasonably anticipated to attract patrons or visitors in such numbers as to exceed the capacity of the permanent parking spaces required and provided under other provisions of this section for the property upon which the special event is to be held. Events which are conducted more frequently than once per year are not considered "special events" under the provisions of this subsection, and the property upon which these events are conducted must conform to the other provisions of this ordinance concerning parking requirements.
1. The persons or entities conducting any such special event shall submit to the administrative official at least 45 business days prior to said event a plan for the accommodation and parking of vehicles of persons reasonably expected to attend such event. The plan must include, at a minimum, the following information:
    - a. A description and the address of the premises where the event is to be held;
    - b. A description and the address of any property, other than the premises described in (a) above, where parking is to be provided for patrons or visitors to the event;
    - c. The name and address of the owner of the premises upon which parking for the event is to be provided, and a statement describing the terms and conditions of the agreement whereby the owner of such premises has authorized their use for parking;
    - d. The dates and times that the event is to be held;

- e. The measures which will be taken by the persons or entities conducting the special event to ensure safe and orderly traffic flow to and from the event site and any parking area;
  - f. A plan or diagram of the proposed layout of the parking scheme upon the property to be used for parking for such event.
2. All parking for any such special event shall be provided off street and on an area and surface reasonably anticipated to be dry and safe for vehicular and pedestrian traffic. No public property or rights-of-way may be utilized or included in such parking areas except upon express, prior written permission by the city council.
  3. Subject to the above requirements, the surface of such parking areas need not be paved or otherwise surfaced as required by the other provisions of this ordinance for permanent parking areas, but it must be suitable for the type and amount of vehicular and pedestrian traffic reasonably anticipated for the special event at issue.
  4. Upon submittal of the required parking plan to the city, the administrative official shall review it and shall advise the applicants whether any changes or modifications to said plan will be required. The administrative official has the sole discretion to approve or reject, or require modifications to, any parking plan required hereunder. No vehicles may be parked in any location not otherwise allowed under other subsections of this section, in connection with any special event, unless and until the city council has issued a written approval of the parking plan of the special event.
  5. Such written permission may be revoked at any time by the city council if it is found that false or misleading information was contained in the proposed parking plan.
- C. *Handicapped spaces.* All areas of newly designed or newly constructed buildings and facilities required to be accessible under federal and state law shall comply with the standards set forth in the Texas Accessibility Standards of the Architectural Barriers Act, Texas Rev. Civil Stat. Art. Ann. § 9102 (Vernon Supp 2000.)
1. The dimensions of each "H" parking space shall be 12 feet wide and 18 feet long.
  2. Each and every "H" parking space required by this section of the parking regulations or by other applicable regulations shall be clearly identified as reserved for the handicapped.

The number of "H" parking spaces required shall be determined by the following table:

Total Parking Spaces Provided	Number of Accessible Spaces
1 to 25	1
25 to 50	2

51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
More than 1,000	20 plus one for each 100 over 1,000

D. *Single family attached and multi-family parking facilities.* Common parking facilities for single family attached and multi-family structures shall meet the following criteria:

1. Each dwelling unit shall have its required parking spaces provided within 100 feet of a principal entrance to a single family attached structure and 150 feet of a principal entrance to a multi-family structure.
2. The parking facility shall be arranged so that a minimum of five feet shall separate any parked car from a solid building wall and 20 feet from a principal entrance.
3. In the DX Land Use Districts, one of the two off-street parking spaces required for each dwelling unit may be assigned to the driveway crossing in the required front and side yards.
4. In any residential district off-street parking provided at the rear of the lot shall be permitted to occupy any paved portion of the rear yard except that a minimum distance of 20 feet shall separate the enclosed off-street parking spaces from an alley at the rear lot line.

E. *Parking access requirements.* Parking areas which would require the use of public right-of-ways for maneuvering shall not be acceptable for the furnishing of required off-street parking spaces other than for single-family detached and duplex dwelling structures. Parking parallel at the curb on a public street shall not be substituted for off-street requirements.

F. *Off-street loading requirements.* Provisions for loading and unloading shall be provided on the site according to the following regulations:

1. In the following cases all retail, office and service buildings shall provide and maintain off-street facilities for the loading and unloading of merchandise and goods within the building or on the lot adjacent to a public alley or private service drive to facilitate the movement of traffic on the public streets:
  - a. When deliveries are made by truck more than once a day between the hours of 8:00 a.m. and 6:00 p.m.
  - b. When the time of loading and unloading materials or goods exceeds ten minutes between those hours.
2. Individual loading space dimensions shall be required as a minimum to be 35 feet in length, 12 feet width with a height clearance of 15 feet.
3. The number of off-street loading spaces shall be placed according to the following table:

Square Feet of Gross Floor Area in Structure	Maximum Required Spaces or Berths
0 to 10,000	None
10,000 to 50,000	1
50,000 to 100,000	2
100,000 to 200,000	3
Each additional 200,000	1 Additional

—

G. *Additional regulations.* Nothing in this section shall require the furnishing of additional parking spaces for buildings existing and used on the date of adoption of this ordinance. However, any enlargement or addition to an existing building shall not be approved unless such building and addition or enlargement shall be brought into full compliance with the provisions of this section. When the occupancy of any building is changed to another use, parking shall be provided to meet the requirements for the new use.

H. *Reserved.*



- I. *Parking for non-residential facilities located outside the city.* In addition to other parking regulations that apply, parking for any non-residential use or facility is permitted only as an accessory use, and is allowed only when immediately adjacent to a non-residential use or facility that is located within the corporate limits of the city. Any non-residential use or facility located outside of the corporate limits of the city that desires to use a parking area within the city must obtain a specific use permit authorizing such parking facility within the city. This requirement may be waived by the city council for such a parking area where the non-residential use or facility is to be developed pursuant to an interlocal agreement that places development controls on the use or facility. The city council may waive the specific requirements set forth in this section when the city council determines that the other conditions and criteria placed on the development are adequate to protect the public health, safety, and welfare.

(Ord. No. 2003-03, § 1, 4-1-03; Ord. No. 2005-04, § 1, 2-15-05; Ord. No. 2009-10, § 3, 7-21-09; Ord. No. 2013-13, § 3, 8-20-13; Ord. No. 2014-17, § 1, 10-21-14; Ord. No. 2011-18, § 3, 8-16-11; Ord. No. 2018-22, § 3, 12-18-18)



**ARTICLE 4. - NONCONFORMING LOTS, STRUCTURES, AND USES****Sec. 4-1. - Categories of nonconformity.**

Within the districts established by this ordinance, or amendments that may later be adopted, there exist:

1. Lots and uses of land,
2. Buildings and structures,
3. Uses of land and buildings in combination, and
4. Characteristics of use which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments. It is the intent of this ordinance to permit these nonconformities to continue under regulations contained herein until they are removed, but not to encourage their survival. It is further the intent of this ordinance that such nonconformities shall not be enlarged upon, expanded or extended, nor be used as ground for adding other buildings and structures or uses prohibited elsewhere in the same district.

**Sec. 4-2. - Nonconforming uses regulated.**

Nonconforming uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. No nonconforming use of land or buildings, nor any nonconforming structure shall be enlarged, changed, altered, or repaired, except in conformance with the regulations contained in this section.

**Sec. 4-3. - Nonconforming status.**

Any use, lot, or structure which does not conform to the regulations of the zoning district in which it is located, is nonconforming when:

1. The use, lot, or structure was in existence and lawfully operating on the date of the passage of this ordinance, and has since been in regular and continuous use; or
2. The use, lot, or structure is lawful at the time of the adoption of any amendment to this ordinance, but because of the amendment, no longer complies with applicable regulations; or
3. The use, lot, or structure was in existence at the time of annexation to the city and has since been in regular and continuous use.

**Sec. 4-4. - Nonconforming lots of record.**

In any district in which residential, commercial, or industrial buildings are permitted, buildings may be erected on any single lot of record which was recorded prior to the effective date of this ordinance

1. This provision shall apply even though such lot or lots fail to meet the minimum requirements for area, width, or both, as governed by the applicable area regulations for that particular zoning district; however, all other provisions of the applicable zoning district area regulations shall apply.
2. Primary structures on existing residential lots for which a preliminary plat or final plat have been approved prior to the adoption of this ordinance shall not be affected by the area requirements herein, but shall be governed by the area requirements that were in effect at the time the preliminary or final plat was approved.

(Ord. No. 2002-19, § 1, 10-15-02; Ord. No. 2003-03, § 1, 4-1-03; Ord. No. 2003-14, § 1, 12-2-03)

Sec. 4-5. - Nonconforming uses of land.

Where at the time of passage of this ordinance lawful use of land exists which would not be permitted by the regulations imposed by this ordinance, the use may be continued so long as it remains otherwise lawful, provided:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.
2. No such nonconforming use shall be moved, in whole or in part, to any portion of the same lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance.
3. If any such nonconforming use of land is deemed to be abandoned for any reason for a period of more than six months, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

Sec. 4-6. - Nonconforming buildings.

Where a lawful building exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the building, such building may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming building may be enlarged or altered in a way which increases its nonconformity, but any building or portion thereof may be altered to decrease its nonconformity or to comply with city building codes.
2. Should such nonconforming building or nonconforming portion of a building be destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, or 50 percent of the area of the structure, it shall not be reconstructed except in conformity with the provisions of this ordinance, or when approved by the board of

adjustment, after public hearing thereon, when the board's findings, having due regard for the property rights of persons affected, were considered in the light of public welfare and the character of the area surrounding the nonconforming building and the conservation and protection of property.

3. Should such building be moved for any reason for any distance whatever, it shall thereafter conform to the regulations of the district in which it is located after it is moved.
4. Structures existing prior to the effective date of this ordinance, which were conforming at that time, are exempt from the exterior masonry requirement contained in article 6, Zoning District.
5. Enclosed garage exemption. All existing residential units existing at the effective date of this ordinance, which are located in the Carport Overlay District, shall be exempt from the requirement to have two enclosed parking spaces.

(Ord. No. 2003-03, § 1, 4-1-03; Ord. No. 2003-14, § 1, 12-2-03)

Sec. 4-7. - Nonconforming uses of buildings.

If lawful use involving individual buildings exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in a particular district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing building devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the building to a use permitted in the district in which it is located, or to comply with city building codes.
2. 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 occupy any land outside such building.
3. If no structural alterations are made, except as required by the city's building codes, any nonconforming use of a building, or building and premises, may be changed to another nonconforming use provided that the board of adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the board of adjustment may require appropriate conditions and safeguards in accord with the provisions of this ordinance.
4. Any building in which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
- 5.

When a nonconforming use of a building is discontinued or abandoned for six consecutive months, the building shall not thereafter be used except in conformity with the regulations of the district in which it is located.

6. Where nonconforming use status applied to a building and premises in combination, removal or destruction of the building shall eliminate the nonconforming status of the land.  
Destruction for the purpose of this subsection is defined as damage to an extent of more than 50 percent of the replacement cost at time of destruction.
7. Where nonconforming use status applies to a conforming building, such use shall be immediately terminated upon transfer to another ownership or lease.

Sec. 4-8. - Repairs and maintenance.

On any nonconforming building or portion of a building containing a nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding 50 percent of the current replacement cost of the nonconforming building or nonconforming portion of the building, as the case may be; provided that the cubic content existing when it became nonconforming shall not be increased.

If a nonconforming building or portion of a building containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized city 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.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Sec. 4-9. - Nonconforming uses discontinued.

A nonconforming use of any building or structure which has been discontinued shall not thereafter be returned to any nonconforming use. A nonconforming use shall be considered discontinued when:

1. It has been replaced with a conforming use; or
2. Such building or structure is or hereafter becomes vacant and remains unoccupied or out of use for a continuous period of six months, or the equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced within such six-month period; or
3. The intention of the owner to permanently discontinue the use is apparent.

Sec. 4-10. - Changes that lessen nonconformity.

Changing to a more restricted or less intensive nonconforming use that lessens the extent of the original nonconformity may be permitted by the board of adjustment.

Sec. 4-11. - Registration of nonconforming uses and structures.

- A. *Time limitation for registration.* The operator, owner, or owners of all nonconforming uses of land or structures shall, within six months of the effective date of this ordinance, register such nonconforming use with the building official. The building official shall issue a temporary certificate of occupancy which shall state specifically wherein the nonconforming use or structure differs from the provisions of this ordinance and the date upon which the temporary certificate of occupancy shall expire.
- B. *Failure to register.* Uses and structure not registered within 24 months of the effective date of this ordinance shall be required to conform totally to this ordinance prior to issuance of a building permit, or certificate of occupancy in the future.
- C. *Application for extension of period of nonconformity.* In order to allow recoupment of investment, within six months of the effective date of this ordinance, an owner of land upon which a nonconforming use or structure is maintained may request an extension of the period of nonconformity beyond the time limits set forth in section 4-12 of this ordinance. Such request shall be filed with the building official and shall be heard by the board of adjustment. No investments made after the effective date of this ordinance may be considered as recoupable investment. The applicant shall supply such information as is requested by the building official or the board of adjustment. The board may continue any hearing on an application in order to study the matters pertaining to the application in order to fairly determine whether an extension of time is reasonable and necessary and to achieve the intent and purposes of this ordinance to require premises to conform to the regulations prescribed herein.

Sec. 4-12. - Amortization schedule.

It is the declared purpose of this ordinance that nonconforming uses be eventually discontinued and the use of the premises be required to conform to the regulations prescribed herein, having due regard for the investment in such nonconforming uses. Nonconforming uses shall be discontinued in the following manner unless the board of adjustment has granted an application for extension of the period of nonconformity:

- A. *Nonconforming uses not conducted within a building.* Any nonconforming use not conducted within a building shall be discontinued within two years from the date this ordinance shall become effective.
- B. *Nonconforming uses conducted partially within a building.* If a nonconforming use conducted partly within a building and partly without a building is registered within six months of the effective date of this ordinance, such use shall be discontinued within five years from the date



this ordinance shall become effective. Such uses not timely registered shall be discontinued within two years from the date this ordinance shall become effective.

- C. *Nonconforming uses conducted wholly within a building.* If a nonconforming use conducted wholly within a building is registered within six months of the effective date of this ordinance, such use shall be discontinued within ten years from the date this ordinance shall become effective. Such uses not timely registered shall be discontinued within two years from the date this ordinance shall become effective.

Sec. 4-13. - Saginaw Boulevard overlay district ("SBOD") limitations.

A. *Nonconformities in the SBOD.*

1. *Discontinuance.* Any nonconforming use of land which is located in the SBOD, described in section 7-4 hereof, shall be discontinued no later than December 18, 2028, unless otherwise exempted.
2. *Residential exception.* The use of land or a building as a residence shall not be subject to this automatic amortization period.

- B. *Appeal.* Any owner of such a nonconforming use may appeal to the board of adjustment to allow an extension of the amortization period.

(Ord. No. 2019-22, § 1, 11-5-19)

Sec. 4-14. - Amortization.

- A. *Determination.* The owner of a nonconforming use subject to automatic amortization pursuant to this article 4 may appeal to the board of adjustment to allow an extension of the amortization period. Application shall be made to the board of adjustment on forms provided by the city and shall be filed with the city secretary's office accompanied with the applicable filing fee established in the city's fee schedule.
- B. *Public hearing.* The board of adjustment shall conduct a hearing for the purpose of determining whether an alternate date certain for termination of the nonconforming use is required based upon the criteria set forth in this section 4-14. Prior notice of such hearing shall be given to the property owner.
- C. *Effective date.* The alternate date, if required based upon evidence supporting the criteria set forth in this section 4-14, established for termination of the nonconforming use shall give the property owner a reasonable opportunity to recover its investment in the nonconforming use from the time such use became nonconforming.
- D. *Recoupment of investment.* The board of adjustment shall measure the reasonableness of the opportunity for recoupment of the property owner's investment by conditions existing at the time such use became nonconforming.

- E. *Factors*. The following factors shall be considered by the board of adjustment in determining an alternate amortization period:
1. The owner's capital investment in structures, fixed equipment, and other assets that cannot reasonably be used in conformance with the zoning district regulations (excluding inventory and other assets that may be feasibly transferred to another site) made on the property before the time the use became nonconforming. Costs of replacements, improvements or additions made after the use became nonconforming shall not be included. Costs of the land or structures that reasonably can be used for a conforming use shall not be included.
  2. Any costs that are directly attributable to the establishment of a compliance date, including demolition expenses and relocation expenses.
  3. Recovery of investment, including net income and depreciation, and any profit or loss realized on the investment.
  4. General character of the neighborhood in proximity to the nonconforming use and the necessity for all property within the city to conform to the regulations of the zoning ordinance.
- F. *Compliance*. Should the board of adjustment establish an alternate compliance date for a nonconforming use, the use must cease operations on or before that date and it may not operate thereafter except in compliance with the applicable zoning district regulations. In the event the board of adjustment denies the application for an alternate compliance date, the original date established pursuant to the applicable provisions of this article 4 shall apply and the use must cease operations on or before that date and it may not operate thereafter except in compliance with the applicable zoning district regulations.

(Ord. No. 2019-22, § 1, 11-5-19)

**ARTICLE 12. - DEFINITIONS****Sec. 12-1. - Rules for words and phrases.**

- A. *General interpretation.* For the purpose of this ordinance, certain terms and words are defined and shall have the meanings ascribed in this ordinance unless it is apparent from the context that different meanings are intended.
- B. *Tense and number.* Words used in the present tense include the future tense; words in the singular number include the plural number; and words in the plural number include the singular number.
- C. *Interpretation of certain words.* The word "person" includes a firm, association, organization, partnership, trust, foundation, company, or corporation as well as an individual; the word "shall" is mandatory, not directory; the word "may" is permissive; the word "used" means "designed, intended, or arranged to be used"; "occupied" means "occupied or intended, designed, or arranged to be occupied." The word "lot" includes the words "plot," "parcel" or "tract of land"; the word "building" includes the word "structure"; the word "including" means "including but not limited to."

**Sec. 12-2. - Definitions.**

- A. *General definitions.* The following general definitions do not include the definitions of uses. Uses are defined in section 12-2.B, Land Use Definitions and Explanations. The following words, when used in this ordinance, shall have the meaning respectively ascribed to them in this section, unless the context of this ordinance clearly indicates otherwise.

*Abutting.* Shall mean to physically touch or border upon; or to share a common border, boundary, or property line but not to overlap.

*Adjacent.* Shall mean to be near or close to but not necessarily touching. Lot lines separated by a street, utility, drainage, railroad, or other public use right-of-way shall be considered to be adjacent.

*Administrative official.* The individual charged with the administration and enforcement of this ordinance, or his duly authorized representative.

*Alley.* A public minor way which is used primarily for secondary vehicular service access to the back or side of properties otherwise abutting on a street or highway.

*Basement.* A building story which is partly underground but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story in computing building height.



*Block.* An area enclosed by streets and occupied by or intended for buildings; or if used as a term of measurement, it shall mean the distance along a side of a street between the nearest two streets which intersect said street on the said side.

*Board.* The board of adjustment.

*Breezeway.* A covered passage one story in height and six feet or more in width connecting a main structure and an accessory building. A breezeway shall be considered an accessory building.

*Building.* Any structure built for the support, shelter and enclosure of persons, animals, chattels or movable 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 line.* A line parallel or approximately parallel to the street line at a specific distance therefrom marking the minimum distance from the street line that a building may be erected.

*Cargo container.* A standardized, reusable vessel that is or appears to be:

- \* Originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, ordinances, goods or commodities, and/or
- \* Designed for or capable of being mounted or moved on a rail car, and/or
- \* Designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship.

*Cellar.* A building story with more than one-half its height below the average level of the adjoining ground. A cellar shall not be counted as a story in computing building height.

*Certificate of occupancy.* An official certificate issued by the city through the administrative official which indicates conformance with or approved conditional waiver from the building or zoning regulations and authorizes legal use and occupancy of the premises for which it is issued.

*City council (council).* The governing body of the City of Saginaw, Texas.

*Court.* An open, unoccupied space bounded on three or more sides by the walls of a building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one side open to a street, alley, yard or other permanent space.

*Density.* The number of dwelling units permitted per net acre of land. A net acre of land does not include portions of streets or alleys.

*District.* A section of the City of Saginaw for which the regulations governing the area, height, or use of the land and buildings are uniform.

*Dwelling unit.* A building or portion of a building which is arranged, occupied or intended to be occupied as living quarters for one family and including facilities for food preparation and sleeping.

*Easement.* A grant of one or more property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.

*Family.* Any number of persons living together as a single nonprofit housekeeping unit in which not more than four individuals are unrelated by blood, marriage, or adoption.

Notwithstanding the definition in the preceding paragraph, a family shall be deemed to include five or more persons not within the second degree of kinship, occupying a dwelling unit and living as a single, nonprofit housekeeping unit, if said occupants are handicapped persons as defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988. Such unrelated individuals shall have the right to occupy a dwelling in the same manner and to the same extent as any family unit as defined in the first paragraph of this definition.

*Fence.* An open or solid enclosure designed to contain or prevent intrusion. An open fence is one in which the vertical surface thereof is not less than 70 percent open. A solid fence is one in which the vertical surface thereof is not greater than 30 percent open, and may be considered as a screening element. (See also Screening element.)

*Flood plain.* Any land area susceptible to being inundated by water from any source.

*Floodway.* The channel, river, or other watercourse and the adjacent land area that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point.

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

*Floor area ratio (FAR).* An indicated ratio between the number of square feet of total floor area in the main building(s) on a lot and the total square footage of land in the lot; it is the number resulting from dividing the main building floor area by the lot area.

*Glare.* A sensation of brightness within the visual field that causes annoyance, discomfort, or loss in visual performance and visibility.

*Grade.* The average of the finished ground level at the center of all walls of a building. In cases where walls are parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.

*Height.* The vertical distance of a building measured from the average established grade at the street line or from the average natural front yard ground level, whichever is higher, to:

The highest point of the roof's surface if a flat surface;

To the deck line of mansard roofs; or

To the mean height level between eaves and ridge for hip and gable roofs and, in any event, excluding chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes or spires, and parapet walls not exceeding ten feet in height.

If the street grade has not been officially established, the average front yard grade shall be used for a base level.

*Impervious coverage.* Any material that substantially reduces or prevents the infiltration of storm water into previously undeveloped land.

*Infrastructure.* The essential facilities such as water, sewers, streets, highways, public utilities, libraries, parks, police and fire services, and other facilities related to the protection of the health, safety, and general welfare.

*Landscaping.* Live plant material including grass, shrubs, trees, and flowering plants as required by section 8-13, Landscape Regulations.

*Loading space, off-street.* Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

*Lot.* A parcel of land which is shown on an approved plat recorded in the Tarrant County plat records.

*Lot area.* The area of the horizontal plane bounded by the vertical planes through front, side, and rear lot lines.

*Lot, corner.* A lot abutting upon two or more streets at their intersection.

*Lot coverage.* The percentage of the total area of a lot occupied by the base (first story or floor) of buildings located on the lot.

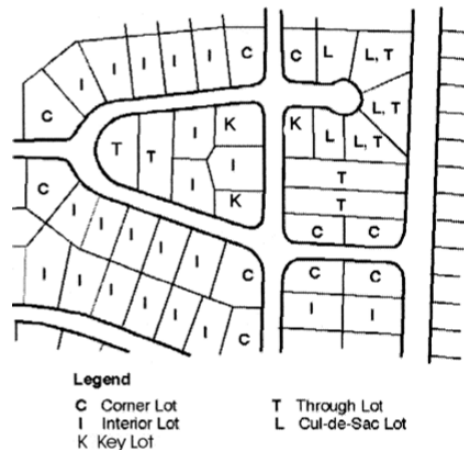
*Lot depth.* The horizontal mean distance between the midpoint of the front and the midpoint of the rear lot lines.

*Lot, flag.* A lot with access provided to the bulk of the lot by means of a narrow corridor.

*Lot, interior.* A lot that is other than a corner lot.

*Lot, key.* A corner lot that has the rear yard of two or more adjacent lots abutting the side lot line of

two or more of the side lots.



#### Key Lot

*Lot lines.* The property lines bounding a lot as defined herein.

*Lot line, front.* The boundary between a lot and the street on which it fronts.

*Lot line, rear.* The boundary line not intersecting a front lot line which is most distant and most closely parallel to the front lot line.

*Lot line, side.* Any lot boundary line not a front or rear line thereof.

*Lot, through.* A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots. Such lot(s) shall provide a front yard on each street.

*Lot width.* The width of a lot at the front building line.

*Main (principal) building.* The building or buildings on a lot which are occupied by the primary use.

*Masonry.* That form of construction composed of brick, stone, concrete, hollow-clay tile, glass block, or combination of these materials laid up unit by unit and set in mortar (Masonry does not include exterior insulated finish systems [EIFS]).

*Nonconforming building.* A building which legally existed prior to the adoption, revision, or amendment of this ordinance but that does not meet the limitations on building size or location on a lot for the district in which the building is located, or for the use being made of the building.

*Nonconforming lot.* A lot which was in compliance with applicable regulations prior to the adoption, revision, or amendment of this ordinance, but which fails by reason of adoption, revision, or amendment to conform to the lot requirements for the district in which it is located.

*Nonconforming use.* A use of land which legally existed at the time of the effective date of this ordinance, or subsequent amendments thereto, which does not conform to the use regulations of the district in which it is situated.

*Occupancy.* The use or intended use of the land or buildings by proprietors or tenants.

*Open space.* 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 or porches.

*Parking space, off-street.* For the purposes of this ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be within any public street, alley, or right-of-way, and so that any automobile may be parked and unparked without moving another. For purposes of rough computation, an off-street parking space and necessary access and maneuvering room shall be estimated at 300 square feet for residential uses and 400 square feet for nonresidential uses; but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements in this ordinance are provided, maintained, and improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the city. All required off-street parking spaces shall be provided and maintained wholly within private property lines and not within any public highway, street or alley right-of-way.

*Planning and zoning commission (commission).* The Planning and Zoning Commission of Saginaw, Texas.

*Plat.* A plan of a subdivision of land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the subdivision standards of the city and subject to approval by the planning and zoning commission. Reference to a final plat in this ordinance means an official plat of record which has been approved by the planning and zoning commission and filed in the plat records of Tarrant County.

*Premises.* Land together with any buildings or structures occupying all or any portion of the land.

*Private drive, street, or place.* An open, unoccupied space, other than a street or alley, permanently established or reserved or dedicated in private ownership as the principal means of vehicular access to property abutting thereon.

*Property line.* (See lot line).

*Residence.* Same as a dwelling; also when used with the word "district," an area of residential regulations.



*Room.* A building or portion of a building which is arranged, occupied or intended to be occupied as living or sleeping quarters but not including toilet or cooking facilities.

*Screening element/device.* Screening element (device) or suitably screened as herein referred, shall mean any of the following:

- \* Any solid material constructed of brick, masonry, or of a concrete or metal frame, or wood, or base which supports a permanent type material, the vertical surface of which is not more than 30 percent open; or
- \* Any dense evergreen hedge or plant material suitable for providing a visual barrier, for which such material shall be maintained in a healthy growing condition;
- \* Landscaped earth berms may, when appropriate in scale, be considered and used as a screening element in lieu of a fence, wall, hedge or other dense planting material.

*Semi-trailer.* A vehicle designed or used with a motor vehicle so that part of the weight of the vehicle and its load rests on or is carried by another vehicle.

*Setback, building.* The minimum horizontal distance between the front wall of any projection of the building (excluding steps) and the street line. (Same as building line.)

*Special exception.* A use that would not be generally appropriate without restriction throughout the zoning district, but which, if controlled as to number, area, location, intensity, or relation to the neighborhood, would or could be compatible therein and promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted as special exceptions by the board of adjustment, after public hearing thereon. See article 3, Board of Adjustment.

*Specific use.* The use of any building, structure, or land not specifically allowed by district regulations, but permitted as a specific use in accordance with [section 5-4](#), Specific Use Permits.

*Story.* That part of a building included between the surface of one floor and the surface of the floor next above, or if there be no floor above, that part of the building which is above the surface of the highest floor thereof. A top story attic is a half story when the main line of the eaves is not above the middle of the interior height of such story. The first story is above the middle of the interior height of such story. The first story is the highest story having its interior floor surface not more than four feet above the curb level, established or mean street grade, or average ground level.

*Street.* A public way between two right-of-way lines (other than an alley or private drive) which has been dedicated or deeded to the public for public use and affords a principal means of access (vehicular or otherwise) to property abutting thereon, as well as for utilities and sidewalks.

*Street line.* The right-of-way line of a street.

*Structure.* Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings and mobile homes.

*Structural alterations.* Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial changes in the roofs or exterior walls, excepting such repair or replacement as may be required for the safety of the building, but not including openings in bearing walls as permitted by the city building code.

*Thoroughfare.* Those public streets designated on the City of Saginaw Thoroughfare Plan as "thoroughfares".

*Trailer.* A vehicle that is designed or used to carry a load wholly on its own structure; and is drawn or designed to be drawn by a motor vehicle.

*Variance.* A variance is a relaxation by the board of adjustment of the dimensional regulations of the zoning ordinance, where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions or the situation of the applicant, a literal enforcement of the zoning ordinance would result in unnecessary and undue hardship. See article 3, Board of Adjustment.

*Vehicle.* As used herein shall include motor vehicle, motorcycle, trailer and semi-trailer.

*Yard, front.* A yard across the full width of the lot extending from the building line to the front line of the lot abutting a street. Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding.

*Yard, rear.* A yard between the rear lot line and the rear line of the main building and the side lot lines. Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

*Yard, side.* A yard between the building and the sideline of the lot and extending from the front yard to the required minimum rear yard. Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

*Zoning district map.* The official certified map upon which the boundaries of the various zoning districts are drawn and which is an integral part of the zoning ordinance.

B. *Land use definitions and explanations.* The following definitions and explanatory notes supplement, restrict, and define the meaning and intent of the uses listed in section 5-1.

## Permitted Use Table.

*Accessory banking.* A banking service(s) office, which may or may not include automated teller machines, that does not include drive-through services of any kind.

*Accessory building.* A subordinate building having a use customarily incident to the main building. A building housing an accessory use is considered an integral part of the main building when it has any part of a wall in common with the main building, or is under an extension of the main roof and designed as an integral part of the main building.

*Accessory use.* A use customarily incidental to the main use of the property.

*Adult day-care facility.* A facility that provides services under an adult day-care program on a daily or regular basis but not overnight to four or more elderly or handicapped persons who are not related by blood, marriage, or adoption to the owner of the facility.

*Agricultural use.* The use of a parcel of land for farming or ranching and shall include the structures that are normally associated with agricultural uses. However, this use shall not include commercial dairies, commercial dog kennels, commercial hatcheries, and commercial mink, fox, rat, or other fur bearing animal farms, or the farming of swine or exotic animals.

*Ambulance service.* An establishment which provides ambulatory transport of persons, to or from a medical facility, for a fee.

*Amusement center, indoor.* A facility providing game equipment for entertainment and amusement as its primary source of income. Games contained in the facility may include coin-operated machines utilizing balls, pins, and baskets, video equipment, and pinball. Other equipment may include skill games such as pool, billiards, bowling, shuffleboard, darts, and batting cages. Any combination of these games may be used in the facility. Games of wagering and chance, including 8-liners, categorized as gambling are prohibited and not included in this use.

*Amusement center, outdoor.* An amusement enterprise offering entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open.

*Animal grooming.* An establishment that offers to the general public the service of animal grooming for domestic pets. No boarding or medical care is provided.

*Animal pound, shelter.* A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

*Antique shop.* An establishment offering for sale ordinances such as glass, china, furniture, or similar furnishings and decorations which have value and significance as a result of age, design, or sentiment.



*Apartment.* A room or suite of rooms arranged, designed, or occupied as a dwelling unit residence by a single family, individual, or group of individuals living together as a single housekeeping unit.

*Apparel alteration and repair or tailor shop.* An establishment offering individual alteration, repair, or creation of clothing apparel to the public.

*Appliance repair, household.* A shop specializing in repair of household appliances.

*Art gallery.* An establishment offering works of art for viewing and sale to the general public.

*Arts, crafts, and hobby shop.* An establishment offering for sale those items commonly associated with hobbies, including display areas for hobbies.

*Assembly hall.* A building and associated facilities dedicated to social or recreational activities serving the city or a neighborhood.

*Assembly plant.* A facility for the assembly of equipment including automobiles, trucks, farm machinery, railroad cars, engines, and appliances from components fabricated for the most part in other locations.

*Athletic field and play field, commercial.* An athletic field or stadium owned and operated privately, including a baseball field, golf course, football field, or stadium which may be lighted for night-time play.

*Athletic field and play field, public.* An athletic field or stadium owned and operated by a public agency for the general public, including a baseball field, golf course, football field, or stadium which may be lighted for night-time play.

*Auction house.* A place where objects of art, furniture, or other goods are offered for sale to persons who bid on the object in competition with each other.

*Auditorium.* A large building and associated facilities for gathering an audience for speeches and performances.

*Auto auction.* An enclosure or area, including outside storage, designed for the sale of automobiles at auction or using other sales techniques.

*Auto car wash.* An area and/or structure with machine or hand operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

*Auto impound lot/wrecker business.* An establishment offering the services of towing, impounding, and temporary storage of vehicles which have either been in an accident or are illegally parked.

*Auto paint and body shop.* An automotive shop with a primary purpose of repairing and painting the outside surfaces of automobiles, trucks, and vans, and repairing and replacing the upholstery of such vehicles.

*Auto parts and accessory sales.* An automotive shop with a primary purpose of selling new parts and accessories for automobiles, trucks, and vans.

*Auto rental (car and truck).* An establishment primarily engaged in the short-term rental or extended term leasing of automobiles and trucks, not including truck tractors or semi-trailers.

*Auto repair garage.* An enclosed facility designed for the repair and maintenance of automobiles, trucks, and vans with outside storage allowed but no outside repair or maintenance conducted.

*Auto sales, new and used.* An open area or lot used for the display or sale of automobiles, trucks, and vans, where no repair work is done except minor reconditioning of the cars to be displayed and sold on the premises, and where there is no dismantling of cars for sale or keeping of used car parts or junk on the premises.

*Auto service station.* An establishment for the retail sales of petroleum products, automobile accessories, auto tune-up, muffler installation incidental to the primary use, tire installation or repair, oil change or other lubricate services, in which all services provided and all storage, supplies, parts, equipment, and accessories are indoors, with the exception of fuel-dispensing operations.

*Auto service station, light maintenance.* A premise where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall include automobile inspection services, but shall not include areas where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body fender work are conducted.

*Bakery, retail confectionery.* A shop offering for sale on premises those baked goods or candies made on premises or off premises. No production for off premise sale is allowed.

*Bakery, wholesale candy.* A manufacturing facility for either baked goods or candy with the purpose of selling the products at off-site retail locations.

*Bank, savings and loan association, financial Institution.* A building or premise offering banking, savings and loan, and other financial services, not including pawnshops or nondepository financial institutions as defined herein.

*Barber shop, beauty salon, and other personal shop.* An establishment which provides personal services including hair cuts, perms, color treatments, manicures, pedicures, and other personal beauty services.

*Bingo hall.* A facility eligible to conduct bingo operations and licensed to do so pursuant to the Bingo Enabling Act (V.T.C.A., Government Code § 2001.002, et seq).

*Boardinghouse.* A building other than a hotel, where lodging and meals for five or more persons, not members of the principal family therein, are served for compensation.

*Bottling works.* A facility for the bottling of products for off-site retail sales.

*Brewery.* An establishment that meets the definition for a brewery in the Texas Alcoholic Beverage Code. A brewery may include a tasting room to dispense beer for on-premise consumption; meeting/banquet facilities; restaurants and retail sales area of beer for off-premise consumption.

*Building materials manufacturing.* A facility for the production of building materials which include fiberglass, wallboard, shingles, etc.

*Building material sales.* A distribution and sales center for retail and wholesale hardware, plumbing, lumber, and other materials used in the building trade.

*Bus, train, and taxi station or terminal.* A facility that provides for regularly scheduled transit services, passenger lounges, ticketing, and customer parking.

*Cabinet and upholstery shop.* A shop for the assembly of cabinetry for domestic use and furniture repairing, refinishing, and upholstery.

*Camp ground and related facilities.* An area that is occupied or intended or designed for occupancy by transients using recreational vehicles, tents, or other temporary dwellings for dwelling, lodging, or sleeping purposes. The use may also include cooking facilities, bathhouses, and recreation areas. This does not include a manufactured housing community.

*Car title loan business* means:

- a. An establishment, entity, or person registered with the Texas Secretary of State as a Credit Services Organization (CSO) under V.T.C.A., Finance Code § 393 that engages in any of the following activities:
  1. Acts or operates as a loan broker between consumers and lending companies;
  2. Issues a "letter of credit" or similar document on behalf of a consumer to a lender;
  3. Collects any or all of the following fees:
    - i. A referral fee for referring a consumer to a lending company;
    - ii. An application fee for filling out the CSO documents; or
    - iii. Interest on the funds distributed to the consumer, or payments based on the amount of money distributed to the consumer; or
- b. The CSO or lending company uses a consumer's vehicle title as collateral for a loan.

*Caretaker's residence, guard's residence, servant's quarters.* A residence located on a premise with a main nonresidential or residential use occupied only by an employee of the principal use, and serviced through the same utility meters or connections as the principal use to which it is accessory. Manufactured homes are not permitted for this use.

*Carport.* A structure which is allowed between the property line and the required front build line, is unenclosed by any coverings on at least three sides, and is an integral portion of the primary structure, constructed for the purpose of providing covering for the off-street parking of private vehicles.

*Catering service.* A facility where food is prepared in large quantities to be transported to, served, and consumed at an off-site location.

*Cemetery, mausoleum, crematorium.* An area or structure designed to contain the remains of humans or animals for permanent interment.

*Check cashing business* means an establishment, entity, or person registered with the Texas Secretary of State as a Credit Services Organization (CSO) under V.T.C.A., Finance Code § 393 that provides one or more of the following:

- a. An amount of money that is equal to the face of the check or the amount specified in the written authorization for an electronic transfer of money, less any fee charged for the transaction;
- b. An agreement not to cash a check or execute an electronic transfer of money for a specified period of time; or
- c. The cashing of checks, warrants, drafts, money orders, or other commercial paper for compensation by any person or entity for a fee.

*Clinic.* A public or private, profit or nonprofit facility for the reception and treatment of outpatient persons physically or mentally ill, injured, handicapped, or otherwise in need of physical or mental diagnosis, treatment, care, or similar service. A clinic shall also include all manner of rehabilitation care facilities. A clinic shall not include an emergency response center licensed as a hospital or a freestanding emergency medical care facility by the State of Texas.

*Collectibles shop.* A retail establishment offering such collectible items as sports trading cards, comic books, and stuffed animals for sale to the general public.

*Community center.* A building dedicated to social or recreational activities, serving the city or a neighborhood and owned and operated by the city, or by a nonprofit organization dedicated to promoting the health, safety, morals, or general welfare of the city.

*Community home for the disabled.* A home that where not more than six persons, regardless of the legal relationship to one another, with disabilities and two supervisors reside and are provided with services consisting of food and shelter, personal guidance, care, habilitation services and supervision, in accordance with Chapter 123 of the Texas Human Resources Code.

*Contractor, no outside storage permitted.* A business such as an electrician, mechanic, or plumber whose primary use provides a service by installing electrical, mechanical, or plumbing systems; which also may have limited sales of electrical, mechanical, or plumbing supplies or equipment as a secondary

use incidental to its primary use. No outside storage permitted.

*Contractor, outside storage permitted.* A business such as an electrician, mechanic, or plumber whose primary use provides a service by installing electrical, mechanical, or plumbing systems; which also may have limited sales of electrical, mechanical, or plumbing supplies or equipment as a secondary use incidental to its primary use. Outside storage permitted.

*Contractors storage or equipment yard.* An area located on the same lot or separate lot as a principal use, used for outside storage of construction equipment, including vehicles and construction material.

*Convenience store.* A small retail establishment, usually located within or associated with another use, that offers for sale convenience goods, such as prepackaged food items, tobacco, periodicals, and other household goods.

*Convenience store, with or without fuel sales.* A premise where gasoline and/or other petroleum products are sold as a principal use, and in connection with the principal use, a convenience store offering for sale prepackaged food products, household items, and other goods commonly associated with the same.

*Convent, rectory, monastery.* The building, buildings, or premises occupied by a religious community or association as a residence and a place of work and worship.

*Copy shop.* A small commercial printing shop which sells on-site most of the items printed, along with associated items.

*Cosmetic tattoo establishment.* An establishment where trained personnel apply microinjections of pigment to the dermal layer of skin such that facial cosmetics are applied on a permanent basis. This does not include a tattoo parlor.

*Cottage industry.* A small, individual owned business or concern that functions without altering the residential character of the neighborhood, and which does not create any negative impacts on the public health, safety, and general welfare of the adjacent property owners.

*Country club.* An area containing a golf course and a clubhouse and available only to private specific membership. Such a club may contain adjunct facilities such as a private club (only in conformance with these regulations and applicable state statutes), dining room, swimming pool, tennis courts, and similar recreational or service activities.

*Dairy processing.* A commercial plant for the storage and processing of milk and milk products.

*Day-care center.* A child-care facility that provides care for more than 12 children under 14 years of age for less than 24 hours a day.

*Day care center, adult.* An agency at which six or more disabled or elderly adults not related to the proprietor, are left for care for a part of the 24 hours of the day.



*Day care center, child.* An agency at which four or more children, under the age of 16 and not related to the proprietor, are left for care for a part of the 24 hours of the day.

*Day care, in the home.* A private residence where care, protection, and supervision are provided on a regular schedule, at least twice a week to no more than four children, excluding children of the adult provider.

*Department store.* A store offering a variety of comparison and consumptive goods at retail price to the general public.

*Dwelling, assisted living facility.* A facility intended to provide dwelling units for occupancy by persons requiring the level of care and support defined by the State of Texas as "supervised living".

*Dwelling, industrialized housing.* A detached residential building that is designed for the use and occupancy of one family, that is constructed in one or more modules or constructed using one or more modular components, built at a location other than the permanent residential site, and that is designed to be used as a permanent residential structure when the modules or modular components are transported to the permanent residential site and are erected or installed on a permanent foundation system. The term does not include any residential structure that is in excess of three stories or 49 feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof. The term shall not mean nor apply to (1) housing constructed of sectional or panelized systems not utilizing modular components; or (2) any ready-made home which is constructed so that the entire living area is contained in a single unit or section, at a temporary location for the purpose of selling it and moving it to another location.

*Dwelling, manufactured housing or mobile home.* Shall be defined and differentiated by the following:

*Mobile home.* A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length; or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

*HUD-Code manufactured home.* A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length; or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

*Dwelling, multifamily.* A residential building containing three or more dwelling units, with the number of families in residence not exceeding the number of dwelling units provided.

*Dwelling, single family attached.* An attached residential building, not including a mobile home or HUD Code manufactured home, which contains not more than one dwelling unit per lot of record.

*Dwelling, single family detached.* A detached residential building, not including a mobile home or a HUD Code manufactured home, which contains not more than one dwelling unit per lot of record.

*Dwelling, guesthouse.* A residential dwelling, which may include living, sleeping, bathing, and kitchen facilities but is secondary to the main dwelling structure and is used solely for habitation of guests on a temporary basis and at no compensation.

*Dwelling, two-family.* A residential building containing two dwelling units.

*Electrical generating station.* A facility designed to convert electrical current from other energy sources for consumption by dwellings and other structures.

*Electrical sub-station.* A facility designed to convert electrical current to a different phase or voltage prior to consumption by dwellings and other structures.

*Electrical transmission line.* A high voltage line used to transmit electrical current to or between electrical substations or long distances and customarily associated with towers.

*Electronic vaping device.* Any electronically powered or battery powered device designed to simulate the smoking of tobacco, cigarettes, pipes or cigars. An electronic vaping device includes personal vaporizers, electronic cigarettes (e-cigarettes), electronic pipes (e-pipes), electronic cigars (e-cigars) and any other type of electronic nicotine delivery system or any part thereof.

*Electronics manufacturing.* A facility for the production of printed circuit boards, microchips, and other electronic parts which may be assembled on site into end products such as computers, televisions, radios, and communication equipment.

*Extended-stay hotel motel.* Any building containing five or more guest rooms intended, designed, or utilized for sleeping purposes by transient guests, including for stays in excess of 30 consecutive days, or more than 60 days during a 180-day period, which contain fixed cooking appliances.

*Exterminating service.* A business providing extermination services for household pests, including insects and rodents.

*Factory outlet, retail or wholesale store.* An establishment that offers goods and products to the public that are obtained direct from the manufacturer at prices that reflect savings due to the reduced cost of said direct distribution.

*Family home.* A home that provides regular care in the caretaker's own residence for not more than six children under 14 years of age, excluding children who are related to the caretaker, and that provides care after school hours for not more than six additional elementary school children, but the total number of children, including children who are related to the caretaker, does not exceed 12 at any given time. The term does not include a home that provides care exclusively for any number of children who are related to the caretaker.

*Farm machinery and implement sales and service.* An enclosed area designed for sales and repair of farm machinery.

*Farmers market.* A physical retail marketplace intended to sell foods directly by farmers to consumers. Farmers markets may be indoors or outdoors and typically consist of booths, tables or stands where farmers sell fruits, vegetables, meats, cheeses, and sometimes prepared foods and beverages. A farmers market also includes as a secondary use the sale of hand crafted items but expressly prohibits the sale of commercially produced items for resale.

*Fitness studio.* A place or building where passive or active exercises and related activities are performed for the purpose of physical fitness, improved circulation or flexibility, and/or weight control. The activities shall be conducted entirely within an enclosed building. Fitness studio may include passive exercise equipment (motorized equipment which does not require physical exertion) but exclude equipment or apparatus used for weight control or muscle building, and shall exclude massage in any form.

*Funeral home, mortuary.* A building or part thereof used for human funeral services. Such building may contain space and facilities for cremation facilities, embalming, and the performance of other services used in preparation of the dead for burial; the performance of autopsies and other surgical procedures; the storage of caskets, funeral urns, and other related supplies; and the storage of funeral vehicles. Where a funeral home is permitted, a funeral chapel shall also be permitted.

*Furniture, fixture, and appliance store.* A retail establishment offering home furnishings, fixtures, and appliances to the general public.

*Garage, private.* An enclosed two-car accessory building or portion of a main building on the same lot and used for the storage only of private passenger motor vehicles and recreational vehicles, owned and used by the owners or tenants of the premises.

*Garage, public.* A building or portion thereof, except as herein defined as a private garage or as a repair garage, used for the storage of motor vehicles, or where any such vehicles are kept for remuneration or hire; in which any sale of gasoline, oil, and accessories is only incidental to the principal use. Facilities for washing may be provided.



*Garage, repair.* A building or space for the repair or maintenance of motor vehicles, not including factory assembly of vehicles, auto wrecking establishments, or junkyards.

*Gas regulator station.* A station used to regulate the flow or pressure of gas in a pipeline.

*Gift shop.* A shop offering gifts, souvenirs, and associated products for sale.

*Golf course, driving range.* An establishment offering areas for driving of golf balls including "pitch and putt" facilities.

*Golf course, miniature.* An establishment offering facilities for miniature golf.

*Golf course, private.* Grounds and facilities used in the playing of the game golf, for use by private membership.

*Golf course, public.* Grounds and facilities used in the playing of the game golf, privately owned but open to the public for a fee and operated as a commercial venture.

*Go cart track and other motor vehicle track or facility.* A private, commercial enterprise offering outdoor go-cart tracks to the general public for a fee or charge. A go-cart is a nonlicensed motorized low horsepower vehicle powered by either a gas or electrical motor to be used for the purpose of entertainment, generally having the capacity of one driver/operator. Does not include remote control vehicles.

*Governmental administration facility.* A building or structure owned, operated, or occupied by governmental agency to provide a governmental service to the public.

*Greenhouse or plant nursery.* An establishment operated for commercial purposes, offering plants grown on premises and off premises and associated products for sale for use in connection with home gardening activities.

*Grocery store.* A retail store primarily engaged in the retail sales of all sorts of canned goods, dry goods, fresh fruits and vegetables, and fresh and prepared meats, fish, and poultry.

*Group day-care home.* A child-care facility that provides care for seven to 12 children under 14 years of age for less than 24 hours a day.

*Group home for the disabled or disadvantaged.* A dwelling shared by four or more disabled persons, including resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents, with the primary goal of enabling the resident to live as independently as possible in order to reach their maximum potential.

As used herein, the term "disabled" shall mean having (1) a physical or mental impairment that substantially limits one or more of the person's major life activities so that such person is incapable of living independently; (2) a record of having such an impairment; or (3) being regarded as having such an impairment. However, "disabled" shall not include current illegal use of or addiction to controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term "group home for the disabled" shall not include alcoholism or drug treatment center, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.

*Gymnasium.* A building or room used for physical education and sports, which may be equipped with gymnastic or other sports-related equipment, and that may have seating in which spectators may view sports activities.

*Hardware store.* An establishment offering hand tools, small building materials, and associated convenience items for sale to the general public.

*Health club, recreation facility.* An indoor facility including uses such as game courts, exercise equipment, locker rooms, jacuzzi, and/or sauna and pro shop, gymnasiums, private clubs (athletic, health, or recreational), reducing salons, and weight control establishments.

*Heliport.* A landing facility for rotary wing aircraft subject to regularly scheduled use and may include fueling or servicing facilities for such craft.

*Helistop.* A landing pad for occasional and infrequent use by rotary wing aircraft with no fueling facilities.

*Hobby studio, private.* An accessory activity area used by the occupants of the premises purely for personal enjoyment, amusement, recreation, or cultivation of artistic talents.

*Home occupation.* An occupation customarily conducted for gain or support entirely within a dwelling by a member or members of a family while residing therein, and which is clearly incidental and secondary to the residential use of the premises and does not change the character thereof. See [section 8-8](#), Home Occupations.

*Hookah/smoke lounge.* A retail establishment for which the configuration of the floor area or furniture is to facilitate the on-site consumption or use of tobacco, cigarettes, electronic vaping devices, or other nicotine-enriched solutions.

*Hospital.* An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, and licensed by state law to provide facilities and services in surgery, obstetrics, and general medical practice including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, emergency departments, and staff offices that are an integral part of the facilities whether the related facilities are

on the same campus or at a separate location. Hospitals may include supportive retail and personal service uses operated by or under the control of the hospital primarily for the convenience of patients, staff, and visitors. A hospital as defined herein shall include all manner of emergency response centers licensed as a hospital or a freestanding emergency medical care facility by the State of Texas.

*Hotel/motel.* A building, or portion thereof, in which five or more guest rooms intended, designed, or utilized for sleeping purposes by transient guests for a period of less than 30 consecutive days with a two-week (14-day) vacancy between stays, or for less than 60 total days in any 180-day period, for compensation.

*Junk.* The term "junk" is defined to mean, and shall include, scrap iron, scrap tin, scrap brass, scrap copper, scrap lead, scrap zinc, and all other scrap metals and their alloys, and bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old cotton or used machinery, used tools, used appliances, used fixtures, used utensils, used boxes or crates, used pipe or pipe fittings, used automobile or airplane tires, and other manufactured goods that are so worn, deteriorated, or obsolete as to make them unusable in their existing condition, subject to being dismantled for junk.

*Kennel.* A lot or premises on which four or more dogs, cats or other domestic animals at least four months of age are housed or accepted for boarding, trimming, grooming and/or bathing for which remuneration is received.

*Kiosk.* A free-standing sign structure located in the public right-of-way that features a city identification panel at the top of each structure, and displays directional information to new homes, independent school district facilities, municipal or community events or facilities, and private businesses located in the city.

*Laboratory, medical and/or dental.* A facility with materials and scientific and technological equipment designed for scientific experimentation, examination, evaluation, and documentation for medical and other technologies.

*Laboratory, research.* A facility for scientific laboratory research in technology-intensive fields. Examples include biotechnology, pharmaceuticals, genetics, plastics, polymers, resins, coatings, fibers, fabrics, films, heat transfer, and radiation research facilities.

*Laboratory, support.* A facility for scientific laboratory analysis of natural resources, medical resources, and manufactured materials. The scientific analysis is generally performed for an outside customer, to support the work of that customer. This category includes environmental laboratories for the analysis of air, water, and soil; medical or veterinary laboratories for the analysis of blood, tissue, or other human medical or animal products. Forensic laboratories for analysis of evidence in support of law enforcement agencies would also be included in this category.

*Landscaping service.* A business principally engaged in the decorative and functional alteration, planting, and maintenance of grounds. Such a business may engage in the installation and construction of underground improvements necessary to support or sustain the landscaped surface of the ground.

*Laundry, dry cleaning full service.* A retail establishment providing full service laundry and dry cleaning services to the general public.

*Laundry, dry cleaning pickup and receiving station.* A retail establishment providing a drop-off and pick-up point for customers to leave wearing apparel or other material in need of laundry and dry cleaning and pick up of items when laundered and/or dry cleaned.

*Laundry, dry cleaning self service.* A retail establishment providing facilities for customers to launder or dry-clean wearing apparel or other materials.

*Library.* Buildings and structures open for the general public, for which a fee may or may not be charged for the use of book and other media collections.

*Lithography or print shop.* A large commercial printing shop with multiple presses and capabilities.

*Locksmith shop.* A shop that specializes in making, selling, and repairing keys, locks, and associated material.

*Lodge, fraternal, sorority, and clubs.* An association of persons meeting regularly for their mutual benefit or for the promotion of some common purpose, supported jointly through payment of membership dues, all members having the right to vote on policies and business.

*Machine shop.* A shop that manufactures metal products through the use of presses, stamps, and dyes.

*Machinery sales or repair.* A facility for the storage, repair, outside sales, or rental of heavy machinery or equipment.

*Manufactured housing park or subdivision.* A parcel of land not less than three acres in size developed for rental or sale of lots for the installation for residential uses of HUD Code manufactured housing.

*Manufactured or industrialized housing sales or rental.* An area devoted to outside sales or rental of HUD-Code manufactured homes or industrialized housing. For off premise residential use only.

*Manufacturing facility (light).* A facility used for sub-assembly or assembly of sub-assemblies for industrial purposes, and may conduct manufacturing that does not emit noise, odor, dust, or other hazards.

*Massage therapy establishment.* An establishment, unrelated to a sexually oriented business, whose primary purpose is to provide massage therapy to the general public and is licensed in accordance with V.T.C.A., Occupations Code, ch. 455. Any person engaging in massage therapy services shall be licensed in

accordance with chapter 455.

*Meat market.* A retail facility that offers meat, fish, and poultry products for sale to the public and shall include the sale of meat and meat products to restaurants, hotels, clubs, and other similar establishments when such sale is conducted as part of the retail business on the premises.

*Meat product processing.* A facility for processing cuts of meat from off-site into finished products.

*Medical, dental, and optical retail sales.* An establishment offering prescription and over the counter products for sale.

*Medical, dental office.* Offices for one or more physicians, surgeons, or dentists engaged in treating the sick or injured, but not including rooms for the abiding of patients.

*Medical equipment sales, rental, and leasing service.* An establishment including offices, stores, and display rooms for the display, sale, rental, and leasing of medical equipment.

*Metal recycling facility.* A facility that collects scrap metal from commercial users and the public, separates, and processes the metal in bulk form and ships the material off-site for reuse and manufacturing. No on-site public sales, "picking," or salvage is permitted of the collected materials.

*Mini-warehouse.* A building or group of buildings in a controlled access and fenced compound consisting of varying sized of individual, compartmentalized, and controlled access, self-contained units that are leased or owned for the storage of business and household goods or contractor supplies.

*Mobile food unit park.* An area designed to accommodate two or more mobile food units to offer food and/or beverages for sale to the public as the primary use of the property.

*Motor freight terminal.* A facility with the capability of handling a large variety of goods involving various forms of transportation and providing multi-modal shipping capabilities, such as rail to truck and truck to air.

*Movie theater, cineplex.* Complex structures with multiple movie theaters, each theater capable of providing performances independent of the others in the complex. Structurally, theaters in a cineplex are grouped in a manner that allows them to share box or ticket offices, parking facilities, lobby areas, restrooms, concession stands, signs and marquee displays, and other service and maintenance facilities.

*Museum.* An institution for the collection, display, and distribution of objects of art or science which is sponsored by or owned and operated by the city, a public or quasi-public agency, and which facility is open to the general public.

*Music store.* An establishment offering music, musical instruments, and other related items for sale to the general public. Such establishment may offer repair services of musical instruments.



*Nondepository financial institution* means any check cashing business, payday advance/loan business, or car title loan business, as defined in this section. This definition excludes:

- a. A state or federally chartered bank, savings and loan association or credit union, or a pawnshop;
- b. Any business that grants or brokers "tax refund advance" loans or other such loans whose value is based on the value of a federal income tax refund due to a consumer; and
- c. A convenience store, supermarket, or other retail establishment where consumer retail sales constitute at least 75 percent of the total gross revenue generated on site.

*Nursing home.* A structure used for or occupied by persons recovering from illness or suffering from the infirmities of old age, including developments containing convalescent or nursing facilities.

*Office, business.* An office in which chattels or goods, wares, or merchandise are not commercially displayed, created, sold, or exchanged.

*Office machine sales and service.* A shop specializing in the sale and repair of office machinery.

*Office, professional.* A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations. Including but not limited to insurance broker, public stenographers, real estate broker, stock broker, doctor, dentist, and other persons who operate or conduct offices which do not require the stocking of goods for wholesale or retail sales.

*Office, real estate development tract or field office.* A temporary office for the purpose of selling real estate to the general public located on or adjacent to the real estate being offered for sale.

*Office supply store.* A store that specializes in office supplies.

*Optician shop.* A shop that manufactures optical devices, especially eyeglasses.

*Park.* Public or private land available for recreational, educational, cultural, or aesthetic use.

*Parking area.* An area for the driving, parking, display, or storage of motor vehicles.

*Parking lot, commercial (auto).* A structure or lot devoted to the temporary parking of automobiles for a fee.

*Parking lot, commercial (truck).* A facility for temporary parking of currently commercial licensed trucks in excess of one ton, for a fee.

*Parking lot, off premises.* A structure or lot, either secured for private use or open to the public, located more than 300 feet from any benefited business, devoted to the parking of automobiles, commercial vehicles, or other equipment.

*Pawn shop.* A shop specializing in making small loans against personal property or buying used personal goods from individuals.

*Payday/advance loan business* means an establishment, entity or person registered with the Texas Secretary of State as a Credit Services Organization (CSO) under V.T.C.A., Finance Code § 393 that engages in any of the following activities:

- a. Acts or operates as a loan broker between consumers and lending companies;
- b. Issues a "letter of credit" or similar document on behalf of a consumer to a lender; or
- c. Collects any or all of the following fees:
  1. A referral fee for referring a consumer to a lending company;
  2. An application fee for filling out the CSO documents; or
  3. Interest on the funds distributed to the consumer, or payments based on the amount of money distributed to the consumer; or
- d. Requires the consumer to provide the CSO or lending company with a postdated check or authorization to make an electronic debit against an existing financial account.

*Pet shop.* A shop offering small animals for sale, with associated goods and services.

*Pharmaceutical plant.* A facility for the production of drugs for medicine.

*Pharmaceutical products manufacturing.* A facility for the production of drugs for medicine.

*Pharmacy.* An establishment offering prescription and over the counter pharmaceuticals and other associated products for sale to the public.

*Philanthropic and/or charitable use.* A nonprofit organization supported mainly by charity and whose principal function is the performance of charitable work.

*Photographic equipment sales and service.* A shop that specializes in the sale and repair of photographic equipment.

*Photographic service.* An establishment offering drop-off of film for processing, pickup of developed photographs, and related services.

*Physical training and athletic facility.* An indoor facility that is designed to train and enhance physical agility and performance for those involved or seeking to become involved in organized sports activities including but not limited to football, baseball, basketball, soccer, cheerleading and other sports normally sanctioned by scholastic institutions.

*Plastic products manufacturing.* A facility for the production of molded products constructed out of plastic, fiberglass, or other composite material.

*Private card club.* An establishment allowing private memberships to the public for the purpose of convening and participating in card games. Such activities shall not include "gambling" as defined by V.T.C.A. Penal Code Ch. 47.

*Private club.* An establishment providing social and dining facilities as well as alcoholic beverage service to an association of persons, and otherwise falling within the definition of and permitted under the provisions of that portion of Title 3, Chapter 32, VTCA, Alcoholic Beverage Code, as hereafter amended and as it pertains to the operation of private clubs.

*Public maintenance building, storage yard.* A structure or yard that is used for storage of equipment, materials, or other property and that is owned and maintained by a governmental entity.

*Public safety facility, police and fire.* A facility designed to provide public protection from dangers of fire and crime, including civil defense, operational centers, police and fire stations, and training facilities.

*Public utility.* A closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety, and welfare.

*Radio, television studio.* A facility designed to create and broadcast original source programming, or relay commercial programming from another source, including taped or pre-recorded materials for any part of the radio spectrum for commercial consumption.

*Radio transmission or receiving facility.* A structure or structures supporting antennas and/or commercial satellite antenna dishes which are transmitting or receiving any portion of the radio spectrum including wireless communication facilities, but excluding noncommercial antenna installations for home use of radio or television. See section 8-14, Wireless Communication Facilities.

*Railroad freight terminal.* A facility for the assembly or storage of freight to or from rail cars.

*Recreational ranch or farm.* An establishment incorporating a variety of rural uses, including sports arenas, rodeo grounds, pavilions, animal stables, and facilities which may be rented for private parties.

*Recreational vehicle rental.* An establishment offering recreational vehicles, including watercraft, for rent to the general public. Said facility may display, store, and maintain said vehicles on site solely for the purpose of renting said vehicles. No short or long term habitation of any recreational vehicle, including watercraft, is permitted on the site. In addition, no manufacture or repair, with the exception of light maintenance, occurs on the site.

*Recreational vehicle storage (commercial).* A facility or location which, upon payment of a fee, provides for the parking and storage of recreational vehicles.

*Recycling collection center.* A building in which used materials such as newspapers, glassware, and metal cans are separated and processed prior to shipment to others who will use those materials to manufacture new products.

*Rehabilitation care facility (psychiatric and mental disorders).* A facility which provides residence and/or out-patient care, with supervisory personnel, to persons regardless of legal relationship, who have demonstrated a tendency toward mental illness.



*Rehabilitation care facility (substance abuse).* A facility which provides residential and/or out-patient care, with supervisory personnel to persons regardless of legal relationship who have demonstrated a tendency toward alcoholism and/or drug abuse.

*Rehabilitation care facility (criminal-psychiatric, mental disorders and substance abuse).* A facility whose primary purpose is to provide residential and/or out-patient care, with supervisory personnel, to persons regardless of legal relationship, who have been involved in the criminal justice system or related program including parole or probation as authorized by the criminal justice system, and have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct.

*Religious institution.* Facilities in which persons regularly assemble for religious worship and activities intended primarily for purposes connected with such worship or propagating a particular form of religious belief.

*Rental store.* An establishment that provides equipment and goods for rent by the general public to be used off site. All storage of rental equipment and goods shall be contained within the limits of the primary structure.

*Rental yard, commercial and heavy equipment.* An establishment that provides heavy equipment for rent to contractors or the general public to be used off site. The storage of rental equipment or goods may occur either within the limits of the primary structure, or it may be displayed and stored outside of the primary structure. Areas reserved for repairs and maintenance of all equipment or goods must be within the primary structure.

*Repair, small engine.* A facility for the repair of small engines such items as lawn mowers, chain saws, lawn edgers and go-carts.

*Restaurant.* A business establishment whose principal business is the selling of un-packaged food to the customer in a ready-to-consume state, in individual servings, or in nondisposable containers, and where the customer consumes these foods while seated at tables or counters located within the building. Such use includes cafes, lunchrooms, and tea rooms.

*Restaurant, drive-in/drive-thru.* Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises.

*Restaurant, limited.* A restaurant with no inside table service or consumption used for the sale, dispensing, or serving of food, refreshments, including those where customers may serve themselves.

*Restaurant, refreshment stand (temporary or seasonal).* Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages from a temporary or permanent building on a temporary or seasonal basis.

*Rodeo ground/fair ground.* An outdoor entertainment area providing an arena for rodeo activities, including grandstands and bleachers for the viewing public, storage pens, and facilities for the caring and presentation of livestock, and open area for exhibits and carnival activities.

*Rooming house.* A building other than a hotel where lodging for three but not more than 12 persons is provided for definite periods for compensation pursuant to previous arrangement.

*Salvage yard.* An area for salvage of metals, and/or other fabricated products, which may include a yard or building where automobiles or parts of automobiles or machinery are stored, dismantled and/or offered for sale in the open as whole units, as salvaged parts or as processed metal.

*School, business college.* A facility that provides a curriculum limited to the teaching of office and business practices and skills.

*School, college, or university.* An academic institution of higher learning, accredited or recognized by the state, and offering a program or series of programs of academic study leading to a recognized degree or advanced degree. Including junior and senior colleges, universities, conservatories and seminaries.

*School, commercial instruction.* A facility that instructs and trains students in the arts, such as of music, dance, gymnastics, or martial arts, and is primarily operated on a commercial basis.

*School, commercial trade.* A business organized to operate for a profit and offering instruction and training in a trade such as welding, brick laying, machinery operation, and similar manual trades.

*School, home.* Educational activities consisting of a defined curriculum with the purpose of satisfying the state educational requirements and said educational activities being conducted in the home of a student living in the home. Said educational activities shall be considered to be a part of the housekeeping activities of a family.

*School, home day.* Educational activities consisting of a defined curriculum with the purpose of satisfying the state educational requirements and said educational activities being conducted in a home but not necessarily the home of the student living therein. There shall be no more than six unrelated students not living in the home in which the educational activities are being conducted. The total number of students living in the home in which the activities are being conducted shall not exceed 12 at any given time.

*School, institution, rehabilitation, and training center.* A facility that provides rehabilitation and training operated or sponsored by chartered educational, religious, or philanthropic organizations, but excluding uses such as trade schools, which are operated primarily on a commercial basis.

*School, nursery.* An establishment providing for the care, supervision, and protection of children.

*School, primary or secondary.* A public or private facility, including an open enrollment charter school or any other entity described by Chapter 12 of the Texas Education Code, as it may be amended, that provides a curriculum of elementary or secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools, but excluding institutions of higher education.

*School, vocational.* A secondary or higher education facility primarily teaching usable skills that prepare students for jobs in a trade and meeting the state requirements of a vocational facility.

*Shoe repair.* An establishment offering shoe repair service to the general public.

*Sign shop, painted or silk-screened.* A retail business offering signs and banners for sale.

*Skating rink.* An establishment that provides facilities for participant ice or roller-skating.

*Snow cone stand, seasonal.* Any building used for the sale, dispensing, or serving of snow cone refreshments, ice cream, or beverages that does not exceed 120 square feet and only operates between on and between the days of March 1 and October 31 each year in allowed zoning districts.

*Special event venue.* A location permitted for use by a host to conduct an event such as a wedding, conference, gala, or other similar event. The special event venue may include kitchen facilities for the preparation of food and an area for food catering and storage. The special event venue may serve (but not sell) alcoholic beverages provided at no cost by the host. In the event alcohol is served it may not be dispensed on a self-serve basis and the host shall employ a bartender to dispense the alcohol. If alcohol will be served, the host of the special event shall employ one security officer, who is either a licensed peace officer pursuant to Texas Code of Criminal Procedure Article 2.12 or who is a private security officer licensed pursuant to Chapter 1702 of the Texas Occupations Code, for every 100 guests in attendance.

*Stable, commercial.* A building designed for the keeping of horses or mules used for pleasure riding or driving, for boarding, or for hire, including a riding track.

*Stable, private.* A building designed for the keeping of horses or mules owned by the occupants of the premises and not kept for remuneration, hire, or sale.

*Stockyard.* An area designed to receive and transfer large quantities of livestock, containing a number of holding pens, loading and unloading areas, ramps, and other facilities required for the handling of large quantities of livestock.

*Stone monument sales.* A retail establishment offering for sale stone monuments produced off-premises, excluding cutting of slabs.

*Storage and warehousing establishment.* A facility that is constructed such that large quantities of products or goods may be stored for extended periods of time. Said facility may be equipped with loading ramps and docks that facilitate the loading and off-loading of semi-trailer vehicles.

*Storage yard.* Facilities to store any equipment, machinery, building materials, or commodities, including raw, semi-finished, and finished materials outside at ground level.

*Studio.* A facility for professional work or teaching of any form of commercial or fine arts, photography, music, drama, dance, but not including commercial gymnasium or dance hall.

*Studio, dance.* A facility for the teaching of fine arts such as dance, cheerleading, baton twirling and gymnastics, but not including a gymnasium, except that small gymnasiums for the purpose of gymnastics instruction are permitted.

*Swimming pool, water park, commercial.* A swimming pool and accessory facilities not part of the municipal or public recreation system, and not a private swim club, but where the facilities are available to the general public for a fee.

*Swimming pool, private.* A swimming pool and accessory facilities constructed for the exclusive use of the proprietor, when located in other than the minimum front yard.

*Tanning studio.* Any business that uses artificial lighting systems to produce a tan on an individual's body. This use specifically excludes spas, gymnasiums, athletic clubs, health clubs, and any exercise equipment.

*Tattoo parlor/body piercing studio.* An establishment whose principle business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: (1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin, by means of the use of needles or other instruments designed to contact or puncture the skin; (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

*Tavern, bars and night clubs.* An establishment that derives 75 percent or more of the establishment's gross revenue from the on-premise sale of alcoholic beverages.

*Taxidermist studio.* A retail establishment offering for sale to the public the products produced by a taxidermist at a separate location.

*Taxidermist shop.* An establishment offering the services of taxidermy.

*Telecommunications, wireless facility.* A facility that transmits and/or receives electromagnetic signals for the purpose of transmitting analog or digital voice or data communications. It includes antennas, microwave dishes, horns and other types of equipment for the transmission or receipt of such signals, telecommunication towers or monopoles, or similar structures supporting said equipment, equipment buildings, shelters or cabinets, and other accessory development. Includes personal wireless services as defined in the federal Telecommunications Act of 1996, and as subsequently amended, but shall not include the following: federally-licensed amateur radio stations and facilities used exclusively for receive-only antennas.

*Telephone exchange, switching, or relay.* A facility for the exchange, switching, relaying, or transmission of telephone services, not including public office facilities, storage, or repair facilities.

*Textile manufacturing.* Includes knitting, weaving, printing, and finishing of textiles and fibers into fabric goods

*Theater, indoor motion picture.* An establishment offering motion pictures for viewing by the public.

*Tobacco shop.* A retail establishment for which more than 50 percent of the gross floor area is dedicated to the display and retail sale to the public of tobacco products, including electronic vaping devices, and related accessories.

*Utility building and structures.* Operations such as power substations, water tanks or reservoirs, water or sewage treatment plants, also including supportive structures such as pump and lift stations.

*Veterinary hospital with outside pens.* An office and clinic of a doctor of veterinary medicine for small domestic animal practice, including outside treatment pens.

*Veterinary hospital without outside pens.* An office and clinic of a doctor of veterinary medicine for small domestic animal practice, without outside treatment pens.

*Veterinarian office, large animal practice.* The offices of a doctor of veterinary medicine with on site treatment of large domestic animals, which may consist of livestock and/or other farm animals and may include outside treatment pens, shelters, or barns.

*Veterinarian office, small animal practice.* The offices of a doctor of veterinary medicine with on site treatment of small domestic animals, which consist primarily of household pets and animals that are not sheltered in pens or barns.

*Video/game rental.* A commercial establishment that provides as a service a library of video movies and video games which may be rented on a short-term basis and returned for reuse.

*Watch and/or jewelry sales and repair.* An establishment offering watches and jewelry for sale to the public, and offering repair services for jewelry, watches, and similar items.

*Warehousing and freight office and storage.* A use engaged in storage, wholesale sales, and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions.

*Welding or machine shop.* A facility for the machining and welding of metals, not including forging or structural welding.

*Winery.* An establishment that meets the definition for a winery in the Texas Alcoholic Beverage Code. A winery may include a tasting room to dispense wine for on-premise consumption; meeting/banquet facilities; restaurants and retail sales area of wine for off-premise consumption.



C. *Signage definitions.* For the purposes of this section, the following definitions shall apply:

*Area of sign.* The total area within the extreme rectangular perimeter of the attraction area intended to draw attention to the sign. Supporting structures shall not be included in calculations. The area of the sign with two faces, approximately opposed, shall be that of the larger face if such condition prevails; but, if the angle between the panes of the opposing faces exceeds 30 degrees, the total area of both faces shall be considered the sign area. For multisided or circular signs, the calculation shall include all of the projected area.

*Awning.* An architectural projection which provides weather protection, identity, or decoration, and is supported by the building to which it is attached. It is composed of a lightweight rigid or retractable skeleton structure over which another cover is attached, which may be of fabric or other material. Such sign may be raised or retracted to a position against the building, and may be illuminated.

*Banner.* A sign made of paper, plastic, or fabric, with or without a frame, containing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric. Banner does not include a flag.

*Billboard.* A sign which directs attention to a business, person, organization, activity, event, place, commodity, product, or service conducted, sold, or offered at a location other than the premises on which the sign is located.

*Builder's directional sign.* A temporary sign which provides direction or instruction to guide persons to sites where new homes are under construction, usually off-premise.

*Canopy.* A structure made of metal or other material with a frame supported by either one or more columns or the building to which it is accessory, and which is open on two or more sides.

*Construction sign.* A temporary sign identifying individuals or companies involved in design, construction, wrecking, financing, or improvements of the premises where work is under construction.

*Directory sign.* A sign which indicates the name and/or address of the tenants or occupants, the address of the premises, and/or identification of any business or occupation which may exist on the premises.

*External illumination.* Illumination of a sign by an artificial source of light which is not contained within the sign itself.

*Flag.* Any fabric containing distinctive color, pattern, or symbols, used as a symbol of a government, political subdivision, nonprofit organization, or corporation that is flown from flagpoles.

*Flashing sign.* An illuminated sign on which the artificial source of light is not maintained stationary or constant in intensity and color at all times when the sign is illuminated. For the purpose of this ordinance, any moving illuminated sign affected by intermittent lighting shall be deemed to be a flashing sign.

*Gross surface area.* The area of the smallest rectangle enclosing the extreme limits of characters, lettering, illustrations, ornamentation, or other fixtures, material, or color forming part of the sign. Structural supports bearing no sign copy shall not be included in gross surface area; however, if any portion of the required structural supports become enclosed for decorative or architectural purposes, that portion will be included in the total gross surface area of the sign. Gross surface area shall be measured on one side only of a two faced (back to back) sign carrying the same image and message on both faces. Two-faced signs carrying different messages and images on each side shall be considered as separate signs.

*Ground sign.* A sign not wholly supported on a building, or which has its main supporting structure depending on the ground for attachment.

*Illuminated sign.* A sign which has characters, letters, figures, or designs illuminated by electric lights, luminous tubes, or other means that are specifically placed to draw attention to, or provide night time viewing of, the subject matter on the sign face.

*Illumination, external.* Lighting by means of an unshielded light source (including neon tubing) which is effectively visible as an external part of the sign.

*Illumination, internal.* Lighting by means of a light which is within a sign having translucent background, silhouetting opaque letters, or designs, on which letters or designs are placed, which are themselves made of translucent material.

*Incidental signs.* Small signs of a noncommercial nature, intended primarily for convenience of the public. Included are signs designating restrooms, address numbers, hours of operation, entrances to buildings, directions, help wanted, public telephones, and so forth.

*Inflatable sign.* Any display capable of being expanded by air or other gas and used on a permanent or temporary basis to advertise a product or event.

*Instructional sign.* A sign limited to directional messages, principally for pedestrian and vehicular traffic, such as one-way, entrance, and exit.

*Kiosk sign.* A free-standing sign structure located in public right-of-way that features a city identification panel at the top of each structure, and displays directional information to new homes, independent school district facilities, and municipal or community events or facilities.

*Logo.* Any design or insignia of an organization, individual, company, or product which is commonly used in advertising to identify that organization, individual, company, or product.

*Marquee.* Any hood or awning or permanent construction projecting from the wall of a building or other structure containing either permanent or changeable advertising.

*Menu board.* A sign displaying the menu for a drive-up window for a food establishment.

*Monument sign.* A permanent ground sign generally constructed out of brick, stone, or cast concrete supported on a concrete foundation across the entire base of the structure.

*Moving sign.* A sign which revolves, rotates, swings, undulates, or otherwise attracts attention through the movement of parts or through the impression of movement, including automatic electronically controlled copy changes, but not including flags, banners, or pennants.

*Nameplate sign.* An on-premise nonilluminated sign identifying only the name, address, and/or profession of the occupant of the premises on which the sign is located.

*Off-premise sign.* A sign which directs attention to a business, person, organization, activity, event, place, commodity, product or service not conducted, sold, or offered upon the premise on which the sign is located.

*On-premise sign.* A sign which promotes or advertises a business, person, organization, activity, event, place, commodity, product, or service which is conducted, sold, or offered upon the premise where the sign is located.

*Pennant.* A wind device usually made of lightweight plastic, fabric, or other material whether or not containing a message of any kind, usually triangular in shape and attached to a single cord.

*Permanent sign.* A sign which is fixed in nature that is erected, affixed, or maintained on a premises for a period of time which is regulated by Table 1, Schedule for Permanent Signs.

*Pole sign (also called pylon sign).* A freestanding ground sign supported by one or more poles columns, uprights, or braces placed in or upon the ground and having no guys or braces to the ground or to any other structure.

*Political sign.* A temporary sign pertaining to any national, state, county, or local election that supports or opposes an announced candidate, political party, or issue of political significance.

*Portable sign.* Any temporary sign supported by the ground but not attached to the ground, which can be regularly moved from a location at periodic intervals, and which is located upon the premises where the business, profession, activity, commodity, service, or entertainment referred to by the sign is located. The term "portable sign" shall include the following:

- \* A sign which is mounted on a trailer or wheels or is part of a trailer and by its design can be towed from one location to another by the use of attached wheels or by attaching an axle to existing mounts;
- \* An "A-frame" type sign;
- \* A sign affixed by pole or poles to a portable base made of wood, metal, or concrete;
- \* A sign suspended or attached to a stand with an inverted "T" base; and



\* Any sign that the base is inserted into a sleeve mounted or driven into the ground which can be easily extracted from said sleeve by simply lifting or removing bolts.

*Premises.* A lot or tract, or a combination of contiguous lots or unplatted tracts if the lots or tracts or combination are under a single ownership and are reflected in the plat or deed records of Tarrant County. Multi-tenant locations shall be considered as being one premise.

*Projecting Sign.* A sign suspended from a building or structure and projecting out there from more than one foot.

*Pylon sign.* See pole sign.

*Qualified street frontage.* The width of property along the street of a commercial or industrial development which bears the address of the property.

*Reader board sign.* A sign comprised of nonpermanent letters, numerals, or symbols which may be changed by adding, removing, or rearranging the letters, numerals, or symbols, either manually or electronically.

*Real estate sign.* A sign relating to the sale, lease, or rental of the premises upon which such a sign is placed.

*Roof sign.* A sign mounted upon, against, or directly above the roof or parapet line of a building or structure, or that is wholly dependent upon a building for support, and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

*Search light.* A large outdoor lighting apparatus used to attract attention to a business or a specific location.

*Secondary sign.* A sign located on-premise identifying individual uses in a mixed-use multi-tenant commercial shopping center.

*Sight triangle.* An area of unobstructed visibility on either corner of a street and/or driveway of at least 25 feet in any direction.

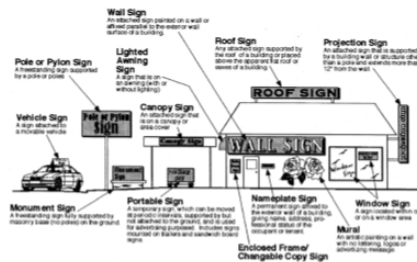
*Sign.* Any name, number, identification, description, announcement, declaration, demonstration, device, display, flag, banner, pennant, illustration, logo, balloon, streamer, valance, advertising display, poster, beacon, light, or insignia, illuminated or nonilluminated, affixed directly or indirectly to or upon any building, window, door, or outdoor structure, which is visible to the general public and calls attention to any business, person, organization, event, commodity, object, product, service, place, or activity, including any permanently installed or situated merchandise or facsimile.

*Sign panel.* An individual sign placard displaying directional information on a kiosk sign.

**Street grade.** The average elevation of the projected corners of a property, adjacent to a dedicated street right-of-way or roadway easement, the elevation of the corners being measured at the top of the curb, or the centerline of the street if no curb is present.

**Temporary event.** An event such as a "grand opening," or a "going out of business sale" which lasts for a period of time not to exceed 60 days

**Temporary sign.** A nonpermanent sign designed or intended to be displayed for a short period of time erected, affixed, or maintained on a premises. Trailer and portable signs are classified as temporary signs.



**Vehicular sign.** Any sign, not including bumper stickers, on or in a vehicle moving along the ground or on any vehicle parked temporarily, incidental to its principal use for transportation. This definition shall not include signs which are being transported to a site of permanent erection or lettering of company vehicle that advertises only the company name, address, and/or logo, or temporary signs (with an area less than three feet) attached to vehicles which may be removed daily.

**Wall sign.** A sign attached to or affixed to an exterior wall of a building or structure or dependent upon a building for support, with the exposed face of the sign located in a place substantially parallel to the exterior building wall to which it is attached or by which it is supported, and not extending more than 12 inches from said wall. A wall sign shall not extend above the wall or parapet to which the sign is attached. For the purpose of this section, awnings, canopy fascias, mansards extending along a building side shall be considered a part of the wall.

**Warning sign.** A sign containing no advertising material, warning the public of the existence of danger.

**Window sign.** A sign attached to, placed upon, or painted on the exterior or interior of a window or door of a building, which is intended for public viewing from the exterior of such building.

**Yard sign.** Any sign of a temporary nature other than a development, real estate, builders or construction sign, which includes the advertisement of a service which has been performed on premise, or construction/repair that has been performed on premises.

D. **Wireless communications facilities definitions.** The following definitions shall apply:

**Antenna.** A device used in communications which transmits or receives radio signals.

*Antenna, building attached.* Antenna attached to existing structures in two general forms: (1) roof-mounted, in which antennas are placed on the roofs of buildings, or (2) building-mounted, in which antennas are mounted to the sides of buildings. These antennas can also be mounted on structures such as water tanks, billboards, church steeples, electrical transmission towers, etc.

*Antenna facility.* A building or independent support structure and the antennas mounted thereon, along with an associated and necessary equipment building.

*Antenna, microwave.* Also known as "dish" antenna. A dish-shaped antenna used to link communications sites together by wireless transmission of voice or data, utilizing electromagnetic radiation frequencies from 3 GHz to 300 GHz; and using relatively low transmitter power levels when compared to other forms of transmission.

*Antenna, panel.* Also known as "directional" antenna. An antenna or array of antennas designed to concentrate a radio signal in a particular area. Panel antenna are typically flat, rectangular devices approximately six square feet in size.

*Antenna, whip.* Also known as "omni-directional antenna". Shaped cylindrically, whip antennas have diameters between two and six inches, and measure between one and eighteen feet in height. They are used to emit signals in a 360-degree horizontal plane and a compressed vertical plane.

*Co-location.* The act of locating wireless communications equipment from more than one provider on a single antenna facility.

*Equipment storage.* A small unmanned, single story equipment building less than 500 square feet in size used to house radio transmitters and related equipment.

*Monopole.* An antenna facility composed of a single spire used to support communications equipment. No guy wires are used or permitted.

*Lattice tower.* A tower having three or four support steel legs and holding a variety of antennas. These towers range from 60 to 200 feet in height and can accommodate a variety of users.

*Satellite receive-only antenna.* An antenna that enables the receipt of television signals transmitted directly from satellites to be viewed on a television monitor. Such antennas are commonly known as a satellite dish, television receive-only antenna, dish antenna, parabolic antenna, or satellite earth station antenna.

*Stealth facility.* An antenna facility that is virtually transparent or invisible to the surrounding neighborhood. Stealth facilities may include totally enclosed antennas, wireless facilities that replicate or duplicate the construction of common structures such as flagpoles, and camouflaged wireless facilities that are constructed to blend into the surrounding environment.

E. *Accessory structure definitions.* The following definitions shall apply:

*Accessory building.* Any building customarily incidental to the principal building, including among other things, a garage for parking of vehicles, storage shed, greenhouse, pool cabana or tool storage shed and similar such structures not used for any commercial purposes.

*Portable building.* Any accessory building which is smaller than 120 square feet in size. Constructed to be moved on its structure without lifting and minimal damage to the building and anchored to prevent overturning.

*Structure.* The outside measurement of all roofed area and supporting structural elements of construction for any accessory building. Constructed of conventional commercial kits or conventional wood framed construction meeting the requirements of the city building code as adopted by the City of Saginaw.

F. *Landscaping definitions.* The following definitions shall apply:

*Buffer yard.* A buffer yard is a unit of land, together with a specified amount of planting thereon, and any structures which may be required between, land uses to eliminate or minimize conflicts between them.

*Building footprint.* The area of the building in contact with the ground.

*Caliper.* Diameter of the trunk measured one foot above ground level. Diameter of the trunk measured one foot above ground level.

*Canopy trees.* A perennial woody plant single or multiple trunk, contributing to the uppermost spreading branch layer of a forest and may be commonly referred to as shade trees.

*Development.* The changing of the existing topography in order to promote the construction of structures or infrastructure to accommodate any improvements necessary to erect facilities for dwelling or commercial or industrial uses resulting in developed property. The changing of the existing topography in order to promote the construction of structures or infrastructure to accommodate any improvements necessary to erect facilities for dwelling or commercial or industrial uses resulting in developed property.

*Enhanced pavement.* Any permeable or nonpermeable decorative pavement material intended for pedestrian or vehicular use. Enhanced pavement includes brick or stone pavers, grass pavers and stamped and stained concrete.

*Ground cover.* Low growing, dense spreading plants typically planted from containers.

*Interior lot area.* The area of the lot remaining after subtracting out the area included in the buffer yards.

*Landscape architect.* A person registered as a landscape architect in the State of Texas pursuant to state law.

*Landscape area.* An area covered by natural grass, ground cover, or other natural plant materials.

*Lawn grasses.* Thin bladed surface growing plants typically planted from seed, sprigs, or plugs.

*Licensed irrigator.* A person duly licensed by the State of Texas to design and install irrigation systems.

*Permeable pavement.* A paving material that permits water penetration.

*R.O.W. parkway.* That area within the public right-of-way (R.O.W.) between the back of curb or edge of pavement and the right-of-way line.

*Seasonal color.* Landscape areas used for annual and perennial flowers intended to maintain year-round color accents.

*Shrubs.* Plants that grow vertically in a mufti-branched growth pattern.

*Understory/accent trees.* Small evergreen or deciduous perennial woody plants, which would grow below the top layer of the forest and typically has unique branching, textural or seasonal color characteristics.

G. *Carport definitions.* As pertains to this ordinance the following definitions will have their specific meaning as follows:

H. *Mobile home definitions.*

*Agent.* Any person authorized by the licensee of a mobile home or recreational vehicle park to operate or maintain such park under the provisions of this ordinance.

*Building official.* The legally designated inspection authority of the building department of the city or his authorized representative.

*Driveway.* A minor private way used by vehicles and pedestrians on a mobile home or recreational vehicle stand or used for common access to a small group of stands or facilities.

*HUD-Code manufactured home.* A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet in length excluding tongue, or when erected on-site is 320 or more square feet, and which is built on a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems.

*License.* A written license issued by the building official allowing a person to operate and maintain a mobile home or recreational vehicle park under the provisions of this ordinance and regulations issued hereunder.

*Licensee.* Any person licensed to operate and maintain a mobile home or recreational vehicle park under the provisions of this ordinance.



*Mixed use park.* A unified development of designated home spaces arranged on a large tract or site under single ownership, meeting all requirements of this ordinance, and designed to accommodate mobile homes or HUD Code manufactured homes for a more or less permanent duration, and a development of designated spaces on which one or more recreational vehicles are parked or situated and used for the purpose of supplying to the public a parking space for one or more such recreational vehicles.

*Mobile home.* A structure constructed before June 15, 1976, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet in length excluding tongue, or when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems.

*Mobile home park.* A unified development of local home spaces arranged on a large tract or site under single ownership, meeting all requirements of this ordinance, and designed to accommodate mobile homes or HUD-Code manufactured homes for a more or less permanent duration.

*Permit.* A written permit or certification issued by the building official permitting the construction, alteration and extension of a mobile home or recreational vehicle park under the provisions of this ordinance and regulations issued hereunder.

*Recreational vehicle (RV).* A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projections, self-propelled or permanently towable by a light duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. This term shall also include travel trailer, camping trailer, pickup camper or coach, and motor home.

*Recreational vehicle (RV) park.* A unified development of spaces on which one or more recreational vehicles are parked or situated and used for the purpose of supplying to the public a parking space for one or more such recreational vehicles.

*Service building.* A structure which houses toilet, lavatory, and such other facilities as may be required by this ordinance.

*Sewer connection.* The connection consisting of all pipes, fittings and appurtenances from the drain outlet of a mobile home or recreational vehicle to the inlet of the corresponding sewer riser pipe of the sewage system serving the mobile home or recreational vehicle park.

*Sewer riser pipe.* That portion of a sewer lateral which extends vertically to the ground elevation and terminates at a mobile home or recreational vehicle space.

*Skirting or underpinning.* Shall be opaque material consisting of weather resistant material commonly sold for this application. There shall not be allowed any use of corrugated material such as tin or fiberglass panels. This skirting shall completely secure the underside of the structure and shall not be used for the containment of animals.

*Space.* A plot of ground within a mobile home or recreational vehicle park designed for the accommodation of one mobile home, HUD-Code manufactured home or recreational vehicle unit This term shall also include the terms "lot," "stands" and "stall".

*Water connection.* The connection consisting of all pipes, fittings, and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within a mobile home or recreational vehicle.

*Water riser pipe.* That portion of the water supply system serving a mobile home or recreational vehicle park which extends vertically to the ground elevation and terminates at a designated point at a mobile home or recreational vehicle space.

(Ord. No. 2002-09, § 2, 6-18-02; Ord. No. 2003-03, § 1, 4-1-03; Ord. No. 2003-14, § 1, 12-2-03; Ord. No. 2004-09, § 1, 4-20-04; Ord. No. 2009-04, § 3, 2-17-09; Ord. No. 2009-10, § 4, 7-21-09; Ord. No. 2011-02, § 2, 3-15-11; Ord. No. 2011-16, § 2, 8-16-11; Ord. No. 2011-18, § 2, 8-16-11; Ord. No. 2011-24, § 2, 11-15-11; Ord. No. 2012-08, § 4, 2-21-12; Ord. No. 2012-17, § 2, 10-16-12; Ord. No. 2013-04, § 3, 2-19-13; Ord. No. 2013-05, § 1, 2-19-13; Ord. No. 2013-13, § 2, 8-20-13; Ord. 2014-04, § 4, 2-8-14; Ord. No. 2014-07, §§ 3—5, 4-1-14; Ord. No. 2015-10, § 1, 10-20-15; Ord. No. 2018-03, § 3, 4-17-18; Ord. No. 2018-13, § 1, 8-21-18; Ord. No. 2018-22, § 2, 12-18-18; Ord. No. 2019-12, § 2, 8-13-19; Ord. No. 2020-02, § 3, 2-18-20; Ord. No. 2020-06, § 1, 3-17-20; Ord. No. 2020-16, § 3, 8-18-20; Ord. No. 2021-11, § 2, 4-20-21; Ord. No. 2021-13, § 2, 5-18-21; Ord. No. 2021-14, § 2, 7-20-21; Ord. No. 2021-19, § 2, 8-16-21; Ord. No. 2022-08, § 3, 10-18-22)

## 9.6 Survey

The survey will be added when it has been finalized.



## Specific Use Permit Application

### 1.) Property Information

**Location of Property:**

**Legal Description:**

**Lot:**

**Block:**

**Addition:**

**Tract:**

**Abstract:**

**Survey:**

**Zoning:**

**Present Use and Improvements on Property:**

### 2.) Applicant Information

**Applicant Name:**

**Address:**

**Phone number:**

### 3.) Owner Information

**If Same as Applicant, Please Mark this Box:** ☐

**Property Owner Name:**

**Address:**

**Phone Number:**

**Email:**

### 4.) Has a previous application or appeal been filed on the property?

☐ **Yes, Date:**

☒ **No**

## 5.) Requested Action

### Specific Use Requested:

Current use is a convenience store with fuel sales. We would like to keep this use and make it legal in this zoning area instead of non conforming existing use.

### Application Justification for Request:

With the zoning changes we are applying for the special use permit to allow for updates to be made to the fueling portion of the project, also We would like to keep this use and make it legal in this zoning area instead of non conforming existing use, this will also include landscaping.

## 6.) Conditions of Permit Approval

**A specific use permit shall not be recommended for approval by the Planning and Zoning Commission unless the commission finds that all of the following conditions have been found to exist (ZONING ORDINANCE, Article 5, Section 5-4, G, 1-13):**

**1. Does the proposed use comply with all the requirements of the zoning district in which the property is located?**

**Yes** ☒

**No** ☐

If no is selected, please provide further details:

**2. Does the proposed use, as located and configured, contribute to or promote the general welfare and convenience of the city?**

**Yes** ☒

**No** ☐

Please provide further details:

The benefits of these goods and services and easily accessible fuel outweigh the loss of or damage to any homes, businesses, natural resources, agricultural lands, historical or cultural landmarks or sites, wildlife habitats, parks, or natural, scenic, or historical features of significance, and outweigh the personal and economic cost of any disruption to the lives, business, and property of individuals affected by the proposed use

**3. Do the benefits that the city gains from the proposed use outweigh the loss of or damage to any homes, businesses, natural resources, agricultural lands, historical or cultural landmarks or sites, wildlife habitats, parks, or natural, scenic, or historical features of significance, and outweigh the personal and economic cost of any disruption to the lives, business, and property of individuals affected by the proposed use?**

**Yes** ☒

**No** ☐

Please provide further details:

**4. Have adequate utilities, road access, drainage, and other necessary supporting facilities been or shall be provided?**

**Yes** ☒

**No** ☐

If no is selected, please provide further details:

**5. Does the design, location, and arrangement of all public and private streets, driveways, parking spaces, entrances, and exits provide for a safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments?**

**Yes** ☒

**No** ☐

Please provide further details:

**6. Does the issuance of the specific use permit not impede the normal and orderly development and improvement of neighboring vacant property?**

**Yes** ☒

**No** ☐

Please provide further details:

Yes, all design, location, and arrangement of all public and private streets, driveways, parking spaces, entrances, and exits are built to code and city regulations

**7. Is the location, nature, and height of buildings, structures, walls, and fences in scale with the surrounding neighborhood?**

**Yes** ☒ **No** ☐

Please provide further details:

This does not impede any vacant property

**8. Will the proposed use be compatible with and not injurious to the use and enjoyment of neighboring property, nor significantly diminish or impair property values within the vicinity?**

**Yes** ☒ **No** ☐

Please provide further details:

**9. Have adequate nuisance prevention measures been taken or shall be taken to prevent or control offensive odors, fumes, dust, noise, vibration, and visual blight?**

**Yes** ☒ **No** ☐

Please provide further details:

This proposed use is compatible and does not diminish or impair property values

**10. Has sufficient on-site lighting been provided for the adequate safety of patrons, employees, and property, and such lighting is adequately shielded or directed so as not to disturb or adversely affect the neighboring properties?**

**Yes** ☒ **No** ☐

Please provide further details:

**11. Is there sufficient landscaping and screening to ensure harmony and compatibility with adjacent properties?**

**Yes** ☒

**No** ☐

Please provide further details:

Lighting is provided on the underside of the canopy that extends from the fueling stations to over the convenience store to provide adequate lighting for all of the above and does not shine on any other properties

**12. Are the proposed operations consistent with the applicant's submitted plans, master plans, and projections, or, where inconsistencies exist, do the benefits to the community outweigh the costs?**

**Yes** ☒

**No** ☐

If no is selected, please provide further details:

We have landscaping in the plans we submitted.

**13. Is the proposed use in accordance with the City of Saginaw Comprehensive Land Use Plan?**

**Yes** ☒

**No** ☐

If no is selected, please provide further details:

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**Note: The 6 sections, listed above, must be addressed for the application to be considered complete.**

**In "Step 5", please upload the following:**

- Signed copy of the required [Letter of Acknowledgment](#)
- Project Details (i.e. Site Plan, Project Renderings, Past/Similar Project Examples, etc.)

**Fees will be collected through the portal. Once everything has been received, our team will issue an invoice that must be paid within 24 hours to schedule a review date.**



## City of Saginaw

### Planning & Zoning Commission Memorandum

Prepared By: Susy Victor

#### WORKSHOP-- Planning and Zoning Commission Training

Meeting	Agenda Group	
Tuesday, March 12, 2024, 6:00 PM	Business	Item: 3A
Reference File		
Community Goals		

#### **BACKGROUND/DISCUSSION:**

The City of Saginaw, Texas has several new Planning and Zoning Commission members. A Planning and Zoning Commission training will be led by the City Attorney, Bessie Bronstein from Taylor, Olson, Adkins, Sralla & Elam, L.L.P.

#### **FINANCIAL IMPACT:**

N/A

#### **RECOMMENDATION:**

N/A

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#### **Attachments**

PZ Training (PPT).pdf



TAYLOR•OLSON•ADKINS•SRALLA•ELAM  
L.L.P.

ATTORNEYS & COUNSELORS

# Saginaw Planning and Zoning Commission Training March 12, 2024

**Bessie Bronstein**  
**[bbronstein@toase.com](mailto:bbronstein@toase.com)**

# Open Meetings Act

- Every regular, special or called meeting of a governmental body shall be open to the public, except as provided by this chapter. Section 551.002, Texas Government Code
- A quorum can't have deliberations outside of a meeting about the business of the Commission.
- Quorum = simple majority





# Conflict of Interest: LGC 171

- A member has a conflict of interest, pursuant to Section 171.001 of the Texas Local Government Code, if:
  - Business Entity: the action will have a special economic effect on a business entity in which the member has a “substantial interest” that is distinguishable from the effect on the public; or



# Conflict of Interest: LGC 171

- A person has a substantial interest in a **business entity** if the person:
  - owns 10% or more of the voting stock or shares of the business entity
  - owns 10% or more of the fair market value of the business entity
  - owns \$15,000 or more of the fair market value of the business entity
  - receives funds from the business that are in excess of 10% of the person's gross income for the previous year



# Conflict of Interest: LGC 171

- Real Property: it is reasonably foreseeable that an action on the matter will have a special economic effect on the value of real property in which a member has a “substantial interest” that is distinguishable from the effect on the public
- A person has a substantial interest in real property if the interest is an equitable or legal ownership with a fair market value of \$2,500 or more





# Conflict of Interest

- A member is considered to have a “substantial interest” if any of the following persons have a substantial interest
  - father, mother, son or daughter
  - spouse
  - spouse’s father, mother, son or daughter
  - includes ex-spouse if a child of the marriage is still living

# Conflict of Interest

- If a person has a conflict of interest, the person must:
  - file, before a vote or decision on any matter involving the business entity or real property, an affidavit with the City Secretary stating the nature and extent of the interest
  - abstain from further participation

# Role of the P&Z

- Zoning –
  - Chapter 211, Texas Local Gov't Code
  - Zoning Ordinance – Appendix A
- Platting –
  - Chapter 212, Tex. Local Gov't Code
  - Subdivision Ordinance – Appendix B





# Purpose of the P&Z

1. To identify community needs and to advise the city council of their short-range and long-range implications for the total development of the city;
2. To recommend achievable community goals as a basis for long-range planning and development programs;
3. To recommend plans, programs, and policies that will aid the entire community in achieving its defined goals; and
4. To interpret the adopted plans and programs to concerned citizens so that private activities and desires may be accomplished in harmony with public needs and policies.

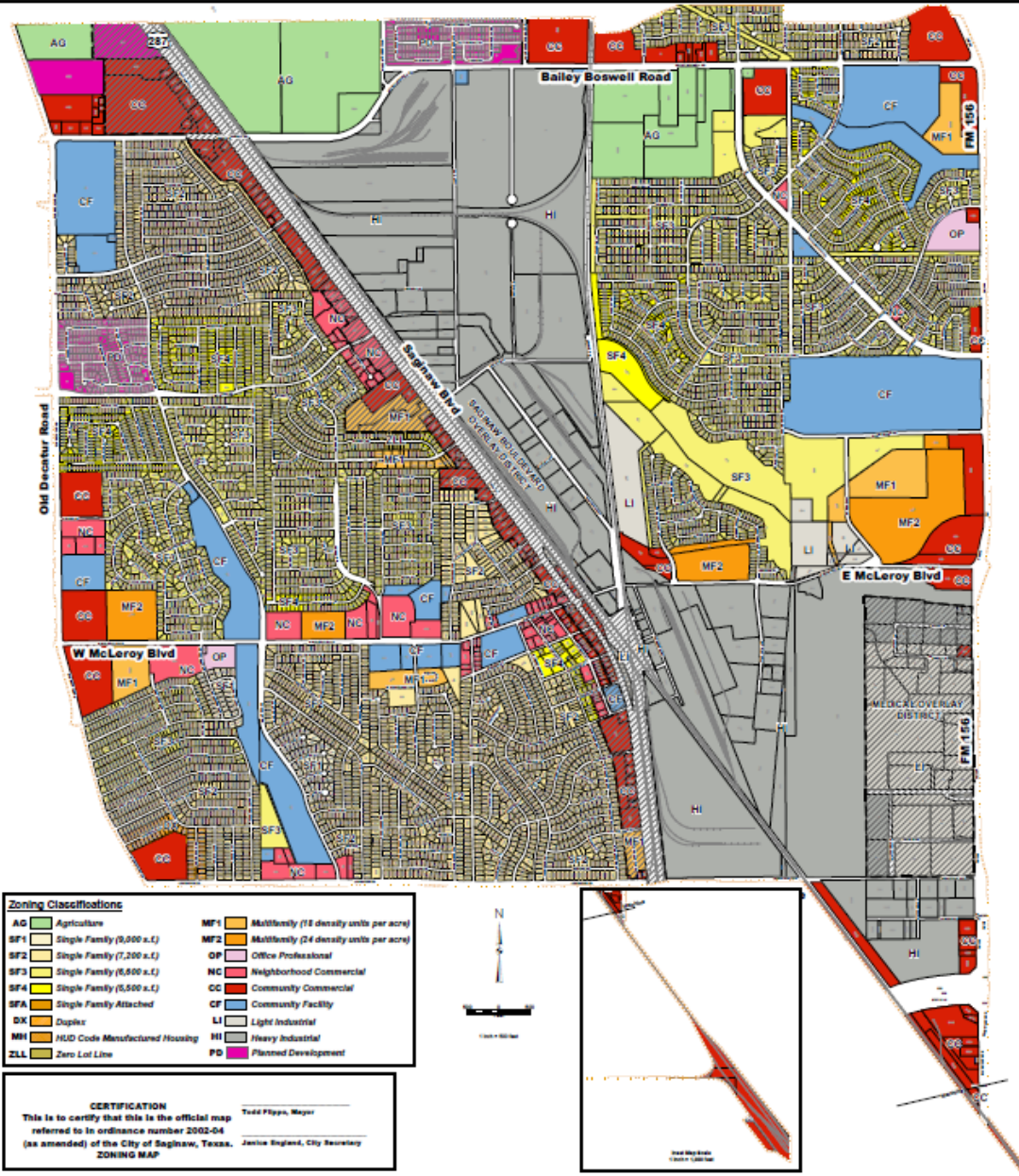
# Zoning

- Zoning regulates how land is used.
- Zoning regulations must be adopted in accordance with a comprehensive plan (211.004, LGC)
- Saginaw has a Comprehensive Plan outlining future land use recommendations.



# Zoning Ordinance

- Zoning Map: a map that denotes the current designations of permitted land uses for all of the land within the corporate boundaries of the Town.
- Zoning Regulations: the text that dictates what the restrictions are in each district.





# Zoning Discretion

- General Rule: broad LEGISLATIVE discretion is afforded to local governments in zoning matters.
- Presumption of validity.
- Unconstitutional only if shown to bear no relationship to securing public safety, health, morals or welfare and clearly arbitrary and unreasonable.

# Standards for Zoning Changes

- Respect the Master Plan
- Consider impact on surrounding properties
- Consider suitability of land as presently zoned
- Consider relationship to public health, safety, morals or general welfare

# Zoning Decisions

- Permissible factors to consider when making a zoning decision:
  - The need to allow for the circulation of air and light
  - The need to separate structures to avoid fire hazards
  - The need to lessen the congestion of traffic
  - The need to separate incompatible uses of property
  - The impact of density on the infrastructure, utilities, schools and other community facilities
  - The need to preserve property values



# Zoning Decisions

- Permissible factors to consider when making a zoning decision:
  - The need to preserve neighborhood boundaries and the character of the neighborhood
  - The need to implement the city's future land use plan
  - The need to protect historical structures or architecturally significant structures or places
  - The need to protect or preserve the environment



# Types of Zoning Cases

- Straight Zoning Changes
- Specific Use Permits
- Planned Development Districts

# Types of Zoning Cases

- Straight Zoning Change
  - Standard regulation of land uses.
  - Change from one district type to another. (i.e., AG to SF-1)
  - No conditions: Recommend approval or denial.
  - Promises not enforceable.



# Types of Zoning Cases

- Specific Use Permit (SUP)
  - Additional uses allowed in a District after review of conditions by P&Z and Council.
  - This is an amendment of the zoning ordinance and is legislative.
  - Conditions may be placed on SUP, either in zoning ordinance (all SUPs) or by council (specific property).
  - A site plan is required for approval of an SUP.





# Types of Zoning Cases

- Site Plans

- Required by Sec. 8-1(A) Appendix A
- Must comply with requirements in Sec. 8-1(E) Appendix A
- Generally shows the characteristics of the site changes related to the development that is proposed, how the development will relate to public services and facilities, and what protection features are included to ensure it is compatible with adjacent properties.



# Types of Zoning Cases

- Planned Development (PD)
  - Allows for zoning to be specific to a particular parcel.
  - The zoning regulations are essentially negotiated.
  - Conditions may be imposed.
  - Development Plan must be presented and approved.



# Super Majority Vote

- Section 1-3(C)(6) Appendix A:  $\frac{3}{4}$  vote of city council to approve zoning if:
  - P&Z recommends denial; or
  - 20% or more of the area of lots subject to zoning change or those immediately adjacent within 200 feet protest.

# Straight Zoning vs. PD Zoning

## **Straight Zoning**

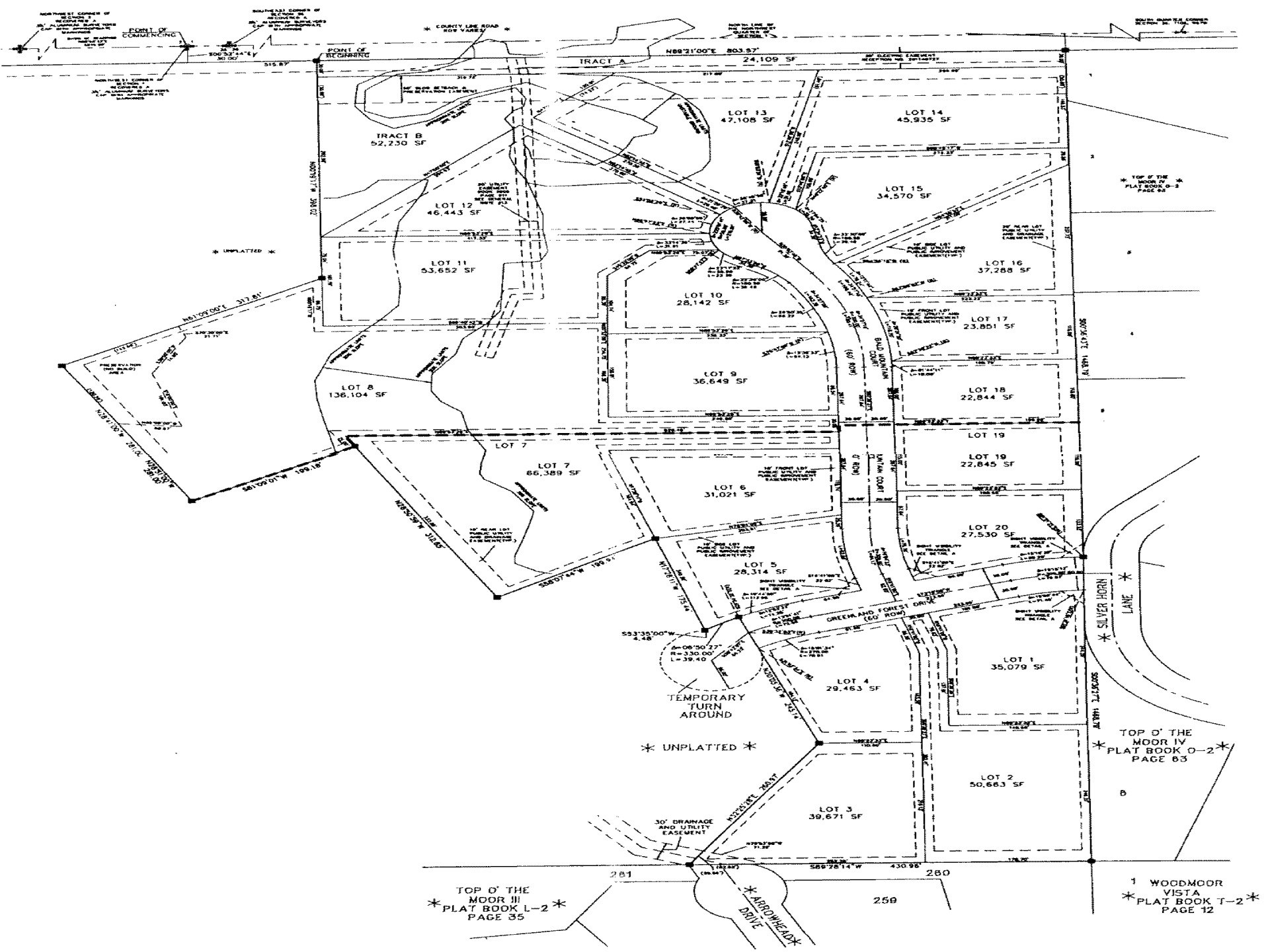
- Can Ask About Intended Use
- The details of the intended use are not relevant.
- Not appropriate to set conditions of approval.

## **Planned Development**

- Can Ask About Intended Use
- The details of the intended use are relevant.
- Conditions for approval are appropriate where necessary.

# Platting

- Platting is a geographical description that aids in recording/land registration.
- Platting serves to divide land into marketable parcels and ensures that adequate public infrastructure is installed, including to ensure that utilities and emergency service may be delivered.





# Platting

- Purpose is to “promote the health, safety, morals, or general welfare of the municipality and the safe, orderly, and healthful development of the municipality”. (LGC § 212.002)
- Platting/subdivision regulations apply to ETJ if city has so extended by ordinance.



# Types of Plats

- Preliminary Plat
- Final Plat
- Replats
- Minor Plats/Amending Plats
  - Administrative Approval

# Platting

- Platting consideration is a ministerial function.
- The P&Z Commission does not exercise discretion with regard to approval of a plat.

# HB 3167 (2019)

- Added requirements to the “denial” of a plat (denial or conditional approval)
- Reasons for denial must be given in writing to the applicant citing to applicable state law, state regulation, or City ordinance that was not complied with
- Reason for denial cannot be arbitrary



# Platting v. Zoning

## ZONING

- Zoning regulates how land is used.
- Zoning is legislative and discretionary.
- You are making the law.

## PLATTING

- Platting serves to divide land into lots; provide for streets, utilities
- Platting “ministerial.”
- Does this comply with the law? Check the boxes.

# Summary

- Which hat am I wearing? Zoning v. Plats
- Is the applicant legally bound to perform what he orally promises?
- Can we recommend conditions on approval?
- Walking Quorum
- Substantial Interest



# Fair Housing Act

- Federal law that prohibits discrimination by governmental entities and others.
- Prohibits practices that would make housing unavailable to persons because of race/color, religion, sex, national origin, familial status, or disability.

# Fair Housing Act

You may not make a land use decision based upon a person's:

- Demographics
- Familial Status
- Socio-economic Status
- Race/Color
- Disability



# Capital Improvement Projects Advisory Committee

- Advise & assist with adopting land use assumptions;
- Review CI plan & file written comments;
- Monitor and evaluate implementation of CI plan;
- File reports on progress and potential inequities;
- Advise on need for updates or revisions.





# Capital Improvement Projects Advisory Committee

- Focus on water, wastewater, drainage facilities; roadway facilities
- Impact fee = charge or assessment to generate revenue
- Local Government Code Chapter 395



TAYLOR•OLSON•ADKINS•SRALLA•ELAM  
L.L.P.

ATTORNEYS & COUNSELORS

Saginaw Planning and Zoning Commission  
Training  
February 13, 2024

**Bessie Bronstein**  
**[bbronstein@toase.com](mailto:bbronstein@toase.com)**





# City of Saginaw

## Planning & Zoning Commission Memorandum

Prepared By: Susy Victor

### Project Updates

Project updates for February 2024.

Meeting	Agenda Group	
Tuesday, March 12, 2024, 6:00 PM	Staff Report	Item: 4A
Reference File		
Community Goals		

### **BACKGROUND/DISCUSSION:**

Please see the attached memo for the latest updates of current projects in the City, please note dates are subject to change.

### **FINANCIAL IMPACT:**

N/A

### **RECOMMENDATION:**

N/A

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### **Attachments**

Project Updates (03.12.24).pdf



## Project Updates

**Date:** March 12, 2024

**To:** Chairman and Members of the Planning and Zoning Commission

**From:** Susy Victor-Trevino, Planning Manager

**Subject:** Current Project Updates in the City of Saginaw, Texas

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### **Background/Discussion:**

Please see below the latest updates for current projects in the City, please note dates are subject to change:

1. **Alpine at the Square**
  - a. *100% Complete:* Water, sewer, and storm drain utilities.
  - b. *In Progress:* Concrete paving
  - c. *Scheduled Completion Date (Public Improvements):* 05/10/24
  - d. *Scheduled Completion Dates (Occupancy):* 01/10/25
2. **Beltmill Cottages**
  - a. *In Progress:* Project is cleaning up to get ready for the city's final inspection.
  - b. *Scheduled Completion Date:* 04/12/24
3. **Beltmill Villas**
  - a. *Complete:* Public utilities
  - b. *In Progress:* Contractor is completing misc. items
  - c. *Scheduled Completion Date:* Unknown
4. **Cement Creek Phase II**
  - a. *Scheduled Completion Date:* 04/08/24 (75% Complete)
5. **Foodliner**
  - a. *Complete:* 03/05/24
6. **ILT**
  - a. *Complete:* 02/05/24
7. **Kiwanis Veterans Memorial Relocation**
  - a. *Complete:* 03/05/24
8. **Knowles Reconstruction (Phase I)**
  - a. Waiting on the contractor to complete the city's final inspection punch list.
9. **Knowles Reconstruction (Phase II)**

- a. Contract time is 735 calendar days, 158 used to date.
  - b. *100 % Complete:* Water
  - c. *80 % Complete:* Storm Drain
  - d. *90 % Complete:* Paving
  - e. *In progress:* Irrigation, sidewalks, ramps, top soil, and grass.
  - f. *Scheduled Completion Date:* 04/30/24
10. **Knowles Reconstruction (Phase III)**
- a. *In Progress:* Water relocations, no other activity at this time.
11. **Northwest Booster Pump**
- a. *In Progress:* Waiting for contractor to replace the roof that was damaged during transport and for Oncor to run power to pump station.
12. **Saginaw Library**
- a. *80% Complete:* Water installation, no other activity
13. **Senior Living Phase III**
- a. *100% Complete:* Public Improvements
  - b. *Scheduled Completion Date:* 07/10/25
14. **Taco Bueno/Papa John's Restaurant**
- a. *100% Complete:* Complete waiting on contractors final punch list.
15. **Tricon Saginaw**
- a. *100% Complete:* Public utilities
  - b. *In Progress:* Contractor is working on final punch list.
  - b. *Scheduled Completion Date:* 04/15/24
16. **Shell Building (1480 Old Decatur Rd.)**
- a. *100% Complete:* Public utilities
  - b. *In Progress:* Building structures.
  - c. *Scheduled Completion Date:* Unknown.
17. **Switch Yard Improvements**
- a. *Start Date:* 03/05/24
  - b. *Scheduled Completion Date:* 05/10/24
18. **UCD Saginaw**
- a. *In Progress:* Contractor is working on the city's final inspection punch list.
  - b. *Scheduled Completion Date:* 03/25/24

*\*\*All information received and confirmed by Bill Hurst, Senior Inspection Manager.*