

## Alton UDC Index

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# CHAPTER 1. - GENERAL PROVISIONS

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## **Section 1.1. - General.**

- 1.1.1. Title. This document is known as the "Unified Development Code of the City of Alton, Texas", and may be referred to as the "UDC", "this code", "Development Code", "Zoning Code", or "Subdivision Code".
- 1.1.2. Purpose. The purpose of the Unified Development Code (UDC) is to implement the vision of the adopted Comprehensive Master Plan and to promote the public health, safety, general welfare and quality of life of the present and future citizens of the City of Alton.
- 1.1.3. Authority. The Unified Development Code is adopted under authority of the constitution and laws of the State of Texas, including Section 211, Texas Local Government Code, and under the provisions of the City Charter.
- 1.1.4. Chapter Components. This chapter contains the following sections:
  - Applicability of this Code
  - Violations
  - Officials—Responsibilities/Authority
  - Nonconformities
  - Expiration of Applications
- 1.1.5. Applicability.
  - A. General. The Unified Development Code includes all regulations and other matters regarding land use and development of land, including zoning, subdivision, platting, site development and floodplains.
  - B. City Limits. In the City corporate limits, all provisions of this code apply to all land, buildings, structures, and uses, except as otherwise stated.
  - C. Extraterritorial Jurisdiction (ETJ). In the ETJ, signage requirements, subdivision and platting provisions apply to all land as provided in the Texas Local Government Code.
- 1.1.6. Consistency with Comprehensive Plan. This UDC is intended to implement the policies and objectives contained in the City of Alton's Comprehensive Master Plan. Any application for development shall be consistent with the City's Comprehensive Plan. The land use policies adopted in the City's Comprehensive Plan have been used in the development of this UDC in order to ensure that land development within the City's jurisdictional area is consistent with the adopted vision for City growth and development.
- 1.1.7. Effective Date. This Code shall become effective and be in full force immediately following its passage and approval by the City Commission.
- 1.1.8. Severability. If any section or part of this Code is held by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Code but shall be confined in its operation to the specific sections of this Code that are held unconstitutional or invalid. The invalidity of any section of this Code in any one or more instances shall not affect or prejudice in any way the validity of this Code in any other instance.
- 1.1.9. Violations, Enforcement and Remedies.

- A. Responsible Official. The provisions of this Code shall be administered and enforced by the Official identified in Section 1.2.4 or his/her duly authorized representative of the City of Alton.
  - B. Right to Enter. The Responsible Official or any duly authorized person shall have the right to enter upon any premises at any reasonable time for the purpose of making inspection of buildings or premises necessary to carry out the duties in the enforcement of this Code. If the Responsible Official or his/her duly authorized representative is refused entry, he/she shall have to obtain proper judicial authorization.
  - C. Stop Orders. Whenever any work is being done contrary to the provisions of this Code, the Responsible Official or his/her duly authorized representative may order the work stopped by notice in writing served on the owner or contractor doing the work or causing such work to be done, and any such person shall forthwith stop such work until authorized to proceed with the work.
  - D. Violations. A failure to timely perform any duty or obligation set forth in this Ordinance, the failure to develop any land or subdivision in conformance with this Ordinance, or the use of property in a manner not specifically permitted by this Ordinance is a violation and may be punished as a misdemeanor that, upon conviction, is subject to fines in accordance with Section 10.99 of the Alton Code of Ordinances. Each day that a violation occurs shall be a separate violation.
  - E. Additional Remedies. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure, or land is used in violation of this act or of any ordinance or other regulation made under the authorities of the municipality, in addition to other remedies, the City shall institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to refrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises. Appropriate action or proceedings shall include termination of utility services (water, gas, electric), revocation of permits, licenses, or bonds, and institution of legal action in courts of competent jurisdiction.
- 1.1.10. Interpretation. The words "will" and "must" are the equivalent of "shall," and imply mandatory rules and actions. The word "may" in conjunction with a value or attribute implies permission to a limit; for example, "A freestanding sign may be up to five feet tall" means the same as "A freestanding sign must be five feet tall or less." Otherwise, the word "may" is permissive. If a requirement or process in this code conflicts with another applicable local, county, state or federal law, the more restrictive standard applies. Photos are not considered official, adopted parts of this code. Photos and drawings used in the printed version of this code are examples intended to explain certain design concept, processes, or concepts. Some features shown in photos and drawings may not conform to other sections of this code. If there is a conflict of meaning or implication between the text of this code and any heading, drawing, table, figure, or illustration, the text will control.

**Section 1.2. - Officials—Authority and responsibilities.**

1.2.1. City Commission. The City Commission may from time to time amend, supplement or change by ordinance the text of this Unified Development Code on its own initiative or upon petition for a text amendment. The City Commission shall act as the final decision maker on all zoning change cases, amendments to the comprehensive master plan, and any amendments to this Unified Development Code. Additionally, the Commission shall decide appeals on all decisions made by the Planning and Zoning Commission.

1.2.2. Planning and Zoning Commission. The Planning and Zoning Commission shall act as an advisory body to the City Commission regarding all matters related to the physical growth and development of the City. The Planning and Zoning Commission shall advise the City Commission on applications and petitions for zoning change requests, amendments to the comprehensive master plan, and amendments to the UDC. The City Commission shall act as the final decision maker on the following development applications:

- A. Conditional Use Permits.
- B. Preliminary Plats.
- C. Final Plats.
- D. Subdivision Plat Variances. When a request is associated with a new subdivision or undeveloped area the Planning and Zoning Commission may recommend a variance to vary the applicable lot area, lot width or frontage, and lot depth requirements.

Additionally, the Commission shall decide on appeals for the Limited Use Permits decisions made by the Planning Director.

1.2.3. Zoning Board of Adjustments (ZBA). The regulations and restrictions of the Board of Adjustment (ZBA) for the City of Alton will be pursuant to the provisions of applicable statutory requirements of the State of Texas. It shall consist of five (5) regular members who shall be appointed by the Alton City Commission, for a term of two (2) years. All such regular members shall reside within the corporate limits of the City of Alton. All cases to be heard by the Board of Adjustments will be heard by a minimum number of four (4) members. Vacancies shall be filled for the unexpired term of any member by appointment by the City Commission. In accordance with state law, each case before the ZBA must be heard by at-least seventy-five percent (75%) of the members.

1.2.4. Administrative Authority. The City Manager or his/her designees shall have such powers and authority as granted by State law, the City Charter, the Code of Ordinances, and this UDC to initiate, undertake, and decide any matters pertaining to the regulation of the use and development of land as identified in this UDC and are authorized to take all actions necessary to carry out their responsibilities in accordance with the requirements and limitations prescribed therein. Below is a brief description of the staff involved in the development process and referenced to within the UDC.

- A. Planning Director. Duties of the Planning Director or his/her designees include, but are not limited to, the following:
  - Administer, interpret and enforce this code, and other plans, policies and rules affecting development.
  - Serve as a case manager for development requests.

- Prepare and update the City's Comprehensive Master Plan, Unified Development Code, and other planning policy and regulatory documents.
  - Provide technical help with planning and land use issues to customers, City staff and officials.
  - Work with other local government agencies to promote good planning practices.
  - Final decision maker for application for a Minor or Amending Subdivision Plat.
  - Final decision maker for Limited Use Permits.
  - Final decision maker for all permits and certificates of occupancy.
  - Jointly responsible for Technical Manual criteria along with the City Engineer.
- B. Building Official. Duties of the Building Official or his/her designee include, but are not limited to, the following:
- Final decision maker for building and sign permits in regards to compliance with applicable building codes.
  - Determines, based on building codes, if a building is complaint and eligible to obtain a certificate of occupancy.
- C. Floodplain Administrator. The Floodplain Administrator or his/her designee shall administer and implement the provisions of this article and other appropriate sections of 44 CFR (Emergency Management and Assistance-National Flood Insurance Program Regulations) pertaining to floodplain management. Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:
- Maintain and hold open for public inspection all records pertaining to the provisions of this article.
  - Review permit application to determine whether proposed building sites, including the placement of manufactured homes, will be reasonably safe from flooding.
  - Review, approve or deny all applications for floodplain development permits.
  - Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
  - Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain administrator shall make the necessary interpretation.
  - Notify, in riverine situations, adjacent communities and the state coordinating agency which is the Texas Water Development Board (TWDB as of September 1, 2007), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
  - Assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.

- When base flood elevation data has not been provided the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of this code.
- When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial, improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

**Section 1.3. - Nonconformities.**

- A. General. Nonconformities are commonly called "grandfathered uses." A building, site, lot or use that was previously compliant becomes nonconforming if:
  - The zoning regulations change.
  - The use or building was first established when the property was outside Alton, and the property was later annexed.
  - The use or building was first established before Alton adopted zoning.
  - A change in conditions in the area surrounding the property beyond the control of the property occurs, such as widening of a street therefore reducing the size of a lot or causing a structure to be closer to the right-of-way than setback standards permit.
- B. Intent. The purpose of this section is to provide recognition of nonconformities and establish standards and procedures for bringing nonconformities into conformance. Use and ordinary maintenance of nonconforming uses, sites, and structures may continue, subject to the provisions of this chapter. The right to maintain a nonconforming use, building or structure runs with the land and is not ended by a change in ownership.
- C. Types of Nonconformities. For the purpose of this ordinance there are four types of nonconformities:
  1. Nonconforming uses.
  2. Nonconforming Structures.
  3. Nonconforming Sites.
  4. Nonconforming Lots.

**1.3.1. Nonconforming Uses.**

- A. General. A nonconforming use is any use that does not conform to the regulations of this Code on the effective date. A use shall be deemed a nonconforming use provided that:
  1. Such use was in existence under and in compliance with the provisions of the immediately prior Zoning Ordinance; or

2. Such use was a lawful, nonconforming use under the immediately prior Zoning Ordinance; or
3. Such use was in existence at the time of annexation into the City, was a legal use of the land at such time, and has been in regular and continuous use since such time.

B. Standards. Nonconforming use standards are as follows:

1. A structure devoted to a nonconforming use shall not be permitted to be enlarged, extended, reconstructed, or moved.
2. The use of the structure shall only be changed to a use permitted in the zoning district in which it is located. A nonconforming use may be changed to a conforming use provided that, once such change is made, the use shall not be changed back to a nonconforming use.
3. The existing nonconforming use may be extended throughout any parts of a building which were arranged or designed for such use at the time of adoption of this ordinance, but no such use shall be extended to occupy any land outside such building.
4. If a nonconforming use is abandoned, any future use of the premises shall be in conformity with the provisions of this Code, and with any other applicable City codes or ordinances that are in effect at the time the use is resumed or the structure is re-occupied. A nonconforming use shall be deemed "abandoned" in the following circumstances:
  - The use ceases to operate for a continuous period of six months;
  - In the case of a temporary use, the use is moved from the premises for any length of time.
  - For purposes of calculating the six month period, a use is abandoned upon the occurrence of the first of any of the following events:
    - On the date when the use of land is physically vacated;
    - On the date the use ceases to be actively involved in the sale of merchandise or the provision of services;
    - On the date of termination of any lease or contract under which the nonconforming use has occupied the land; or
    - On the date a final reading of water and/or power meters is made by the applicable utility provider(s).

<b>Nonconforming Uses</b>	
<b>Desired Action</b>	<b>Action Need to allow Desired Action*</b>
Expand a structure, which contains a nonconforming use, beyond the current size.	Rezoning to a designation that allows the use by right will be required.
Change the existing use of a building from a nonconforming use to a use that is allowed by current zoning category.	No change in zoning needed.
Expansion of existing nonconforming use throughout other parts of a building which were designed for the existing use.	No change in zoning needed, however no such use shall be extended to occupy any land outside the building. Please check with the inspections department for any additional permits needed.
The nonconforming use was "abandoned" for more than 6 months and the property owner would like to utilize the building for the same nonconforming use.	The property owner will need to rezone the property. Since the use was abandoned for more than 6 months the property must seek rezoning to legally allow the use.
<small>* Other building, site or platting requirements may in some cases still be applicable</small>	

### 1.3.2. Nonconforming Structures.

- A. General. Any structure, not including non-conforming signs, that lawfully 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 locations on the lot, or other requirements concerning the structure, such structure shall be deemed a nonconforming structure provided that:
1. Such structure was in existence under and in compliance with the provisions of the immediately prior Zoning Ordinance; or
  2. Such structure was a lawful, nonconforming structure under the immediately prior Zoning Ordinance; or
  3. Such structure was in existence at the time of annexation into the City, was a legal structure at such time, and has been in regular and continuous use since such time;
  4. Such structure was a conforming structure prior to ROW acquisition which reduced the required setback of a structure.
- B. Standards. Nonconforming structures may be allowed to remain in existence as long as it remains otherwise lawful. The nonconforming structure is subject to the following provisions:
1. A nonconforming structure shall not be enlarged or altered in a way which increases its structural nonconformity.
  2. The structure may be altered to decrease its structural nonconformity or to meet the requirements of the current development regulations.
  3. Nonconforming structures damaged or destroyed to an extent of 50% of its assessed valuation (per Hidalgo County Appraisal District) must be demolished or reconstructed in full compliance to this code.
  4. Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

<b>Nonconforming Structure</b>	
<b>Desired Action</b>	<b>Action Need to allow Desired Action *</b>
Expand current nonconforming structure beyond current size.	A nonconforming structure shall not be enlarged or altered in a way which increases its structural nonconformity. The structure may be altered to decrease its structural nonconformity.
Decrease the structural nonconformity of a structure.	A site plan and building permit will be required.
Improve a nonconforming structure that has been damaged to an extent more than 50% of its appraised value at the time of destruction.	Nonconforming structures damaged or destroyed to an extent of at least 50% of its assessed valuation must be demolished or reconstructed in full compliance to this code.
Move the existing nonconforming structure to another location on the same site.	The structure will be required to come into conformance with all current development requirements.
* Other building, site, or platting requirements may in some cases still be applicable	

### 1.3.3. Nonconforming Sites.

- A. General. Any developed site that lawfully exists at the effective date of adoption or amendment of this ordinance that could not be developed under the terms of this ordinance by reason of restrictions on buffering, screening, landscaping, sidewalk, detention or parking requirements shall be deemed a nonconforming site provided that:
  - 1. Such site was in existence under and in compliance with the provisions of the immediately prior Zoning Ordinance; or
  - 2. Such site was a lawful, nonconforming structure under the immediately prior Zoning Ordinance;
- B. Standards. Nonconforming sites may be allowed to remain in existence as long as it remains otherwise lawful. The nonconforming site is subject to the following provisions:
  - 1. A nonconforming site shall not be enlarged or altered in a way which increases its nonconformity.
  - 2. The site may be altered to decrease its structural nonconformity.
  - 3. All new improvements will be required to meet the requirements of the UDC and other City codes.

### 1.3.4. Nonconforming Lots. Any platted lot that does not conform to the regulations of this Code on the effective date, shall be deemed a nonconforming platted lot provided that:

- 1. Such platted lot was in existence under and in compliance with the provisions of the immediately prior Zoning Ordinance; or
- 2. Such platted lot was in existence at the time of annexation into the City, was a legally platted subdivision of the land at such time.
- 3. Nothing in this Code shall be construed to prohibit the use of a lot that does not meet the minimum lot standards of the zoning district in which it is located, provided that the lot is zoned for the land use(s) intended and the lot was platted as a lot of record prior to the effective date of this Code. Please refer to Chapter 4, Subdivisions for information on legal lot determinations and platting exemptions.

Nonconforming Site	
Desired Action	Action Need to allow Desired Action *
Enlarge or alter the nonconforming site in a way which increases its nonconformity. (Example- increase the size of a parking lot that does not meet the current landscaping standards).	Review the site with staff to determine what the exact aspects of the site create the nonconformity. Any new improvements to the site would be required to be in full compliance with the adopted development standards.
Decrease the nonconformity of the site.	Approval of a site plan and building permit is required. The improvements made to the site are required to be in conformance with the UDC and city code.
Redevelop less than 50% of the land area of the site and improve the site to the extent the value of the improvements of the site are less than 50% of the appraised value of the current site.	Approval of a site plan and building permit is required. Any new development will be required to meet the requirements of the UDC and city code.
Redevelop more than 50% of the land area of the site or improve the site to the extent the value of the improvements of the site are more than 50% of the appraised value of the current site.	A site and building permit is required. The entire site will be required to be brought into conformance with the current development standards.
* Other site, building and/or platting requirements may in some cases still be applicable	

#### Section 1.4. - Expiration of applications.

Below is a listing of development applications required by the UDC and the applicable expiration date of the specified development application.

Development Application	Permit Expiration	Extension of Permit
Amending Plat	1 years, unless recorded or fiscal surety is posted for public improvements.	The property owner may apply for one extension of one year.
Building Permit	365 days; void if project has not started within 180 days of issuance	A permit holder may apply for one extension of 365 days.
Certificate of Occupancy	As long as the use remains the same.	As long as the use remains the same.
Final Subdivision Plat	2 years, unless recorded or fiscal surety is posted for public improvements.	The property owner may apply for one extension of one year.
Floodplain Development Permit	180 days	A permit holder may apply for one extension of 180 days.
Limited Use Permit	1 year unless alternative expiration is specified by the	A permit holder may apply for one extension of a 1 year time period.

	Planning Director	
Minor Plat	2 years unless alternative expiration is specified by the Planning Director	The property owner may apply for one extension of one year.
Preliminary Subdivision Plat	18 month period from the date of approval	The property owner may apply for one 1 year extension.
Replat	1 year unless alternative expiration is specified by the Planning Director	The property owner may apply for one extension of one year.
Plat Variances	As long as the plat is valid	n/a
Public Improvement Construction Plans	1 year, unless fiscal surety has been posted for public improvements	A permit holder may request an extension of one year.
Sign Permit	180 days	A permit holder may apply for one extension of 180 days.
Site Plan/Building Permit	One year	The property owner may apply for one extension of one year.
Conditional Use Permit	1 year unless alternative expiration is specified by the Planning and Zoning Commission	A permit holder may request an extension of one year unless alternative expiration is specified by the Planning and Zoning Commission
Alternative Landscape Plan	As long as the site plan remains valid.	If the site plan has expired the applicant must resubmit the site plan.
Zoning Change	n/a	n/a

## CHAPTER 2. - DEVELOPMENT APPLICATIONS/DEVELOPMENT REVIEW PROCESS

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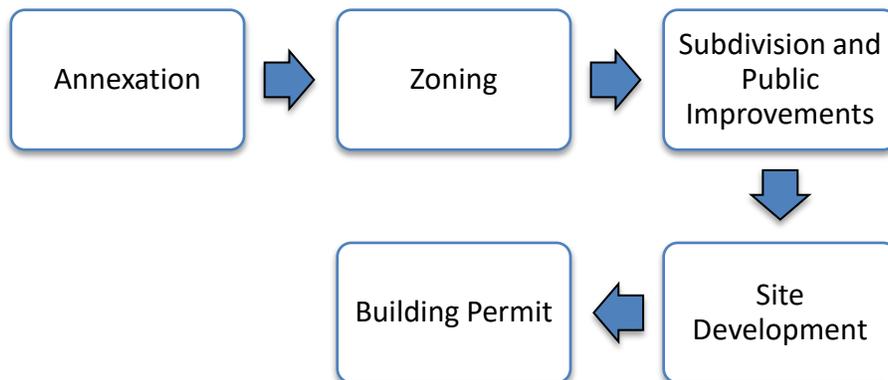
### Section 2.1. – General.

2.1.1. Intent. The purpose of this chapter is to establish application procedures, internal review procedures, public notice and hearing procedures, and review criteria for the processing of applications and actions that affect the development and use of property subject to the jurisdiction of the City of Alton.

2.1.2. Chapter Components. This chapter reviews in general each of the following development applications, process, and criteria for approval:

- Voluntary Annexation
- Zoning Change
- Conditional Use Permits
- Limited Use Permits
- Subdivision Plats
- Construction Plans
- Floodplain Permits
- Site Plans
- Building Permits
- Certificate of Occupancy
- Temporary Certificate of Occupancy
- Outdoor Festival Permit

2.1.3. Development Process Below is an outline of the general development process.



## Section 2.2. - Annexation (voluntary).

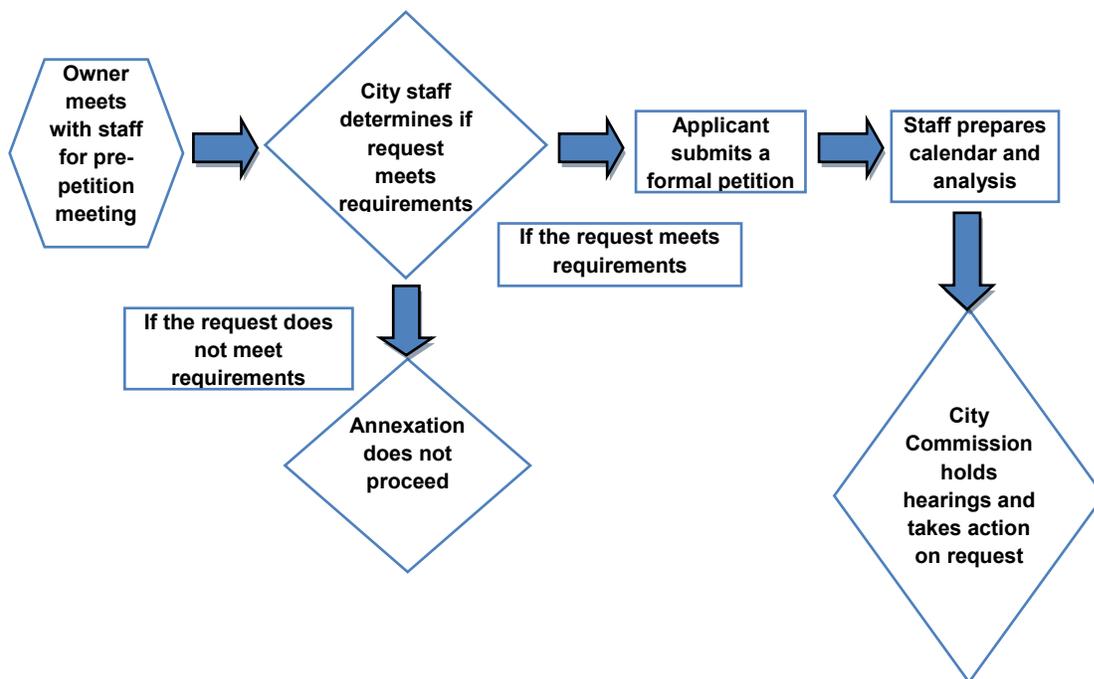
2.2.1. Intent. All land in Alton's current or future extraterritorial jurisdiction area should eventually become part of the City, so it can more effectively guide growth and regulate the quality of the built environment.

2.2.2. Applicability. The annexation process is used to annex unincorporated land into the City.

2.2.3. Criteria. Annexation and initial zoning requests are evaluated using all the following criteria:

- A. The request is consistent with community, neighborhood and other applicable land use and development plans;
- B. The property is in the extraterritorial jurisdiction (ETJ);
- C. The ability of the City to provide services to the property;
- D. The annexation request conforms to state law.

2.2.4. Process. City staff will evaluate the request for the above criteria and prepare a recommendation to the City Commission. Conditions may be imposed on an annexation request, to ensure conformance to this code and any community, neighborhood and other applicable land use and development plans. Initial zoning is established as Agricultural (AG) unless a specific request is made by the property owners. Initial zoning must conform to the comprehensive plan.



## Section 2.3. - Zoning.

2.3.1. Intent. The zoning designation for a parcel does not always permit the most appropriate and desired use for the site. This section of the code will outline the steps that may be required in order to entitle a particular property to a proposed use.

2.3.2. Applicability. The following applications are described in this section:

- Request for Zoning Map Amendments
- Conditional Use Permits
- Limited Use Permits
- Petition for Planned Unit Development
- Overlay Districts

2.3.3. Criteria. Please to refer to each section and each development application for criteria for approval and development process for each.

**Zoning Checklist**

Step 1 – Identify the current zoning of the subject tract.

Step 2 - Review zoning use matrix in Chapter 3 to determine if use is allowed in current zoning district.

Step 3 - Is the tract zoned for the proposed use?

- If yes, you may not need to apply for zoning change.
- If no, review zoning amendment process and requirements.

Step 4 – Is the proposed use previously entitled or is it identified as a Conditional Use or a Limited Use?

- Uses allowed by right, no additional permits needed.
- Use requires a Conditional Use Permit; review requirements for Conditional Use Permits.
- Use requires Limited Use Permit; review

**Section. 2.4. - Zoning map amendment/rezoning/zoning change.**

2.4.1. Application of Requirements. This section applies in the following areas:

Property within City of Alton city Limits	Property within City of Alton ETJ
YES	NO

2.4.2. Intent. The purpose of a petition for a zoning map amendment is to establish the initial zoning district classification of land, or to change the zoning map designation currently assigned to a property.

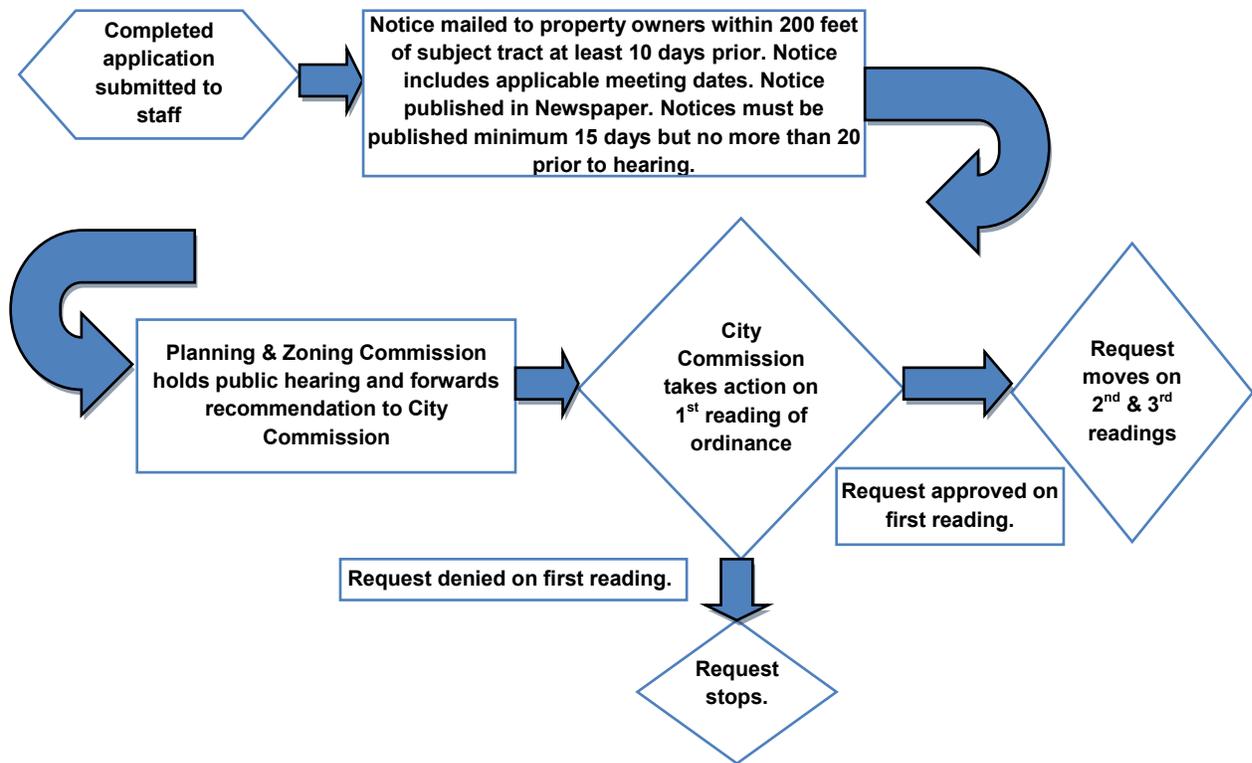
2.4.3. Applicability. Where a property owner seeks to establish an initial zoning district classification for land, or request a rezone the property owner must submit an application for a zoning map amendment before any action can be taken.

2.4.4. Criteria. Zoning map amendment requests are evaluated using the following criteria:

- A. The proposed zoning is consistent with the comprehensive plan and any community, neighborhood and other applicable land use and development plans;
- B. The proposed zoning is compatible with existing and permitted uses of surrounding properties;
- C. The proposed zoning does not have an adverse impact on surrounding properties or the natural environment;
- D. The proposed zoning results in a logical and orderly development pattern;
- E. The proposed zoning is not merely intended to create an economic benefit to the property owner;
- F. Other factors that impact public health, safety, or welfare.

#### 2.4.5. General Process.

- A. Application. Applications for a zoning change shall be made on forms provided by the City and must contain legal authorization by the property owner for the City to proceed with the request. The same zoning request shall not be considered on any parcel more than once in any 12-month period of time unless the Planning and Zoning Commission, by a three-fourths ( $\frac{3}{4}$ ) vote, determines that there has been a substantial change in conditions surrounding the subject land since the prior request, and agrees to reconsider the request.
- B. Notice.
  - 1. Individual Notice. Written notice of all Planning and Zoning Commission and City Commission hearings on proposed changes to the official zoning map shall be sent to all owners of property located within two hundred (200) feet of the subject property seeking a change in zoning. All notices shall be mailed via the US Post Office within not less than ten (10) days before any such hearing is held. Property owner information based on County Appraisal District records.
  - 2. Published Notice. Notice of Hidalgo City Commission hearing shall be given by publication one time in a newspaper of general circulation in the City of Alton, stating the time and place of such hearing, which time shall be not less than fifteen (15) days nor more than twenty (20) days from the date of publication.
- C. Public Hearings and Decision. Staff shall review all zoning requests, and provide the Planning and Zoning Commission with a staff analysis of the request. The Planning Commission shall hold a public hearing and provide a recommendation to the City Commission. After receipt of the Planning and Zoning Commission recommendation, a public hearing shall be held by the City Commission before taking action on a request for a zoning map amendment.

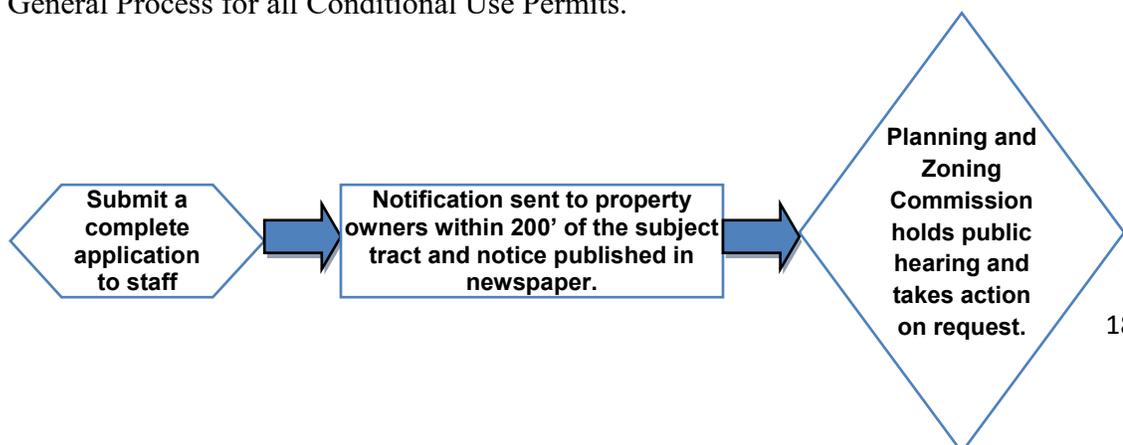


**Section 2.5. - Conditional Use Permits.**

A. Application of Requirements. This section applies in the following areas:

Property within City of Alton city Limits	Property within City of Alton ETJ
YES	NO

- B. General. Conditional Use Permits, commonly called "CUP", allow uses and/or structures that, with special conditions and development restrictions, may be considered compatible in a Zoning District in which they are not allowed by right.
- C. Intent. The purpose of this section is to outline the types of conditional use permits and the criteria for approval for each.
- D. Types of Conditional Use Permits. For the purpose of this ordinance there are two types of Conditional Use Permits.
  - 1. Use based for uses identified as CUP on Chapter 3 Land Use Matrix.
  - 2. Alternative Development Plan for property within an overlay district.
- E. General Process for all Conditional Use Permits.



1. Application. An application for a Conditional Use Permit shall be filed with the Planning Department on a form provided by that Department. The completed application shall be accompanied by a site plan which, along with the application, will become a part of the Conditional Use Permit, if approved. All requirements for application materials can be found on the conditional use permit application.
2. Notice.
  - Individual Notice. Written notice of all public hearings on conditional use permits shall be sent to all owners of property located within two hundred (200) feet of the subject property seeking a change in zoning. All notices shall be mailed via the US Post Office within not less than ten (10) days before any such hearing is held.
  - Published Notice. Notice of the Planning and Zoning Commission hearing shall be given by publication one time in a newspaper of general circulation in the City of Alton, stating the time and place of such hearing, which time shall be not less than fifteen (15) days nor more than twenty (20) days from the date of publication.
3. Decision. The Planning and Zoning Commission shall review and then recommend the City Commission to approve, deny, or conditionally approve those uses for which Conditional Use Permits are required.
4. Time Limit. A Conditional Use Permit issued under this section shall become null and void unless construction or use is substantially underway within one-year from the date of approval, or unless an extension of time is approved by the Planning and Zoning Commission and City Commission. A Conditional Use Permit issued by the City Commission shall become null and void, if the land use for which it was issued has been closed, vacated, abandoned, or changed to a different use for a period of one (1) or more years.
5. Revocation. A Conditional Use Permit may be revoked or modified, after notice and hearing, for either of the following reasons:
  - The existence of any material error or misrepresentation in the application required in this section of the Ordinance; or
  - The Conditional Use Permit was obtained or extended through misrepresentation or deception; or
  - That one or more of the conditions imposed by the permit has not been met or has been violated.
6. Amendments. No building, premises, or land used under a Conditional Use Permit may be enlarged, modified, structurally altered, or otherwise significantly changed unless an amendment to the original Conditional Use Permit has been obtained. The procedure for amendment of a Conditional Use Permit shall be the same as for a new application.
7. Appeals for conditional use permits. The applicant may present to the City Commission a statement, duly verified, setting forth that such decision made by the Planning and Zoning Commission is unjust, in whole or in part, specifying the

ground of injustice. Such statement shall be presented to the Planning Director and then to Commission within ten (10) days after the final decision of the Commission, and not thereafter, notification of property owners shall be in the same manner as the original application, and calling of a public hearing to act on the appeal.

2.5.1. Conditional Use Permits - Based on proposed use of the property.

- A. Intent. The purpose of a Conditional Use Permit is to allow the establishment of uses which may be suitable only in certain locations in a zoning district or only when subject to standards and conditions that assure compatibility with adjoining uses.
- B. Applicability. A Conditional Use Permit is required to use or develop property within the City limits for any use designated as a specific use in the Land Use Matrix in Chapter 3 of this Unified Development Code for the zoning district in which the property is located.
- C. Criteria for Approval. A Conditional Use Permit shall be issued only if all of the following conditions have been found:
  - 1. That the specific use will be compatible with and not be injurious to property in the immediate vicinity;
  - 2. That the establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;
  - 3. That adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided;
  - 4. The design, location and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments;
  - 5. That adequate prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration;
  - 6. That any lighting to be provided will be directional so as not to disturb or adversely affect neighboring properties;
  - 7. That sufficient landscaping and screening to insure harmony and compatibility with adjacent property exists or will be provided; and
  - 8. That the proposed use is in accordance with the Comprehensive Plan.

2.5.2. Conditional Use Permits - Alternative Development within a Corridor Overlay District.

- A. Intent. A Conditional Use Permit for alternative development within a corridor overlay district is to allow property owners to submit alternative development proposals for the Planning and Zoning Commission's consideration.
- B. Criteria for Approval. The Planning and Zoning Commission will determine if the proposed development will promote, preserve, and enhance, and will not damage or detract from the distinctive character of the community; will preserve and protect property values and taxable values; will not be detrimental or inconsistent with neighboring uses and occupancies; will not be detrimental to the general interests of the

citizens; and will not be detrimental to the public health, safety and welfare. In conducting its review, the Planning and Zoning Commission shall make examination of and give consideration to the traffic flow, development density, neighboring historical designs, neighboring uses, and elements of the application, including, but not limited to:

1. Height of structures;
2. Building mass, which shall include the relationship of the building width to its height and depth, and its relationship to the visual perception;
3. Exterior detail and relationships, which shall include all projecting and receding elements of the exterior, including, but not limited to, porches and overhangs and the horizontal or vertical expression which is conveyed by these elements;
4. Roof shape, which shall include type, form, and materials;
5. Materials, texture, and color, which shall include a consideration of material compatibility among various elements of the structure;
6. Compatibility of design and materials, which shall include the appropriateness of the use of exterior design details;
7. Landscape design and plantings, which shall include lighting and the use of landscape details to highlight architectural features or screen or soften undesirable views;

If the conditional use permit is recommended by the Planning and Zoning Commission and approved by the City Commission, the applicant shall be required to obtain a building permit and/or a development permit provided all other requirements for a building permit and/or a development permit are met. The Planning and Zoning Commission may recommend an extension of the conditional use permit be granted if sufficient documentation can be provided to warrant such an extension.

**Section 2.6. - Limited use permits.**

2.6.1. Application of Requirements. This section applies in the following areas:

Property within City of Alton city Limits	Property within City of Alton ETJ
YES	NO

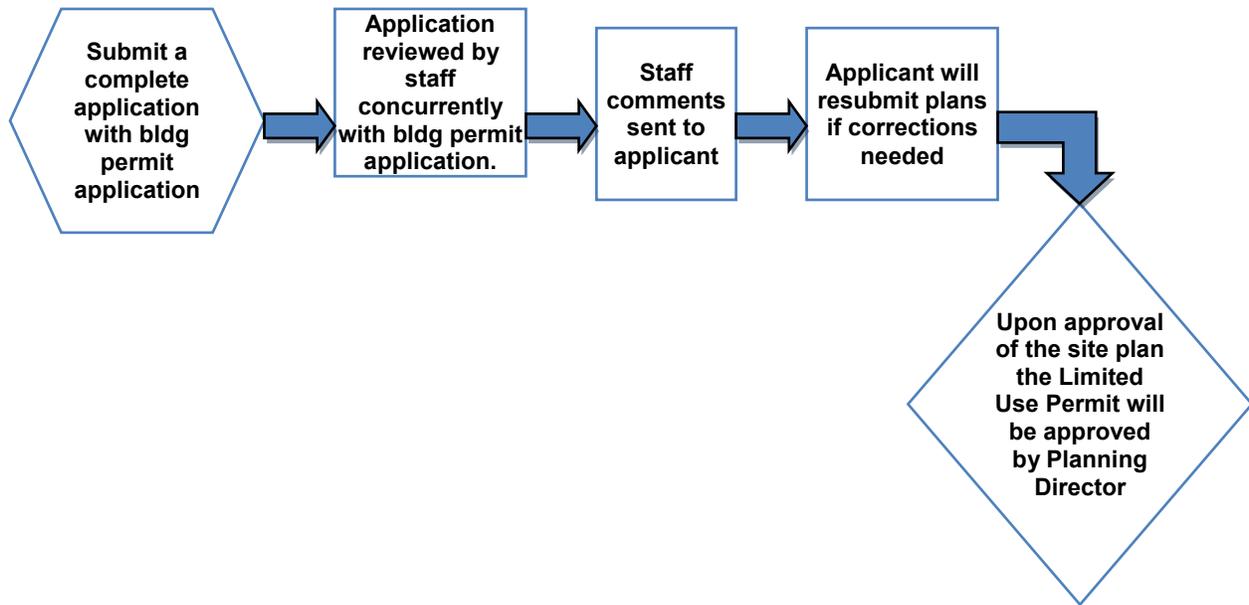
2.6.2. Intent. The purpose of a Limited Use Permit is to allow the establishment of uses which may be suitable only in certain locations when particular development standards are met.

2.6.3. Applicability. A Limited Use Permit is required to use or develop property within the City limits for any use designated as a limited use in the Land Use Matrix in Chapter 3 of this Unified Development Code for the zoning district in which the property is located.

2.6.4. Criteria for Approval. A Limited Use Permit shall be approved if it is demonstrated that the compatibility requirements for a particular use have been met. The development standards associated with each limited use may vary in order to assure an appropriate transition between uses is achieved.

2.6.5. General Process. An application for a limited use permit will be submitted concurrently with a building permit application. The site plan will be reviewed for all base zoning

requirements and any additional requirements associated with the limited use. The Planning Director shall approve, approve with conditions or deny the limited use permit application.



**Section 2.7. - Variances (Board of Adjustments).**

2.7.1. Application of Requirements. This section applies in the following areas:

Property within City of Alton city Limits	Property within City of Alton ETJ
YES	NO

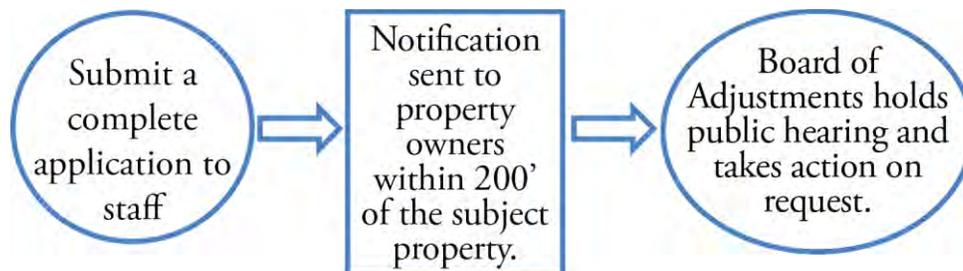
2.7.2. Intent. The purpose of a variance is to allow a property owner to deviate from the set of development regulations when a request arises from such a condition which is unique to the property in question and which is not ordinarily shared by others in the same district and is not created by an action of the property owners or applicant.

2.7.3. Applicability. The following variances may be granted by the Board of Adjustments when the request is applicable to an existing platted lot:

- To vary the applicable lot area, lot width or frontage, lot depth or impervious cover;
- To vary the applicable minimum building setback requirements, lot coverage, and maximum building height;
- To vary the regulations pertaining to signs as permitted by the sign ordinance;
- To vary the regulations pertaining to off-street parking and loading.

2.7.4. Criteria for Approval. Variances from the strict application of the stated requirements shall be authorized only when the Board approves findings of fact in writing. Proposed findings shall be submitted by the proponent of the variance in writing showing that the evidence provided by the proponent demonstrates that the following conditions exist:

- A. The variance requested arises from such condition which is unique to the property in question and which is not ordinarily shared by others in the same neighborhood or zoning district;
  - B. The particular physical surroundings, shape or topographical condition of the specific property involved would result in a practical difficulty or unnecessary hardship or inequity upon or for the owner or occupant, as distinguished from a mere inconvenience, if the provisions of the regulations were literally enforced;
  - C. The request for a variance is not based exclusively upon a desire from the owner, occupant, or applicant for increased financial gain from the property, or to reduce an existing financial hardship.
  - D. The granting of the variances will not be materially detrimental or injurious to, or adversely affect the rights of, owners or residents of surrounding property.
  - E. The proposed variance will not impair an adequate supply of light or air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety, substantially diminish or impair property values within the neighborhood, or otherwise be opposed to the general spirit and intent of this Code.
- 2.7.5. General Process. An application for a variance shall be submitted to the Planning Director for review. The applicant shall submit written findings of fact supporting the request for a variance. Staff shall review all variance requests and provide the Board of Adjustments with a staff analysis of the request. If necessary, written notice of all Board of Adjustments hearings on proposed changes to the official zoning map shall be sent to all owners of property located within two hundred (200) feet of the subject property seeking a change in zoning. All notices shall be mailed via the US Post Office within not less than ten (10) days before any such hearing is held. Property owner information based on Hidalgo County Appraisal District records.



**Section 2.8. - Reserved**

**Section 2.9. - Subdivision platting.**

- A. Application of Requirements. This section applies in the following areas:

Property within City of Alton city Limits	Property within City of Alton ETJ
YES	YES

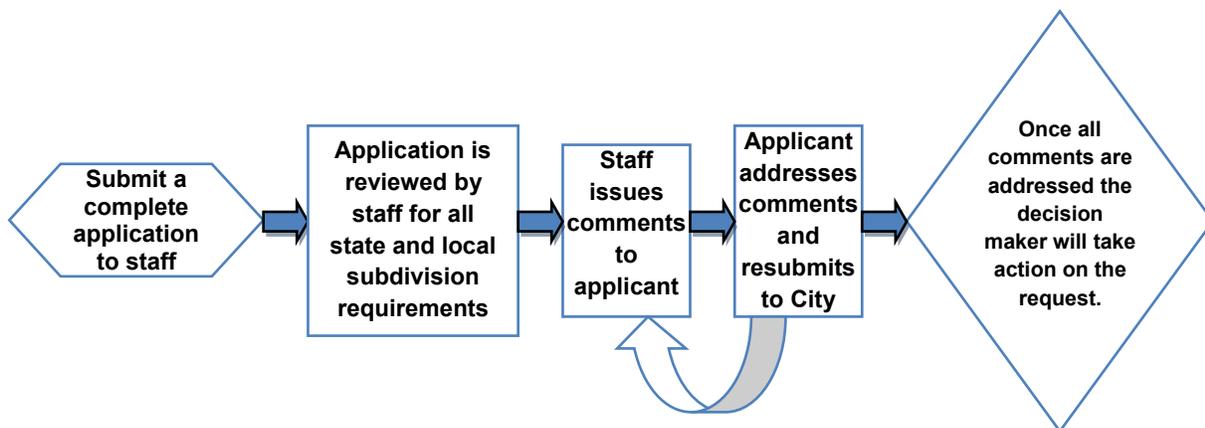
- B. General. The provisions of Chapter 4 apply to any non-exempt division of land within the corporate boundaries of the City and within its extraterritorial jurisdiction. The procedures of this section are authorized under the authority of Tex. Loc. Gov't. Code Ch. 212. for a subdivision plat inside the City or within the extraterritorial jurisdiction (ETJ) of the City of Alton. A plat shall first be submitted to the Director of Planning for review and approved by the identified decider before being recorded with the County Clerk. No building permit shall be issued for any building or structure on a property until a subdivision or a development plat has been approved and filed for record.
- C. Intent. It is the purpose of this Article to promote sound planning in the subdivision of land, and to provide consistent rules, which protect the public health, safety, and welfare while allowing the legal platting of land.
- D. Types of Subdivision Plats. Each type of subdivision plat has its own requirements and applicable decision makers. The type of subdivision plat required to be submitted is dependent on the following:
1. Size of Subdivision (both in acreage and number of lots);
  2. Required public improvements to service the subdivision; and
  3. Phasing of the subdivision.
- E. Exceptions. A plat is required for any tract of land divided into two or more parts, except as provided in the Texas Local Government Code or for the following:
1. Sale, inheritance, or gift of land by metes and bounds of tracts upon which no improvements, development, subdivision or alteration is intended;
  2. A division of land created by order of a court of competent jurisdiction;
  3. A division of land that results in the creation of two or more parcels, each of which is greater than five acres inside the City limits, or each of which is greater than ten acres within the City's extraterritorial jurisdiction, when each parcel has direct access to an existing public street, and no dedication of public facilities is required under this Unified Development Code in connection with the division;
  4. Creation of a remainder tract over 5 acres in size;
  5. Acquisition of land for governmental purposes by dedication, condemnation, or easement;
  6. Requests for building permits for the following:
    - Accessory buildings (as otherwise permitted in accordance with this Code);
    - The construction or repair of a fence;
    - Remodeling or repairs which involve no expansion of square footage; or
    - Building additions to an existing structure which increases the square footage by no more than 30 percent of the gross floor area of the structure and does not exceed the maximum impervious cover in accordance with Section 3.6 and does not adversely impact surrounding properties;

7. Requests for building permits for new construction or building additions of more than 30 percent of the gross floor area on unplatted parcels or existing lots zoned for single-family residential if the following criteria are met:
  - The property has frontage on a public street;
  - The property has access to utilities; and
  - The parcel existed in its current configuration and was created by a metes and bounds legal description recorded in a deed of transfer or sale at the office of the Hidalgo County Clerk prior to Sept 1, 1989; excluding those tax parcels which are identified as being created for tax purposes or deed of trust for borrowing money against a tract of parcel.

In order to determine the exception for single-family residential in Section 2.9.0.E.7, an application, fee, and documentation shall be required as outlined in the technical manual.

- F. Time for Decision and General Process. All plat applications shall be acted upon within 30 days from the official filing date unless a waiver is submitted. An applicant shall choose one of the following submittal options:
  - Submit in writing a waiver of the decision time to allow for time to address any outstanding issues.
  - Submit plat applications no earlier than 30 days before the next Planning and Zoning Commission meeting.
  - The Planning Director shall have the authority to statutorily deny a request if a waiver has not been submitted in order to keep the plat application in process should the applicant be actively working to meet the requirements of the plat.

Subdivision Platting/General Process. Below is a description of the general platting process. The process will vary slightly depending on the type of subdivision plat and infrastructure requirements.



### 2.9.1. Preliminary Subdivision Plat.

- A. Intent. Preliminary Subdivision Plats shall be used to determine the general layout of the subdivision, the adequacy of public facilities needed to serve the intended development and the overall compliance of the land division with applicable requirements of this Unified Development Code. Approval of a preliminary plat establishes a mutual commitment on behalf of the City and the applicant to the subdivision layout for purposes of final plat approval, including the location and width of proposed streets, lots, blocks and easements shown on the preliminary plan, and that utilities are available to serve the subdivided land to the extent shown on the preliminary plan and referenced documents.
- B. Applicability. A preliminary plat shall be required for all phased subdivisions. A preliminary plat may be optional for the division of a parcel into two or more lots and/or tracts where public improvements such as streets will be required.
- C. Criteria for Approval. Subdivision standards are detailed in Chapter 4. Preliminary Plats are evaluated using the following criteria:
  1. If the property is located inside the City limits, the plat is consistent with all zoning requirements for the property;
  2. If located in the ETJ, the plat meets both City of Alton and Hidalgo County Standards;
  3. The proposed configuration of roads, water, wastewater, drainage and park facilities conform to the stated requirements of this Unified Development Code;
  4. The appropriate easements and right-of-way dedication have been identified on the plat;
  5. The proposed plat is consistent with the stated goals of the comprehensive master plan;
  6. If the property is proposed to be platted in phases the following requirements shall apply:
    - The schedule of development is feasible and prudent, and assures that the proposed development will progress to completion within the time limits proposed.
    - The location, size and sequence of the phases of development proposed assure orderly and efficient development of the land subject to the plat.
- D. Process. Applications for a preliminary plat shall be made on forms provided by the City and must contain legal authorization by the property owner for the City to proceed with the request. Requirements for a complete application can be found on the application. All comments must be addressed prior to review and action on the plat application by the Planning and Zoning Commission and City Commission.
- E. Action. If the subdivision plat meets the requirements of this UDC and any applicable agreements (interlocal agreement applicable to ETJ properties and/or any development agreements applicable to the property) the Planning and Zoning Commission shall recommend approval of the plat request to the City Commission for a period of 18 months

from the date of the final approval. The Commission may add conditions to a plat approval in order to insure consistency with the comprehensive master plan.

- F. Extension. The approval of a Preliminary Subdivision Plat application shall remain in effect for a period of 18 month from the date the application was approved or conditionally approved by the Planning and Zoning Commission, during which period the applicant shall make progress towards completion of a Final Subdivision Plat for the land subject to the Preliminary Subdivision Plat (as defined in the Texas Local Government Code, Section 245.005(c) as amended). If no progress is made towards completion of a Final Subdivision Plat for the land subject to the Preliminary Subdivision Plat (as defined in the Texas Local Government Code, Section 245.005(c) as amended) within the 18 month, the Preliminary Subdivision Plat approval shall expire and the plat shall be null and void, unless extended by the City Commission.
- G. Amendments. Minor changes in the design of the subdivision subject to a Preliminary Subdivision Plat may be incorporated in an application for approval of a Final Subdivision Plat without the necessity of filing a new application for approval of a Preliminary Subdivision Plat. Minor changes shall include adjustment in street or alignments, paving details, and adjustment of lot lines that do not result in creation of additional lots, provided that such changes are consistent with any approved applications. All other proposed changes to the design of the subdivision subject to an approved Preliminary Subdivision Plat shall be deemed major amendments that require submittal and approval of a new application for approval of a Preliminary Subdivision Plat before approval of a Final Subdivision Plat.

#### 2.9.2. Final Subdivision Plat.

- A. Intent. A Final Plat is required to assure that the division or development of the land subject to the plat is consistent with all standards of this UDC, including, but not limited to, the following:
  - 1. Adequacy of public facilities;
  - 2. All other requirements and conditions have been satisfied or provided for to allow the plat to be recorded, and to assure that the subdivision meets all other standards of this UDC to enable initiation of site preparation activities for any lot or tract subject to the plat.
- B. Applicability. Approval of a Final Plat shall be required prior to any non-exempt division of land and prior to any site development permit or building permit being issued for a development.
- C. Criteria for Approval. The Planning and Zoning Commission, in considering final action on a Final Plat, should consider the following criteria:
  - 1. If a preliminary plat was approved preceding the submittal of a final plat the final plat shall conform to the approved Preliminary Plat, except for minor changes that may be approved without the necessity of revising the approved Preliminary Plat; and

2. If a preliminary plat was not approved preceding the submittal of a final plat the final plat shall conform to all of the requirements outlined in the previous section for preliminary plats; [and]
3. The final layout of the subdivision or development meets all standards for adequacy of public facilities contained in this UDC and the public improvement construction required for the proposed subdivision plat been approved by the City Engineer, Public Works/Utilities Director, and Planning Director.

D. Process.

1. Application. Applications for a final plat shall be made on forms provided by the City and must contain legal authorization by the property owner for the City to proceed with the request. Requirements for a complete application can be found in the technical manual and on the application.
2. Staff Review. All comments must be addressed prior to submitting the plat application to the Planning and Zoning Commission for review and action.
3. Action. If the subdivision plat meets the requirements of this UDC and any applicable agreements (interlocal agreement applicable to ETJ properties and/or any development agreements applicable to the property) the Planning and Zoning Commission shall recommend approval of the final plat. The Commission may add conditions to a plat approval in order to insure consistency with the comprehensive master plan.
4. Public Improvements. Prior to recordation of a plat all public improvements must be either constructed, accepted by the City Engineer and the appropriate maintenance bonds must be in place or fiscal posted for the required improvements. Please see section on public improvement construction plans.
5. Extension. The approval of a Final Subdivision Plat application shall remain in effect for a period of 2 years from the date the application was approved by the City Commission, during which period the applicant shall submit any required revisions for approval and make all other changes needed to record the plat. If the final Subdivision Plat has not been recorded within the two-year period, the final plat unless extended by the City Commission, shall expire and the applicable plat shall be deemed null and void.

2.9.3. Minor Plat.

- A. Intent. The purpose of a Minor Subdivision Plat is to allow for the administrative approval of plat in which number of lots is limited and the extension of public infrastructure is not needed.
- B. Applicability. The City Manager or his designee are authorized to approve, and the mayor sign minor plats involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities.
- C. Criteria for Approval. Subdivision standards are detailed in Chapter 4. Minor Plats are evaluated using the following criteria:

1. If located within the City limits the minor subdivision plat is consistent with all zoning requirements for the property and all other requirements of this Unified Development Code that apply to the plat.
2. If located in the ETJ, the plat meets all City of Alton and Hidalgo County standards.
3. All lots to be created by the plat are adequately served by all required City utilities and services, and do not require the extension of any municipal facilities to serve any lot within the subdivision.

D. Process.

1. Application. Applications for a minor plat shall be made on forms provided by the City and must contain legal authorization by the property owner for the City to proceed with the request. Requirements for a complete application can be found in the technical manual and on the application.
2. Staff Review and Action. All comments must be addressed prior to the Planning Director and City Engineer approving the request. The approval of a Minor Subdivision Plat application shall remain in effect for a period of two years from the date that the application was approved by the Director or the Planning. The applicant may request an extension of 1 year.

2.9.4. Amending Plat.

- A. Intent. An amended plat is required for error correction on a recorded plat, boundary changes between adjacent lots where no new lots would be created; and lot consolidation between two or more lots, where an entire plat will not be vacated.
- B. Applicability. The provisions of this section are authorized under Local Government Code Chapter 212 and shall be applicable to all areas within the City's limits and throughout the City's ETJ. An amending plat may be filed in accordance with the procedures and requirements set forth in the Local Government Code section 212.016 and may be used in the following situations:
  1. To correct an error in a course or distance shown on the preceding plat;
  2. To add a course or distance that was omitted on the preceding plat;
  3. To correct an error in a real property description shown on the preceding plat;
  4. To indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
  5. To show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
  6. To correct any other type of scrivener or clerical error or omission previously approved, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
  7. To correct an error in courses and distances of lot lines between two adjacent lots if:

- a. Both lot owners join in the application for amending the plat and neither lot is abolished;
  - b. The amendment does not attempt to remove recorded covenants; or
  - c. The amendment does not have a material adverse effect on the property rights of the other owners in the plat;
8. To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
9. To relocate one or more lot lines between one or more adjacent lots if:
- a. The owners of all those lots join in the application for amending the plat; and
  - b. The amendment does not attempt to remove recorded covenants or restrictions; and
  - c. The amendment does not increase the number of lots;
10. To make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:
- a. The changes do not affect applicable zoning and other regulations of the municipality;
  - b. The changes do not attempt to amend or remove any covenants or restrictions; or
  - c. The area covered by the changes is located in an area that the Planning and Zoning commission has approved, after a public hearing, as a residential improvement area; or
11. To replat one or more lots fronting on an existing street if:
- a. The owners of all those lots join in the application for amending the plat;
  - b. The amendment does not attempt to remove recorded covenants or restrictions;
  - c. The amendment does not increase the number of lots; and
  - d. The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.
- C. Criteria for Approval. Subdivision standards are detailed in Chapter 4. Amending plats are evaluated using the following criteria:
- 1. New lots will not be created;
  - 2. If located within the City limits the subdivision plat is consistent with all zoning requirements for the property and all other requirements of this Unified Development Code that apply to the plat;
  - 3. If located in the ETJ, the plat meets all City of Alton and Hidalgo County standards;

4. All lots to be created by the plat are adequately served by all required City utilities and services, and do not require the extension of any municipal facilities to serve any lot within the subdivision.
- D. Process. Applications for an amending plat shall be made on forms provided by the City and must contain legal authorization by all property owners for the City to proceed with the request. Requirements for a complete application can be found in the technical manual and on the application. All comments must be addressed prior to the Planning Director approving the request. The approval of an Amending Subdivision Plat application shall remain in effect for a period of 1 year from the date that the application was approved by the Director or the Planning. The applicant may request an extension of 1 year.

#### 2.9.5. Replatting without Vacating Previous Plat.

- A. Intent. A replat is required when a property owner is seeking to change the number or configuration of current lots within a subdivision.
- B. Applicability. The provisions of this section are authorized under Local Government Code Chapter 212 and shall be applicable to all areas within the City's limits and throughout the City's ETJ. A replat is any plat that complies with Local Government Code sections 212.014, 212.0145, and 212.015, as amended.
1. Replat. A new plat of all or a portion of a previously approved plat. Replats eliminate the prior plats as to the area replatted.
  2. Residential Replat. A replat where either:
    - (i) During the preceding 5 years, part was zoned for residential use but not more than 2 units per lot, or
    - (ii) Any lot is restricted to residential use but not more than 2 units.
- C. Criteria for Approval. Subdivision standards are detailed in Chapter 4. Replats are evaluated using the following criteria:
1. Requirements of the Texas Local Government Code are met.
  2. The plat does not attempt to amend or remove any covenants or restrictions.
  3. If located within the City limits the subdivision plat is consistent with all zoning requirements for the property and all other requirements of this Unified Development Code that apply to the plat.
  4. If located in the ETJ, the plat meets all City of Alton and Hidalgo County standards.
  5. The final layout of the subdivision meets all standards for adequacy of public facilities contained in this UDC and the public improvement construction plans required for the proposed subdivision plat have been approved by the City Engineer, Planning Director and Public Works Director.
- D. Process.
1. Applications. Applications for a replat shall be made on forms provided by the City and must contain legal authorization by all property owners for the City to proceed

with the request. Requirements for a complete application can be found on the application. All comments must be addressed prior to the Planning Commission holding a public hearing and reviewing the request. The approval of a replat application shall remain in effect for a period of 1 year from the date that the application was approved by the Director or the Planning. The applicant may request an extension of 1 year.

2. Notice. Notice of the hearing required shall be given before the 15th day before the date of the hearing by publication in an official newspaper and by written notice, to all property owners within the original subdivision that are within 200 feet of the lots to be replatted.
3. Variance. If the proposed replat requires a variance and is protested in accordance with Section 212 of the Texas Local Government Code, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present of the municipal planning commission or governing body, or both. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the Planning Director prior to the close of the public hearing.

#### 2.9.6. Plat Vacation.

- A. Intent. Plat vacation allows for vacation of an entire subdivision plat if development will not occur consistent with the recorded plat.
- B. Applicability. The owner of all contiguous lots shown on a plat of record in the City or its extraterritorial jurisdiction may request the lots be vacated resulting in a single, unplatted parcel. When no lots on a subdivision plat have been sold, the developer may request the vacation of the plat prior to the installation of public improvements. If any lot in a subdivision has been sold, the recorded subdivision plat or any portion thereof may be vacated only upon application of all lot owners in the subdivision.
- C. Criteria for Approval. Subdivision standards are detailed in Chapter 4. Plat Vacations are evaluated using the following criteria:
  1. Requirements of the Texas Local Government Code are met;
  2. It will not leave any lots without adequate utility or drainage easements;
  3. It will not create a landlocked parcel, or vacate street rights-of-way or access easements needed to access other property;
  4. The plat vacation is requested before improvements covered by guarantees are installed;
  5. It will not inhibit the provision of adequate public facilities or services to other property.
- D. Process. Applications for a plat vacation shall be made on forms provided by the City and must contain legal authorization by the property owner for the City to proceed with the request. Requirements for a complete application can be found on the application.

All comments must be addressed prior to submitting the application for review and action. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat. On the execution and recording of the vacating instrument, the vacated plat shall have no further effect.

#### 2.9.7. Unity of Title Agreement.

- A. Intent. A unity of title agreement is to provide an expeditious means of developing two (or more) adjacent residential lots under the same ownership as a single lot. The agreement is transferable with all properties and runs with the land rather than the ownership.
- B. Applicability. The procedures for an agreement shall apply only for the purpose of constructing structures or buildings allowed in residential districts.
- C. Criteria for Approval. The Director of Planning shall decide whether to approve, conditionally approve, or deny the unity of title agreement based on the following criteria:
  - 1. The combined area and dimensions of the contiguous lots shall meet all dimensional standards for a single lot in accordance with the applicable zoning district under the City's Unified Development Code.
  - 2. All lots must be under the same ownership.
  - 3. All lots must be zoned for single-family residential uses.
  - 4. A unity of title agreement shall not attempt to remove or modify recorded covenants or restrictions or easements.
  - 5. A unity of title agreement shall not require the dedication of any additional right-of-way or easements.
- D. Process.
  - 1. Application. An application for approval of an agreement for a unity of title agreement shall be prepared in accordance with the Technical Manual.
  - 2. Approval. Upon approval by the Director of Planning, an agreement for unity of title shall be recorded and is controlling over the recorded plat until such time as the structures or buildings requiring the unity of title are removed, demolished, or brought into conformance with the regulations of the applicable zoning district.
  - 3. Recording. The Unity of Title agreement shall be signed by all interested parties (including property owners and City of Alton representatives), and recorded in the official records of Hidalgo County.
  - 4. Release of Agreement. A release of the Unity of Title bearing all necessary signatures (as described above) shall only be recorded by the City of Alton following review and approval by the Planning Director.

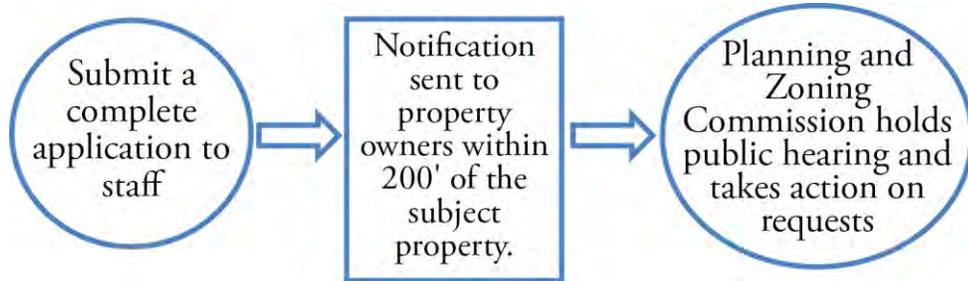
#### 2.9.8. Subdivision Variance/Waiver Request.

- A. Application of Requirements. This section applies in the following areas:

Property within City of Alton city Limits	Property within City of Alton ETJ
YES	NO

- B. Intent. The purpose of a subdivision variance process is to allow a property owner to deviate from the set of development regulations when a request arises from such a condition which is unique to the property in question and which is not ordinarily shared by others in the same district and is not create by an action of the property owners or applicant.
- C. Applicability. The following variances may be granted by the Planning and Zoning Commission when the request is applicable to an undeveloped and unplatted property seeking to subdivide the property:
- To vary the applicable lot area, lot width or frontage, lot depth or impervious cover;
  - To vary the applicable minimum building setback requirements, lot coverage, and maximum building height;
  - Subdivision regulations contained in Chapter 4 of the UDC.
- D. Criteria for Approval. The Planning Commission may authorize a variance when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the Planning Commission shall prescribe only conditions that it deems necessary or desirable to the public interest; in making the findings, the Planning Commission shall take into account the character of the proposed use of the land involved and existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variances upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity. No variance shall be granted unless the Planning Commission finds:
1. That there are special or unique circumstances or conditions affecting the land involved such that the strict application of this Code would deprive the applicant of the reasonable use of his land.
  2. That the granting of the variance will not be detrimental to the public health, safety, welfare, or injurious to other property in the area.
  3. That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this Code. Such findings of the Planning Commission, together with the specified facts upon which such findings are based, shall be incorporated into the official minutes of the Planning Commission meeting at which such variance is granted. Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute hardship.
  4. No variance shall be granted to the required public improvements set out in Chapter 4.
  5. Authorization for a variance under the conditions set forth herein shall require an affirmative vote by two-thirds of the Planning Commission members.

E. General Process. An application for a variance shall be submitted to the Planning Director for review. The applicant shall submit written findings of fact supporting the request for a variance. Staff shall review all variance requests and provide the Planning and Zoning Commission with a staff analysis of the request. Written notice of all Planning and Zoning Commission hearings on proposed changes to the official zoning map shall be sent to all owners of property located within two hundred (200) feet of the subject property seeking a change in zoning. All notices shall be mailed via the U.S. Post Office within not less than ten (10) days before any such hearing is held. Property owner information based on County Appraisal District records.



2.9.9. Public Improvements- Submittal of Plans through City Acceptance of Improvements.

A. Application of Requirements. This section applies in the following areas:

Property within City of Alton city Limits	Property within City of Alton ETJ
YES	YES

B. General. Public Improvement Construction Plans, commonly called "Construction Plans", are complete and detailed construction plans and written specifications indicating the method of construction and the materials to be used for the installation of public improvements (including, but not limited to, water distribution system, sanitary sewer system, stormwater drainage system, proposed bridges or culverts, existing and proposed streets, alleys, sidewalks, trails electrical distribution system, and street lighting system).

C. Intent. The purpose of construction plans is to assure that public improvements required to be installed in order to serve a subdivision or a development are constructed in accordance with all standards of this Unified Development Code.

D. Criteria for Approval. The City Engineer, Public Works/Utility Director and Planning Director shall render a decision on the construction plans in accordance with the following criteria:

- The plans are consistent with the approved Preliminary Subdivision Plat and/or the proposed Final Subdivision Plat in the event the applicant elected to only submit a final plat;
- The plans conform to the standards of this Unified Development Code, City Standards, Technical Criteria, and other Federal and State criteria.

E. Process.

1. Application. Applications for a public improvement construction plans shall be made on forms provided by the City and must contain legal authorization by the property owner for the City to proceed with the request. Requirements for a complete application can be found on the application.
2. Processing and Decision. All construction plans must be approved prior to action on a final plat can be taken. Construction plans are approved for a period of 1 year unless fiscal surety has been posted for the improvements. The applicant may request and extension to the approval should the construction of the improvements take longer than the 1-year time period to start.
3. Post Plan Approval. If the applicant chooses to construct the required improvements prior to recordation of the final plat, all such construction shall be inspected while in progress by the appropriate City department and must be approved upon completion by the City Engineer, City Staff, and any other public utility if that utility provides service to the development. Written notification by such officials stating that the construction conforms to the specifications and standards contained in or referred to in this chapter must be presented to the Planning Director prior to recordation of the final plat. If the applicant chooses to file security in lieu of completing construction prior to the recording of the plat the applicant may provide a:
  - Performance bond or surety bond;
  - Letter of credit; or
  - Escrow funds equal to the total installation cost of the required improvements.

Security shall be in an amount equal to 115 percent of the estimated cost of completion of the required public improvements. The issuer of any surety bond or letter of credit shall be licensed and approved to conduct business in the State of Texas and subject to the approval of the City Engineer and the City Attorney.

- Performance bonds.
  - a. All performance bonds must be executed by such sureties as are named in the current list of "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies", as published in Circular 570, as may be amended by the Financial Management Service, Surety Bond Branch, U.S. Department of the Treasury.
  - b. All performance bonds must be signed by an agent and must be accompanied by a certified copy of the authority for him or her to act.
  - c. All performance bonds shall be obtained from surety or insurance companies that are duly licensed or authorized to conduct business in Texas to issue performance bonds for limits and coverage required.
  - d. In cases of dispute the Court of Jurisdiction shall be located in Hidalgo County, Texas.
- Letter of credit.

- a. All letters of credit shall be irrevocable and renewable for the life of the project.
  - b. Be for a term sufficient to cover the completion of the required public improvements; and
  - c. Require only that the City present the issuer with a sight draft and a certificate by the issue of the letter of credit.
  - d. The issuer shall be licensed to conduct business in Texas and be approved by both the State of Texas and the City of Alton.
  - e. In case of dispute the Court of Jurisdiction shall be located in Hidalgo County, Texas.
  - Escrow account.
    - a. The subdivider shall deposit cash, or other instrument readily convertible into cash at face value, either with the City, or in escrow with a bank.
    - b. The use of any instrument other than cash shall be subject to the approval of the City. The amount of the deposit shall equal 115 percent of the estimated construction costs for all remaining required improvements.
    - c. In the case of any escrow account, the developer shall file with the City an agreement between the financial institution and the developer guaranteeing the following:
      - That the funds of said escrow account shall be held in trust until released by the City and may not be used or pledged by the developer as security in any other matter during that period.
      - That in the case of a failure on the part of the developer to complete said improvements, the financial institution shall immediately make the funds in said account available to the City for use in the completion of those improvements.
- F. Partial Completion. As portions of the public improvements are completed in accordance with the approved engineering plans, the applicant may make written application with the City Engineer to reduce the amount of the original security. If the City Engineer is satisfied that such portion of the improvements has been completed in accordance with City standards, the City may, but is not required to, cause the amount of the security to be reduced by such amounts that it deems to be appropriate. Letters of credit may not be reduced more frequently than quarterly, so that the remaining amount of the security adequately insures the completion of the remaining public improvements.
- G. Guarantee of Materials and Workmanship.
- 1. The applicant or developer shall require of the construction contractors with whom he contracts and shall himself be responsible for guaranteeing that all materials required under this code and workmanship in connection with such improvements are free of defects for a period of one year after acceptance of the improvements by the City Engineer and any other utility provider.

2. The City shall inspect all required improvements to ensure that construction is being accomplished in accordance with the plans and specifications approved by the City. The City shall have the right to inspect any construction work being performed to ensure that it is proceeding in accordance with the intent of the provisions of this chapter. The developer shall deposit with the City 2% of the approved construction cost estimate to pay for construction inspection expenses.
3. Any change in design that is required during construction should be made by the licensed professional engineer whose seal and signature are shown on the plans. Another engineer may make revisions to the original engineering plans if so authorized by the owner of the plans, and if those revisions are noted on the plans or documents. All revisions shall be approved by the City Engineer. If the City Engineer finds, upon inspection, that any of the required public improvements have not been constructed in accordance with the plans and specifications approved by the City then the developer shall be responsible for completing and correcting the deficiencies at the developer's expense.
4. The developer/applicant shall place into escrow with the City an amount equal to 3% of the approved construction cost estimate that shall be used to pay for testing services that verify conformance with the approved plans and specifications. All expenses for tests that fail to meet these specifications shall also be paid for by the developer.
5. The City may withhold all City services and improvements of whatsoever nature, including the maintenance of streets and the furnishing of all other City services from any subdivision or property until all of the street, utility, storm drainage and other public improvements are properly constructed according to the approved construction plans, and until such public improvements are dedicated to and accepted by the City.
6. If the surety on any performance bond furnished by the applicant is declared bankrupt, or becomes insolvent, or its right to do business is terminated in the state, or the surety ceases to meet the requirements listed in Circular 570, the developer shall, within 20 business days thereafter, substitute another performance bond and surety, both of which must be acceptable to the City.
7. When all of the improvements are found to be constructed and completed in accordance with the approved plans and specifications and with the City's standards, and upon receipt of one set of "record drawing" plans, and a digital copy of all plans (in a format as determined by the City Engineer) the City Engineer shall accept such improvements for the City, subject to the guaranty of material and workmanship provisions in this section. The City Engineer may withhold approval for reasonable cause to include failure to construct public improvements to code or City specifications, for violations of this Code, for failure to provide accurate or complete data as required by the City Engineer, or for failure to correct subdivision public improvements which fail within a year of their acceptance in accordance with this chapter.

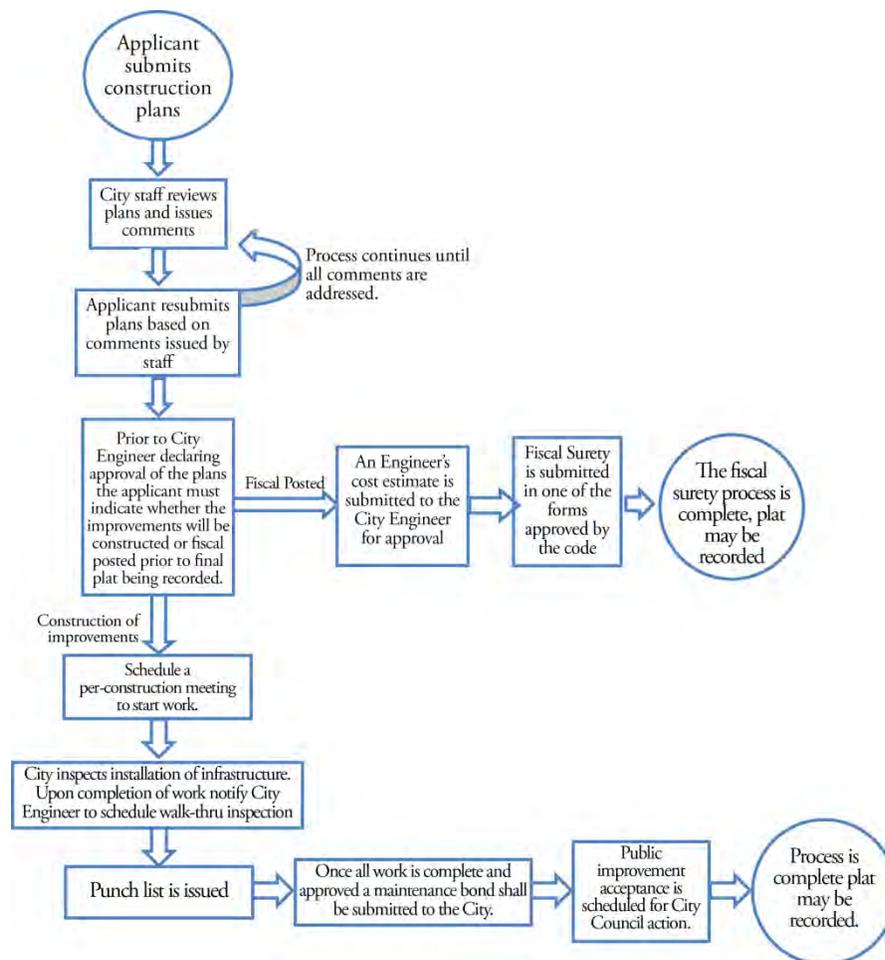
#### H. Temporary Improvements.

1. The applicant shall build and pay for all costs of temporary improvements required by the City, and shall maintain those temporary improvements for the period specified by the City.
  2. Any temporary public improvement (e.g., a temporary cul-de-sac, alley turnout, drainage swale, erosion control device, etc.) shall be placed within an easement established specifically for that purpose. The recording information of the instrument establishing the temporary easement shall be by instrument and approved by the City Engineer, and City Attorney. A temporary easement for a required public improvement shall not be abandoned without the City Engineer's approval and without written consent by the City.
- I. Government units. Governmental units to which these contract and security provisions apply may file, in lieu of the contract and security, a certified resolution or ordinance from officers or agents authorized to act in their behalf, agreeing to comply with the provisions of this chapter.
- J. Acceptance.
1. Acceptance of dedication offers. Acceptance of formal offers for the dedication of streets, public areas, easements, or parks shall be by authorization of the City Engineer. The approval by the planning commission of a preliminary or final plat shall not, in and of itself, be deemed to constitute or imply the acceptance by the City of any public improvements required by the plat. The City may require the plat to be endorsed with appropriate notes to this effect.
  2. No applicant or contractor shall begin construction of public improvements, including grading, within a subdivision until the construction plans are approved by the City Engineer. The developer/applicant shall notify the City Engineer prior to commencement of construction. This notice shall give the location and date of the start of construction.
  3. Acceptance of the development shall mean that the developer has transferred all rights to all the public improvements to the City for use and maintenance. The City Engineer may, at his option, accept dedication of a portion of the required public improvements if the remaining public improvements are not immediately required for health and safety reasons; and if the property owner has posted a performance bond, letter of credit or cash bond in the amount of 115 percent of the estimated cost of those remaining improvements for a length of time to be determined by the City Engineer.
  4. Upon acceptance of the required public improvements, the City Engineer (or designee) shall issue a Letter of Acceptance (LOA) to the developer/applicant stating that all required public improvements have been satisfactorily completed and accepted by the City.
- K. Deferral of required improvements.
1. The Planning Commission and City Commission may upon petition of the property owner and favorable recommendation of the City Engineer defer at the time of plat approval, subject to appropriate conditions, the provision of any or all public

improvements as in its judgment, are not required in the immediate interests of the public health, safety and general welfare.

2. Whenever a petition to defer the construction of any public improvements required under this chapter is granted by the City Commission, the property owner shall deposit in escrow with the City their share of the costs of the future public improvements as approved by the City Engineer prior to filing of the plat, or the property owner may execute a separate improvement agreement secured by a cash escrow or, where authorized, a letter of credit, including a contingency of 15 percent guaranteeing completion of the deferred public improvements upon demand of the City.

L. General Process. Below is a description of the general public improvement construction process:



**Section 2.10. - Floodplain development permit.**

2.10.1. Application of Requirements. This section applies in the following areas:

Property within City of Alton city Limits	Property within City of Alton ETJ
YES	NO

2.10.2. Intent. Regulates construction in areas subject to flood hazards.

2.10.3. Applicability. A floodplain development permit applies to all areas of special flood hazard within the jurisdiction of the City of Alton, Texas. No structure or land shall be located, altered, or have its use changed without approval of a floodplain development permit.

2.10.4. Criteria for Approval and Process. Floodplain development permit standards are detailed in Chapter 6. Application for a floodplain development permit shall be presented to the Floodplain Administrator. Application materials should include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

- A. Elevation (in relation to mean sea level), of the lowest floor (including basement if applicable) of all new and substantially improved structures;
- B. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
- C. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the flood proofing criteria included in Chapter 6;
- D. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a proposed development;
- E. Approval or denial of a floodplain development permit by the floodplain administrator shall be based on all of the provisions of Chapter 6 and the following relevant factors:
  1. The danger to life and property due to flooding or erosion damage;
  2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  3. The danger that materials may be swept onto other lands to the injury of others;
  4. The compatibility of the proposed use with existing and anticipated development;
  5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
  7. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
  8. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  9. The relationship of the proposed use to the comprehensive plan for the area.

**Section 2.11. - Building permits.**

2.11.1. Application of Requirements. This section applies in the following areas:

Property within City of Alton city Limits	Property within City of Alton ETJ
YES	NO

2.11.2. Applicability. Any owner, authorized agent or contractor who desires to construct, enlarge, alter, repair, move, demolish, roof, reroof or change the occupancy of a building or structure or to cause any such work to be done shall first make application to the Building Official and obtain the required permit for the work.

2.11.3. Prior Approvals. An application for a building permit shall not be approved unless the following have been approved and remain in effect for the subject property:

- A. The property is zoned to allow the proposed development.
- B. Any variances required to allow a proposed development have been approved.
- C. The subject property is platted or qualifies for a plat exception.

2.11.4. Criteria and Process. Building permit requests are evaluated by the Building Official, or his or her designee, using all the following criteria:

- A. The project conforms to this code, the Building Code, the Fire Code, and other applicable regulations.
- B. The parcel does not have any violations of this code or other applicable City or State regulations.
- C. The building permit is consistent with the following:
  - 1. Zoning designation.
  - 2. Conditional Use Permits and/or Limited Use Permits, if applicable.
  - 3. Variances if applicable.
  - 4. Subdivision plat.
  - 5. Site plans.

2.11.5. Expiration. A building permit shall become invalid unless work has commenced within 180 days from issuance date.

2.11.6. Exception. Model Home Exception for Single-Family Residential or Duplex Development. Within a phase containing public improvements that have not yet been finally accepted, a developer may construct no more than four (4) model homes, prior to the recordation of the plat provided that all off-site, drainage or regional improvements have been installed, inspected and accepted and that each model home is inspected and found to meet all building, plumbing and fire code requirements prior to being opened to observation by the public, and provided further that the home will not be sold or occupied as a dwelling unit until all public improvements within that phase have been completed and accepted by the City.

**Section 2.12. - Certificate of occupancy.**

2.12.1. Application of Requirements. This section applies in the following areas:

Property within City of Alton city Limits	Property within City of Alton ETJ
YES	NO

2.12.2. Applicability. An application for a certificate of occupancy is required within the City limits after the construction, alteration or placement of a structure and prior to habitation or any use of the structure. A certificate of occupancy also is required prior to a change in the use of any structure.

2.12.3. Prior Approvals. An application for a certificate of occupancy shall not be approved unless the following have been approved and remain in effect for the subject property:

- A. Plat is recorded.
- B. All required public improvements have been approved and accepted by the City Engineer, Public Works/Utilities Director and Planning Director.
- C. An approved building permit has been issued.

2.12.4. Criteria and Process. Certificate of Occupancy requests are evaluated by the Building Official, or his or her designee, using all the following criteria:

- A. The location of the structure on the property is in accordance with the approved application for the building permit;
- B. Where a change of use in an existing structure is proposed, the use conforms to the use regulations governing the property;
- C. The structure, following inspection by the Building Official, was built in conformity with the Building Code, as incorporated in the Unified Development Code and City Code of Ordinances;
- D. There are no outstanding permit requirements;
- E. When the property lies within a special flood zone, an elevation certificate prepared in accordance with FEMA standards is provided.

**Section 2.13. - Temporary certificate of occupancy.**

2.13.1. Application of Requirements. This section applies in the following areas:

Property within City of Alton city Limits	Property within City of Alton ETJ
YES	NO

2.13.2. Intent. The certificate of occupancy (CO) is the final construction document issued by the Building Official to authorize occupancy of a structure upon completion of all building and construction related issues. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the Building Official has issued a certificate of occupancy. It is sometimes necessary to request a temporary certificate of occupancy (TCO) prior to the final certificate of occupancy being issued. The TCO is intended to acknowledge that some

building features may not be completed even though the building is safe for occupancy, or that a portion of the building can be safely occupied while work continues in another area.

2.13.3. Applicability. A temporary certificate of occupancy shall only be issued for commercial development in which the City Engineer, Director of Planning, Fire Department and Building Official have determined a plan for completing the appropriate work has been established. Temporary certificates should be issued only when incidental construction remains. Before the request will be considered, installed fire alarm and/or sprinkler systems must have passed field acceptance tests. It is important to remember that an approval to stock is for goods only; it is not authorization for people to occupy the structure. The TCO requires all the same inspections as a certificate of occupancy as well as additional fees and submittals. For this reason, do not view the TCO as a short cut to occupying the structure. In some circumstances, escrow payment may be required for any unfinished work. When required, the value of the escrow payment will be set at 110% of the value of the work to be completed.

**Section 2.14. - Outdoor festival permit.**

2.14.1. Application of Requirements. This section applies in the following areas:

Property within City of Alton city Limits	Property within City of Alton ETJ
YES	NO

2.14.2. Applicability. Outdoor festivals include, but are not limited to, outdoor concerts, carnivals, circuses, trade shows, auto shows and any activity that includes the following:

- A. Where performances or audience are not located within a permanent structure; and
- B. Where the performance is located on property other than City owned parks, facilities or permanent campuses including church and school facilities, and other permanent locations designed to accommodate mass gatherings that can meet the permit standards;
- C. Where attempts are made to organize and promote the event by advertisement to the public.

2.14.3. Permit Requirements. No person shall act to promote an outdoor festival in the City of Alton without first obtaining a valid permit in accordance with the provisions of this article. The permit application procedure is as follows:

- A. An application shall be filed at least 45 days prior to the event with the Planning Department. Failure to meet the filing deadline may result in denial or delay of the application.
- B. The application shall include the following information:
  - 1. Name, address, phone number, e-mail of the person or organization promoting the event;
  - 2. A legal or street address of the event;
  - 3. The name, address and phone number of the owner of the property on which the event is to take place;

4. A copy of the agreement between the landowner and the applicant, if different;
5. The exact dates and times of the event;
6. The maximum number of persons that the applicant will allow to attend the event and a statement describing how the applicant will control the number of persons attending the event;
7. A security and access plan to be reviewed and approved by the Alton Police and Fire Departments. An inclement weather plan addressing parking and other pertinent information is required. Inadequate security or unsafe access and traffic planning may result in denial or delay of the permit;
8. A detailed description of the applicant's health and sanitation preparations for the event and how the applicant will comply with the minimum standards, including, but not limited to, restrooms, drinking water and food preparation, if applicable;
9. A parking plan showing how the applicant intends to regulate parking for the maximum number of persons allowed to attend the event. Parking shall be limited to areas approved by City police, fire and planning staff;
10. A complete list of similar events the applicant has promoted within the past three years, including the date, time and location of each event.

2.14.4. Application reporting. City of Alton staff shall review and act on the permit within 15 days of receipt of a completed application. An incomplete application shall be returned and marked "incomplete". Reapplication shall be considered as a new application. City staff may impose reasonable conditions or restrictions on the granting of a permit, including, but not limited to, the following:

- A. Restrictions on cooking, fires, amplified sound, the use of alcoholic beverages, the use of animals, equipment or vehicles, the number of persons to be present, parking location and area, or any activity that may appear likely to create a risk of unreasonable harm to the public. The applicant shall comply with all local noise ordinances.
- B. A requirement that the applicant carry a minimum of \$500,000.00 per occurrence in commercial general liability insurance naming the City of Alton as additional insured for claims occurring in the City right-of-way.
- C. Sanitary and refuse facilities that are reasonably necessary for the event being planned.
- D. Inspections by City staff of the event shall be permitted during the event or at any time prior to or after the event to ensure that the maximum standards of health, sanitation and safety prescribed by local and state laws, rules and orders are being maintained.
- E. Permits required by this article shall be publicly posted in the area where the activity is conducted or produced and shall be exhibited upon demand to any law enforcement officer or agent of the City upon demand. The posted permit shall have emergency contact information for the person(s) responsible for the operation of the event.

2.14.5. Zoning. Outdoor festivals are approved in the following zoning districts only:

- Commercial
- Industrial

- Public

2.14.6. Denial of permit. A permit may be denied if it is found that:

- A. False or misleading information has been given by the applicant;
- B. Improper zoning designation;
- C. The applicant has not made adequate preparations to limit the number of persons attending the event;
- D. The preparations do not ensure that minimum standards for sanitation and health will be maintained;
- E. The time and place for the event create a substantial danger of traffic or pedestrian congestion and disruption of other lawful activities;
- F. Inadequate parking area for the maximum number of persons attending the event;
- G. Adequate arrangements for traffic control have not been provided;
- H. Adequate medical and nursing care will not be provided;
- I. The event will violate any applicable federal, state or local law or ordinance;
- J. The event will not have adequate security personnel;
- K. The permit holder has two or more violations of this article within a 12-month period.

2.14.7. Appeal hearing request. An applicant, within ten days after notification of the City's findings, may file a written request for a hearing at the next regularly scheduled meeting of the Zoning Board of Adjustment, to show cause why the permit application should be granted or should not be denied. A hearing may result in delay of the event. The findings of the Zoning Board of Adjustment are final and any further remedy may be taken to the appropriate court of record within ten days of the Zoning Board of Adjustment decision.

**Section 2.15. - Variance for onsite consumption of alcohol.**

2.15.1. Application of Requirements. This section applies in the following areas:

Property within City of Alton city Limits	Property within City of Alton ETJ
YES	NO

2.15.2. Applicability. To be eligible for a variance from the distance requirements set forth above the applicant business must meet all of the following:

- A. Bars and package stores are not eligible for this variance;
- B. The business seeking the variance is a restaurant that agrees to limit its operation characteristics such that the restaurant will maintain its business in a manner to insure that its gross revenue from the sale of alcohol will be less than 50% of the total gross revenue of the business;

- C. There is a distance of a least 200 feet from the primary entrance of the applicant business to the primary entrance of the church or school measured using a straight line;
- D. The business seeking the variance shall comply with all aspects of any additional conditions required by the Planning and Zoning Commission and City Commission as a result of this process.

2.15.3. Procedure for Requesting Variance. Any business selling alcoholic beverages for on-premises consumption that seeks to locate the business at a location that is closer to a school or church than permissible under this code, or State law, must seek a variance. Variances shall only be considered upon completion of a written application that complies with this section and the payment of the application fee set forth in the most recently adopted Fee Schedule. For each neighboring church or school that is within the distances of the proposed restaurant, as described in Chapter 3, Limited Uses and as measured in accordance with Texas Local Government Code,

A. Application.

- 1. Present a letter describing the operation characteristics of the restaurant and shall obtain a statement signed by the governing officer of board of any such church or school stating that the church or school does not oppose the granting of the distance variance based on the operation characteristics stated in the letter.
- 2. The business must agree, in writing, to restrict its operation characteristics as set forth in the request to the church or school, as may have been set forth in the request to the church or school. These operating characteristics shall be included in the variance.
- 3. It shall be unlawful for any business granted a variance containing additional conditions to violate the stated conditions. Such violations shall constitute a misdemeanor and upon conviction may be fined in accordance with the Alton Code of Ordinances.

B. Hearing.

- 1. The Planning and Zoning Commission shall hold a hearing to consider the applicant's variance.
- 2. All property owners within 200 feet shall be notified and, in addition, all public and private schools and churches within 300 feet shall be notified.
- 3. At the conclusion of the hearing on the application for a variance the Planning and Zoning Commission may either recommend granting or denying the request to the City Commission. If the Commission recommends denial of the applicant's request for a variance they shall include findings of fact to show that the location or the restaurant:
  - a. Is not in the best interest of the public;
  - b. Would constitute waste or inefficient use of land or other resources;
  - c. Creates an undue hardship on the applicant;
  - d. Does not serve its intended purpose;

- e. Is not effective or necessary; or
  - f. Any other reason the Commission finds after consideration of the health, safety, and welfare of the public and the equities of the situation.
4. An applicant may appeal an adverse decision by the Planning and Zoning Commission to the Alton City Commission. The City Commission shall conduct a public hearing prior to deciding the appeal.

**Section 2.16. - Amendment to the City's Comprehensive Master Plan.**

2.16.1. Application of Requirements. This section applies in the following areas:

Property within City of Alton city Limits	Property within City of Alton ETJ
YES	NO

2.16.2. Types of Amendments.

- A. Periodic Amendment. The City Commission, upon recommendation of the Planning and Zoning Commission, may amend the Comprehensive Plan from time to time on its own motion or through initiation by City staff.
- B. Map Amendments. The Planning and Zoning Commission, the City Commission, or City staff may initiate a request for amendment of the Future Land Use Map or Thoroughfare Plan.

2.16.3. Processing a Comprehensive Master Plan Amendment.

- The Planning and Zoning Commission shall hold a public hearing after receiving the report and recommendation of the Director of Planning.
- The Planning and Zoning Commission shall make a recommendation regarding the proposed Master Plan amendment(s) to the City Commission. The Planning and Zoning Commission may recommend approval, approval with conditions, or denial of the amendments for a Master Plan amendment. After a public hearing the City Commission may approve, reject or modify the requested amendments by resolution. The text and/or maps of the Master Plan shall be amended to reflect the Commission's decision as needed.

## CHAPTER 3. - ZONING AND LAND USE

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### Section 3.1. - General

3.1.1. Intent. The purpose of this section is to protect and promote the public health, safety and general welfare, and to implement the policies of the Comprehensive Master Plan by classifying and regulating the uses of land and structures within the City of Alton in a manner consistent with the Master Plan. To achieve this purpose, it is the intent of this section to:

- Provide standards for the orderly development of the City and continue a stable pattern of land uses;
- Conserve and protect the historical integrity and character of the City's neighborhoods;
- Maintain and protect the value of property;
- Ensure the provision of adequate open space for light, air, and fire safety;
- Promote the economic stability of existing land uses that conform to the master plan and protect them from intrusions by inharmonious or harmful land uses;
- Ensure compatibility between land uses; and
- Encourage a pedestrian-friendly community by promoting a mix of land uses and pedestrian-oriented development in commercial areas.

3.1.2. Application of Requirements. This section applies in the following areas:

Property within City of Alton city Limits	Property within City of Alton ETJ
YES	NO

3.1.3. Chapter Components. This chapter includes the following sections:

- Official Zoning Map
- Zoning Districts
- Overlay Districts
- Limited Uses
- Lot Dimensional Requirements

3.1.4. Official Zoning Map. The City is hereby divided into zones or districts, and the boundaries of zoning districts set out are delineated upon the Zoning Map of the City. The Zoning Map is maintained by the Planning Director.

### Section 3.2. - Zoning districts

3.2.1. The zoning districts included in this chapter provide for the type and character of development that is allowed in various parts of the City. This Unified Development Code includes provisions for 16 zoning districts.

### Alton 2017 Zoning Districts

Zoning District	Abbreviation	Description	Section	Color
Agricultural	AG	Consists of agriculture uses, agriculture support uses, and farmsteads. Lots are typically a minimum of 10 acres.	3.2.1	
Agricultural Open Space	AG-O	Consists of open space that is intended for parks or recreational development.	3.2.2	
Single Family Residential – Large Lot	R-1	Consists of single family residential lots greater than 10,000 square feet	3.2.3	
Single Family Residential – Standard Lot	R-2	Consists of low density residential areas with a typical lot area of 6,000 – 10,000 square feet.	3.2.4	
Single Family Residential – Small Lot	R-3	Consists of single family residences on compact lots with a typical minimum lot area less than 6,000 square feet.	3.2.5	
Duplex/Fourplex	D	The D district is intended to allow duplex development within a low density residential neighborhood. Allows for Duplex development on land with > 6000 sq. ft.	3.2.6	
Manufactured Home	MH	Consists of either individual platted lots in which manufactured homes are permitted or manufactured home parks with lots held under common ownership and rented or leased to tenants.	3.2.7	
Multifamily Low Density	MF-1	Consists of low density multi-family developments. Buildings are typically low-rise developments or transition in height from a low rise development to a multi-story development when adjacent to single family or two family developments.	3.2.8	
Multifamily High Density	MF-2	Consists of multi-unit residential structures and developments, such as apartment and condominium complexes, garden and courtyard multi-family residential buildings, and residential loft buildings. A maximum density of 22 units per acre is permitted. Access should be provided by a collector or higher classification street.	3.2.9	
Planned Unit Development	PUD	A type of development and the regulatory process that permits a property owner to meet overall	3.2.16	

		community density and land use goals without being bound by existing zoning requirements. PUD is a special type of floating overlay district with generally does not appear on the municipal zoning map until a designation is requested.		
Public	P	Consists of governmental, civic, public service facilities. This includes schools, churches, governmental offices, and parks.	3.2.13	
Neighborhood Commercial	C-1	Consists of various types of small scale, limited impact commercial retail, personal services and office uses. Provides convenience to the residents of the neighborhood.	3.2.10	
General Commercial	C-2	Consists of a wide range of retail uses, offices and personal and business services. Access should be provided by arterial street. The heaviest concentration of this component should be located at intersection of arterial streets.	3.2.11	
Heavy Commercial	C-3	Consists of commercial enterprises that require outside storage of finished goods and generate heavy traffic. Access should generally be from a major arterial street.	3.2.12	
Light Industrial	I-1	Consists of commercial enterprises involved in light manufacturing, packaging, warehousing, distribution, and skilled mechanical trades. Typically generates heavy truck traffic and requires the outside storage of raw and unfinished products.	3.2.14	
Heavy Industrial	I-2	The I-2 is intended primarily for the conduct of heavy manufacturing, assembling and fabrication activities that do not typically depend upon frequent customer or client visits. Such uses generally require accessibility to major thoroughfares.	3.2.15	

### 3.2.1. Agricultural (AG)

All pictures below are general representations of structures and uses in zoning district.



- A. Purpose. The Agricultural District is designed to promote orderly, timely, economic growth and to recognize current land use conditions. It is the intent of this district that agricultural land and ranch land be held in that use for as long as is practical and reasonable.

### 3.2.2. Agricultural Open Space (AG-O)



- A. Purpose. The Agricultural Open Space district is to provide areas to maintain and protect the community's natural open space resources; protect landscaped open space areas located within residential and nonresidential developments, where no further development is allowed. Open space is usually intended for parks or recreational development.
- B. This district is the initial zoning for all newly annexed land unless otherwise indicated in the annexation ordinance.

### 3.2.3. Single-Family Residential Large Lot (R-1)



Above pictures are general representations of structures within zoning district.

- A. Purpose. The Single Family Large Lot zoning district is intended as an area for low density residential uses with minimum lot size of 10,000 square feet and maximum density of two units per net acre. It is intended that R-1 zoning district is utilized to provide an appropriate transition from urban development to agricultural areas.

### 3.2.4. Single-Family Residential Standard Lot (R-2).



Above pictures are general representations of structures within the zoning district

- A. Purpose. The R-2 zoning district provides for the development of single-family detached dwellings on standard sized residential lots and for other compatible and complimentary uses. It is intended that the R-2 zoning district is utilized to provide an appropriate transition from urban development to agricultural areas. The standard lot size for an R-2 is between 6,000 and 10,000 square feet.

### 3.2.5. Single Family Residential Small Lot (R-3)



Above pictures are general representations of structures within the zoning district

- A. Purpose. The residential Small Lot district is intended to provide opportunities to increase the supply of smaller dwelling units and rental housing units by allowing the creation of subdivisions with smaller lot sizes, and to establish design and development standards for these projects to ensure that they are compatible with the surrounding neighborhood. General Lot size up to 5,999 square feet.

### 3.2.6. Duplex-Fourplex (D)



Above pictures are general representations of structures within zoning district

- A. Purpose. The D zoning district provides for the development of two family or four family attached dwellings, and for other compatible and complimentary uses. The intent is to stabilize and protect the essential residential characteristics of the following areas:
1. Residential areas in the vicinity of neighborhood retail areas that are primarily developed with single-family dwellings; and
  2. Areas adjacent to both single-family residential and multiple family residential.
- A density of up to 6 dwelling units per acre is permitted.

### 3.2.7. Manufactured Home (MH)



Above pictures are general representations of structures within zoning district

- A. Purpose. The purpose of the MH zoning district is to provide a residential zoning district for manufactured homes on either individual platted residential lots that may be conveyed to individual lot owners or manufactured home parks with one owner and spaces leased or rented out.
- B. Manufactured Home Standards.
  1. Manufactured homes shall be of adequate quality and safe design, as certified by a label stating that the unit is constructed in conformance with the Federal Manufactured Housing Construction and Safety Standards in effect on the date of manufacture.
  2. Manufactured homes shall have no outside horizontal dimension less than fourteen (14) feet, except for original extensions or subsequent additions (i.e. garages, porches, etc.). Extensions or additions must contain less than fifty (50) percent of the total enclosed floor area.
  3. Each manufactured home shall be totally skirted with metal, masonry, pressure-treated wood, or other nondegradable material which is compatible with the structure's exterior siding.
  4. Living area additions, carports and garages are permitted, provided they are constructed of material compatible with the primary structure, meet the minimum standards of the zoning districts and comply with the structural standards as required of the primary structure.
- C. Standards for Internal Streets in Manufactured Home Park
  1. Internal streets shall be private and not dedicated to the City. All streets must be designed, constructed and inspected to meet all City standards.
  2. All internal streets shall be named, signed and units numbered.
  3. Internal sidewalks shall be required, meeting the same specifications as City sidewalks.

4. A paved walkway from each parking area to the unit shall be required.
5. Internal lighting shall be based on public street standards.

D. Operational and Maintenance Standards.

1. Manufactured home parks shall provide a permanent manager or operator accessible at all times by tenants and public officials.
2. Owners must maintain all facilities and infrastructure in a safe, clean, neat and orderly manner. Landscaping and fencing must be maintained.
3. Management shall provide insect and rodent control, and remove litter.
4. An annual operating license should be required to own and operate a manufactured home park. The license should include an annual inspection to verify compliance with all codes and municipal ordinances. Revocation of a license shall include, but not be limited to, the following penalties: No new occupancies, enforcement action in accordance with this Unified Development Code.

E. Development Standards.

1. A development designed as a manufactured home park shall be for the explicit purpose of renting or leasing of manufactured home sites and shall not be construed to permit the sale of such spaces as lots.
2. At no time may an existing manufactured home park be converted to a manufactured home subdivision without first meeting all the platting requirements and receiving approval by the Planning Commission and City Commission .
3. At no time may an existing manufactured home park be converted to a manufactured home subdivision without first obtaining the appropriate zoning change.
- 4.

<b>Manufactured Home Length (Feet)</b>	<b>Required Minimum Gross Lot/Space Area</b>			<b>Minimum Lot/Space Depth</b>
	Manufactured Home Width Including Slide Out			
	< 14 feet	14ft – 22 ft	> 22 ft	
32	NA	NA	4,000 SF	80 ft
39	NA	4,050 SF	4,500 SF	90 ft
49	4,000 SF	4,500 SF	5,000 SF	100 ft
59	4,400 SF	4,950 SF	5,500 SF	110 ft
69	4,800 SF	5,400 SF	6,000 SF	120 ft
79	5,200 SF	5,850 SF	6,500 SF	130 ft
80 <	5,200 SF Plus 40 SF for each ft. over 80 ft.	5,850 SF Plus 40 SF for each ft or 80	6,500 SF Plus 40 SF for each ft over 80 ft	Manufactured Home Length Plus 50 ft

		ft		
Minimum lot or space width	40 ft	45 ft	50 ft	

**3.2.8. Multi-family Low Density (MF-1).**



Above pictures are general representations of structures and uses within zoning district

- A. Purpose. The MF-1 zoning district provides for multi-unit residential structures and developments. Buildings are typically low-rise developments or transition in height from a low rise development to a multi-story development when adjacent to single family or two family developments. The MF-1 zoning district is generally intended to serve as a transition use between low density, single family developments and more intensive uses, while also providing an opportunity for a diversity in housing stock and to allow for multi-generational neighborhoods. The goal is to avoid more than twenty-five (25) acres of contiguous land having a multi-family zoning designation. MF-1 development shall not exceed a density of more than sixteen (16) dwelling units per gross acre.

**3.2.9. Multi-family High Density (MF-2).**



Above picture are general representations of structures and uses found within zoning district

- A. Purpose. The MF-2 zoning district provides for multi-unit residential structures and developments, such as apartment and condominium complexes, garden and courtyard multifamily residential buildings, and residential loft buildings. Such components are generally intended to serve as a transition use between low density, single family developments and more intensive uses such as commercial uses or higher traffic roadways. The MF-2 zoning district is intended to create more variety in housing opportunities but is intended to be utilized in small areas to avoid large tracts devoted to strictly to multi-family residential development. The goal is to avoid more than twenty-five (25) acres of contiguous land having a multi-family zoning designation. MF-2 development shall not exceed a density of twenty two (22) dwelling units per gross acre.

### 3.2.10. Neighborhood Commercial (C-1).



Above pictures are general representations of structures, , lot size and uses found within zoning district

- A. Purpose. The neighborhood commercial district is to provide for various types of small scale, limited impact commercial, retail, personal services, and office uses located in close proximity to their primary customers. The development standards and use restrictions specified for this district are intended to ensure compatibility with adjacent residential districts or uses, while promoting the harmonious growth of retail and commercial uses.

### 3.2.11. General Commercial (C-2)



Above pictures are representations of structures, open space, lot size and uses found within zoning district

- A. Purpose. The General Commercial District is the primary commercial and service zoning district of the community. This district is an intensive classification in which the commingling of many retail, service and office uses is permitted. Structures located in this district may vary from freestanding buildings to community and regional shopping centers.

### 3.2.12. Heavy Commercial (C-3)



Above pictures are representations of structures, open space, lot size and uses found within zoning district

- A. Purpose. The principal purpose of this zoning district is to provide for heavy commercial uses in locations which are suitable and appropriate taking into consideration land uses on adjacent or nearby properties, access to a major street or highway, or other means of transportation, and the availability of public utilities. Also consists of enterprises that require outside storage of finished goods and generate heavy traffic.

### 3.2.13. Public (P).



Above pictures are general representations of structures, open space, lot size and uses found within zoning district

- A. Purpose. The Public District is intended to encourage the use of unique areas especially suited for public assembly, meetings, recreational areas, schools, places of worship, and similar uses.

### 3.2.14. Light Industrial (I-1).



Above pictures are general representations of structures, open space, lot size and uses found within zoning district

- A. Purpose. The Light Industrial zoning district consists of commercial enterprises involved in research and development, light manufacturing, packaging, warehousing, distribution, and skilled mechanical trades. The uses permitted within this district are primarily uses that will take place inside of a building and will have minimal or no outdoor storage.

### 3.2.15. Heavy Industrial (I-2).



Above pictures are general representations of structures, open space, lot size and uses found within zoning district

- A. Purpose. The Heavy Industrial district is intended primarily for the conduct of heavy manufacturing, assembling and fabrication activities that do not typically depend upon frequent customer or client visits. Such uses generally require accessibility to major thoroughfares, major highways, and/or other means of transportation such as the railroad.

### 3.2.16. Planning Unit Development (PUD).

- A. Purposes. In certain instances the purposes of this chapter may be achieved by the development of planned unit development (PUD) that do not conform in all respects with the land use pattern designated on the zoning map, the district regulations prescribed by this Code, or the requirements of this chapter. A PUD may include a combination of different dwelling types and/or a variety of land uses, which creatively complement each other and harmonize with existing and proposed land uses in the vicinity. In order to encourage creative development of the land, provide locations for well-planned comprehensive developments, and provide for variety in the development pattern of the City, which conforms, with the purposes of the comprehensive plan.
- B. Planned Unit Development subdivision requirements.
  1. It is the intent of this section that subdivision review under the subdivision regulations be carried out simultaneously with the review of a planned unit development plan under the zoning ordinance.
  2. The detail plans (Regulating Plan) required in the zoning ordinance must be submitted in a form that will satisfy the requirements of this chapter for final plats.
  3. The final plat and PUD Standards Document (e.g. Regulating Plan) must be in conformance with the approved detail plans before they may be approved by the City Commission. Approval and recording of the final plat and construction of an approved subdivision shall be in accordance with the applicable provisions of this chapter and terms and conditions of the PUD Standards Documents, including the General Land Use Plan, storm water management plan, traffic control and access

plan, signage plan, development design standards. This includes, but is not limited to, the types of façade, building material including the percent of masonry or stone, glazing, landscaping, building articulation and design, parks, parking, amenities, open space, wetland, tree preservation, open space corridors, LEED and LID (Low Impact Development) strategies, and Green Infrastructure use, density, redevelopment, and any other written terms and conditions necessary to meet the standards of the PUD. The Standards and Designs are expected to exceed the quality of development that can be obtained in a standard zoning category.

4. The City Commission may vary the specific requirements of this chapter if, on the basis of the PUD concept and regulating plan and the evidence submitted, the Commission makes the following findings:
  - a. That the proposed modifications to the requirements of this chapter for the planned unit development are in accord with the purposes of this chapter and meets, or exceeds, the objectives of the comprehensive plan;
  - b. That the proposed modification provides for a superior quality project design than can be obtained through the adopted zoning districts and design standards;
  - c. That the standards of population density, site area and dimensions, site coverage, yard spaces, heights of structures, distances between structures, usable open space, off-street parking and off-street loading facilities will be such that the development will not generate more traffic than the streets in the vicinity, can carry without congestion and will not overload the utilities or increase the volume of storm water runoff and or diminish the quality of the storm water runoff by increasing the pollutant load;
  - d. That the development is planned with adequate provisions for light, air, storm water management, vehicular and pedestrian circulation, and recreational facilities that exceed the minimum requirements of this chapter;
  - e. That the combination of different dwelling types and/or the variety of land uses in the development will complement each other and will harmonize with existing and proposed land uses in the vicinity;
  - f. Financial reasons shall not be the sole reason for modification of standards.

#### C. Procedure.

1. Any proposed use in the Planned Unit Development District shall be based upon a General Land Use Plan (GLUP), and related PUD documents (e.g. regulating plan) as described above, approved by the Planning and Zoning Commission. A complete application and site plan shall be submitted to the Planning Department at least fifteen (15) days prior to the public hearing and notice mailed to all parties affected within 200' of the site within the Alton City limits.
2. All amendments to the GLUP, and related PUD documents, must be approved by the City Commission and shall be submitted in the same manner as the original application except the Director may approve minor changes which do not alter the basic relationship of the proposed development to adjacent property. A minor change is one that does not alter the uses permitted or increases the density, height,

or coverage of the site, or decrease the off-street parking ratio or reduce the setbacks as indicated on the approved GLUP.

3. The Building Official shall review every building permit application within the Planned Unit Development District for conformance with the GLUP and related documents.
4. An applicant making application for the approval of a General Land Use Plan shall accompany his application with a site plan consisting of the following:
  - a. Existing topography of the property.
  - b. Existing & proposed land uses and their location.
  - c. Location of all streets, alleys, sidewalks, parking.
  - d. Location of all proposed public uses, such as schools, parks, playgrounds, open spaces, landscaping.
  - e. Drainage plan.
  - f. Present ownership and any planned change in ownership.
  - g. Schedule of development.
  - h. All agreements, covenants and deed restrictions.
5. The City Commission may, in the interest of the public welfare and to assure compliance with the intent of this ordinance, require such modifications as are deemed to be important to the welfare and protection of adjacent property and the community as a whole.
6. No building permit shall be issued on the land within the Planned Unit Development District until the City Commission has approved all required documents.
7. Where applicable, all City of Alton subdivision requirements shall be followed.
8. If no construction has commenced or no use established within two (2) years from the approval of the GLUP, the GLUP shall lapse and be of no further effect. Reapplication shall be the same as an original application.

**Section 3.3. - Overlay districts.**

3.3.0. Overlay zoning district is a special zone placed over an existing zoning district. The overlay zone includes a set of regulations that is applied to property within the overlay zone in addition to the requirements of the underlying or base zoning district (for example: additional landscaping, screening, sign regulations or other development regulations meant to either protect a scenic route/resource or enhance development in certain areas).

Corridor Overlay District Name	General Boundaries
Scenic Overlay District	All new development on properties which front or adjoin Main Ave or Alton Blvd, excluding single family residential

	used property, are required to meet these standards. From City limit to City limit.
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3.3.1. Intent. It is the intent of the Corridor Overlay Districts to establish a series of community gateway corridors with special architectural, landscaping, setback requirements to enhance the visual and aesthetic character within the areas listed above.

3.3.2. Applicability. All new development or redevelopment of properties described in the above table. In the case of a redevelopment of an existing site or structure only the new portion of the site or structure shall come into conformance with the applicable requirements of the overlay district unless one of the following exists:

- The redevelopment of the property includes a 50-percent or more increase in square footage; or
- If the extent of the proposed modifications is 50% or more of the site's assessed value over a 5-year time period. For the purposes of the code the assessed value of a structure shall be the value cited by the Hidalgo County Appraisal District.

In such case the site in its entirety must be brought into conformance with the requirements of this code.

3.3.3. Exemptions. The development requirements associated with the overlay districts are not applicable to single family residential development.

3.3.4. Development Standards. The development standards outlined below will require developers to exceed the minimum development requirements applicable to properties located outside of the overlay districts. If a specific development standard is not identified below the proposed development is subject to the minimum development standards outlined in the individual sections of this code.

A. Building Design Requirements.

1. Specifications of the type of materials to be used will need to be reviewed and approved by the Planning Department.
2. Colors to be used on the facility will need to be approved by the CADC's designated committee.
3. No solid wood frame structures will be allowed on the Scenic Route Corridor.
4. No mobile or semi permanent structures will be allowed on the Scenic Route Corridor, save for those uses permitted through the Mobile Food Vendor Ordinance
5. Contemporary designs will be reviewed accordingly and may be accepted on case by case basis by the City Planning Department.

B. Building placement.

1. Buildings shall be placed furthest from the street and back of curb to accommodate parking stalls around building and will not interfere with the line of site of existing structures and buildings
2. When possible, buildings are to be placed abutting the rear set back however will not conflict with any buffer fencing that may be required.
3. Building shall be placed so that sufficient parking can be in front of the facility facing streets when all possible.

C. Signage.

1. There will be a permanent sign erected in front of the establishment and/or on the building.
2. Temporary signs: These signs may be accepted for up to 90 days after completion of construction however, design and type will need to be approved by the Planning Department.
3. Permanent signs: Sign type and placement location will need to be approved by CADC's designated committee.

**Section 3.4. – Land Use.**

3.4.1. Permitted, Limited, Specific, Unlisted and Prohibited Uses. The use of land and/or buildings shall be in accordance with those listed in the following Land Use Matrix. No land or building shall hereafter be used and no building or structure shall be erected, altered, or converted other than for those uses specified in the zoning district in which it is located or for activities consistent with the nonconforming provisions of this Chapter.

3.4.2. Unlisted Uses. It is recognized that new types of land use will arise in the future, and forms of land use not presently anticipated may seek to locate in the City. A new and unlisted use may be interpreted by the Planning Director as similar to a listed use if the unlisted use possesses the majority of characteristics of the listed use. If the unlisted use is deemed similar to a listed use by the Planning Director, no amendment of the Land Use Matrix is required. If the use is not deemed by the Planning Director to be similar to an existing listed use the unlisted use determination must be submitted to the Planning and Zoning Commission and City Commission and shall subsequently be treated as an ordinance amendment.

A person requesting the addition of a new or unlisted use shall submit to the Planning Director or his/her designee, all information necessary for the classification of the use, or use the closest possible NAICS code to determine if allowable. Information includes but is not limited to the following:

- A. The nature of the use and whether the use involves residential activity, sales, services, or processing;
- B. The type of product sold or produced;
- C. Whether the use has enclosed or open storage and the amount and nature of the storage;
- D. Anticipated employment typically anticipated with the use;

- E. Transportation requirements estimate of number of trips per day;
- F. The nature and time of occupancy and operation of use;
- G. The parking and loading requirements;
- H. The amount of noise, odor, fumes, dust, toxic materials and vibration likely to be generated;
- I. General description of development needs for use (impervious cover, utilities, etc.).

3.4.3. Land Use Matrix.

Land Use Type	NAICS Code	Residential Zoning Districts										Non-Residential Zoning Districts					Parking Ratio	
		AG	AG-O	R-1	R-2	R-3	D	MF-1	MF-2	MH	PUD	P	C-1	C-2	C-3	I-1		I-2
<b>Agricultural</b>	Ranching, propagation and cultivation of crops and similar agricultural uses of vacant land where utilities or City Services are not readily available.																	
Bulk Grain and/or Feed Storage/ Feedlot	493130	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	No additional parking required
Commercial Animal Enterprise		C	-	-	-	-	-	-	-	-	-	-	-	C	C	P	P	1/500 s.f. of site area
Farm (Garden, Crops)	119980	P	-	P	-	-	-	-	-	-	C	-	-	-	-	-	-	2/dwelling unit
Farm Products, Food Wholesale	422480	-	-	-	-	-	-	-	-	-	C	-	-	P	P	P	P	1/400 G.F.A
Flour and other Grain Mills		P	-	-	-	-	-	-	-	-	C	-	-	-	-	P	P	1/2000 site area
Horse Racing and/or Training	711212	C	-	-	-	-	-	-	-	-	C	-	-	-	-	C	C	1/ 2 seats or ½ / Stall
Livestock and Large Animal Clinic/Veterinarian		P	-	-	-	-	-	-	-	-	C	-	-	-	C	P	P	1/500 G.F.A
Livestock – Wholesale	422590	P	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	1/500 s.f. of site area
Livestock Sales/Auction	112990	P	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	1/500 s.f. of site area
Orchard, Vineyard	111331	P	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	No additional parking required
Poultry Hatchery		C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	No additional

																		parking required
Ranch, Livestock	112990	<b>P</b>	-	<b>L</b>	-	-	-	-	-	-	<b>C</b>	-	-	-	-	-	-	2/dwelling unit
Rodeo or Fair Ground	711310	<b>C</b>	-	-	-	-	-	-	-	-	<b>C</b>	-	-	-	-	<b>C</b>	<b>C</b>	Specified by CUP
Stables, Commercial, Principle Use	713990	<b>C</b>	-	-	-	-	-	-	-	-	<b>C</b>	-	-	-	<b>P</b>	<b>P</b>	<b>P</b>	½ /Stalls
Winery (as main use)	312130	<b>C</b>	-	-	-	-	-	-	-	-	<b>C</b>	-	-	-	<b>P</b>	<b>P</b>	<b>P</b>	No additional parking required

<b>Amusement &amp; Recreation</b>	Includes uses and activities often done for play, enjoyment and pleasure whether outdoors or indoors.																	
Amusement, Commercial-Indoor (Arcade, Billiards, Bingo/Domino Parlor, Bowling Alley)	713990	-	-	-	-	-	-	-	-	-	C	-	C	P	P	P	P	1/100 G.F.A
Amusement/Recreation, Commercial (Outdoor)	713110	-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	½ seats
Amusement, Commercial - Temporary, (e.g., carnival, haunted house) <i>{Note: Allowed only by Special Event Permit for up to 10 days}</i>		C	C	-	-	-	-	-	-	-	-	P	C	C	C	C	C	Specified by CUP
Bar/Night Club/Dance Hall		-	-	-	-	-	-	-	-	-	C	-	C	C	C	C	C	1/100 G.F.A
Event Facilities		C	C	-	-	-	-	-	-	-	P	P	C	P	P	P	P	1/ 200 G.F.A
Golf Driving Range		-	-	-	-	-	-	-	-	-	-	C	-	C	P	P	P	1/driving tee
Archery, Paintball, Gun Ranges (Outdoor)		-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	Specified by CUP
Gun Ranges – Indoors		-	-	-	-	-	-	-	-	-	-	-	C	C	C	C	C	1/500 G.F.A
Golf Course (Private or Public)	713910	-	-	-	-	-	-	-	-	-	C	C	-	C	C	P	P	2/green
Health/Fitness/Athletic Club		-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	1/200 G.F.A
Playfield or Stadium (Private)		-	-	-	-	-	-	-	-	-	C	C	-	C	P	P	P	½ seat
Recreational Vehicle Park/Campground	721211	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	2/dwelling unit
Skating Rink or Swimming Pool	713940	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	10 minimum
Tennis Court		-	-	-	-	-	-	-	-	-	C	C	-	P	P	P	P	2/court
Theater, Live or Performing Arts or Dinner Theater	711110	-	-	-	-	-	-	-	-	-	C	-	-	P	P	P	P	1/3 seats
Theater, Drive-in Movie	512132	-	-	-	-	-	-	-	-	-	C	-	-	P	P	P	P	1/employee
Theater, Motion Picture (Indoors)	512131	-	-	-	-	-	-	-	-	-	C	-	-	P	P	P	P	1/3 seats

Land Use Type	NAICS Code	Residential Zoning Districts										Non-Residential Zoning Districts					Parking Ratio	
		AG	AG-O	R-1	R-2	R-3	D	MF-1	MF-2	MH	PUD	P	C-1	C-2	C-3	I-1		I-2
<b>Commercial and Wholesale Trade</b>	Generally the sale or distribution of goods or merchandise to other wholesalers, retailers: industrial, commercial, institutional, other professional business users or the sale of goods to anyone other than a standard consumer.																	
Appliance Repair (No outside storage)	443111	-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	1/400 G.F.A
Booking Binding		-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	1/300 office space; 1/1,000 indoor facility
Carpenter, Cabinet, Woodworking Shop		-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	1/400 G.F.A
Carpet and Rug Cleaning Plant		-	-	-	-	-	-	-	-	-	-	-	-	L	P	P	P	1/400 G.F.A
Cleaning Plant (Commercial Laundry)	812230	-	-	-	-	-	-	-	-	-	-	-	-	L	P	P	P	1/300 office space; 1/1,000 indoor facility
Communication Equipment Sales/Service (Installation and/or Repair – No Outdoor Sales, storage or towers/antenna)		-	-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	1/300 office space
Construction Contractor with Storage Yard	811310	-	-	-	-	-	-	-	-	-	C	-	-	-	P	P	P	1/ 2,000 S.F G.F.A
Exterminator Service/Company (No Outdoor Sales or Storage)	531710	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	1/300 office space; 1/2 employee
Fix-it-Shops - Small Engine, Saw Filing, Mower Sharpening, etc.		-	-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	1/300 office space; 1/1,000 indoor facility

<b>Commercial and Wholesale Trade</b>		<b>AG</b>	<b>AG-O</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>D</b>	<b>MF-1</b>	<b>MF-2</b>	<b>MH</b>	<b>PUD</b>	<b>P</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>I-1</b>	<b>I-2</b>	
Heating & Air-Conditioning Sales/Services		-	-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	1/300 office space; 1/1,000 indoor facility
Lawnmower Repair and/or Sales	444210	-	-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	1/400 G.F.A
Lumber and Building Materials – Used (Storage and/or Sales)		-	-	-	-	-	-	-	-	-	C	-	-	-	P	P	P	1/300 office space; 1/1000 indoor facility; 1/2500 indoor/outdoor storage area
Machine Shop	332710	-	-	-	-	-	-	-	-	-	C	-	-	-	P	P	P	1/300 office space; 1/1,000 indoor facility
Maintenance & Repair Service for Buildings/Janitorial		-	-	-	-	-	-	-	-	-	C	-	-	P	P	P	P	1/300 office space; ½ employee
Manufactured Home Display or Sales (New or Used)	453930	-	-	-	-	-	-	-	-	-	C	-	-	-	P	P	P	1/1,000 S.F G.F.A
Mini-Warehouse/Self Storage (Non-occupied except for storage)	493220	-	-	-	-	-	-	-	-	-	C	-	-	P	P	P	P	1/500 G.F.A
Moving and Storage Company	484110	-	-	-	-	-	-	-	-	-	C	-	-	-	P	P	P	1/200 office space
Newspaper Printing	323122	-	-	-	-	-	-	-	-	-	C	-	-	P	P	P	P	1/200 G.F.A
Pawn Shop	522298	-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	1/200 G.F.A
Plumbing Shop		-	-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	1/200 G.F.A
Portable Building Sales, with display on a paved surface or behind a screening fence	332311	-	-	-	-	-	-	-	-	-	C	-	-	L	P	P	P	1/300 office space; 1/1,000 site area
Portable/Chemical Toilet renting, storage	562991	-	-	-	-	-	-	-	-	-	C	-	-	L	P	P	P	1/1,000 site area

<b>Commercial and Wholesale Trade</b>		<b>AG</b>	<b>AG-O</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>D</b>	<b>MF-1</b>	<b>MF-2</b>	<b>MH</b>	<b>PUD</b>	<b>P</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>I-1</b>	<b>I-2</b>	
Printing Equipment, Supplies and Repairs		-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	1/400 G.F.A
Propane Sales Filling (Retail)		-	-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	1/200 G.F.A
Publishing and Printing Company	323114	-	-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	1/300 office space; 1/1,000 indoor facility
Recycling and/or Drop Off Kiosk, Bin or Reverse Vending Machine (as Accessory Use)	56119	-	-	-	-	-	-	-	-	-	C	-	P	P	P	P	P	No additional parking required
Recycling Center (as main use)		-	-	-	-	-	-	-	-	-	C	-	-	-	P	P	P	½ employee
Refinishing, Restoring and Painting (non-auto) Shop		-	-	-	-	-	-	-	-	-	C	-	-	P	P	P	P	1/300 office space; 1/1,000 indoor facility
Salvage Storage Yard	421930	-	-	-	-	-	-	-	-	-	C	-	-	-	P	P	P	1/300 office space; 1/ 2,500 indoor/outdoor storage area
Scrap Metal Storage Yard		-	-	-	-	-	-	-	-	-	C	-	-	-	-	P	P	1/300 office space; 1/ 2,500 indoor/outdoor storage area
Sign Shop (small scale, retail sign and banner making sale only; no outside storage)	339999	-	-	-	-	-	-	-	-	-	P	-	L	P	P	P	P	1/400 G.F.A
Stone Monuments and Gravestones – Engraving and Retail Sales Only	453998	-	-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	1/400 G.F.A
Tool and Machinery Rental (Indoor Storage only)	444130	-	-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	1/300 office space; 1/ 2,500 indoor/outdoor storage area

<b>Commercial and Wholesale Trade</b>		<b>AG</b>	<b>AG-O</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>D</b>	<b>MF-1</b>	<b>MF-2</b>	<b>MH</b>	<b>PUD</b>	<b>P</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>I-1</b>	<b>I-2</b>	
Tool and Machinery Rental (with Outdoor Storage)	532210	-	-	-	-	-	-	-	-	-	C	-	-	-	P	P	P	1/300 office space; 1/ 2,500 indoor/outdoor storage area
Upholstery Shop (Non-Auto)	451130	-	-	-	-	-	-	-	-	-	C	-	-	P	P	P	P	1/400 G.F.A
Warehouse ( <i>Storage or Wholesale Warehouse</i> )	493110	-	-	-	-	-	-	-	-	-	C	-	-	-	P	P	P	1/300 office space; 1/ 2,500 indoor/outdoor storage area
Welding Shop	811312	-	-	-	-	-	-	-	-	-	C	-	-	-	P	P	P	½ employee
Wholesale Trade – Durable and Nondurable Goods		-	-	-	-	-	-	-	-	-	C	-	-	-	P	P	P	1/300 office space; 1/1000 indoor facility; 1/2500 indoor/outdoor storage area
Wood Working Shops	321999	-	-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	1/300 office space; 1/1,000 indoor facility

Land Use Type	NAICS Code	Residential Zoning Districts										Non-Residential Zoning Districts					Parking Ratio	
		AG	AG-O	R-1	R-2	R-3	D	MF-1	MF-2	MH	PUD	P	C-1	C-2	C-3	I-1		I-2
<b>Heavy Manufacturing/ Industrial</b>		Generally includes those manufacturing and industrial processes considered “heavy” especially the processing of raw materials, chemicals, or with environmental and adjacency issues.																
Any Manufacture or Industrial Process Not Listed and Not Prohibited by Law		-	-	-	-	-	-	-	-	-	C	-	-	-	C	P	P	1/300 office space; 1/1000 indoor facility; 1/2500 indoor/outdoor storage area
Acid Manufacture		-	-	-	-	-	-	-	-	-	C	-	-	-	-	P	P	
Adhesives and Sealants Manufacture		-	-	-	-	-	-	-	-	-	C	-	-	-	C	P	P	
Agriculture Product Processing		-	-	-	-	-	-	-	-	-	C	-	-	-	C	P	P	
Aircraft and/or Parts Manufacture	336411	-	-	-	-	-	-	-	-	-	C	-	-	-	-	P	P	
Airplane Repair and Manufacturing	488190	-	-	-	-	-	-	-	-	-	C	-	-	-	-	P	P	
Animal Processing and Slaughter	311611	-	-	-	-	-	-	-	-	-	C	-	-	-	-	P	P	
Asphalt Manufacture including Paving and Roofing Material	324110	-	-	-	-	-	-	-	-	-	C	-	-	-	-	P	P	
Automobile Assembly/ Parts Manufacturing		-	-	-	-	-	-	-	-	-	C	-	-	-	P	P	P	
Battery Manufacture		-	-	-	-	-	-	-	-	-	C	-	-	-	-	P	P	
Bleaching/Chorine Powder Manufacture		-	-	-	-	-	-	-	-	-	C	-	-	-	-	P	P	
Boiler Manufacture and Repair		-	-	-	-	-	-	-	-	-	C	-	-	-	L	P	P	
Celluloid and Similar Cellulose Manufacture		-	-	-	-	-	-	-	-	-	C	-	-	-	-	P	P	

<b>Heavy Manufacturing/ Industrial</b>		<b>AG</b>	<b>AG-O</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>D</b>	<b>MF-1</b>	<b>MF-2</b>	<b>MH</b>	<b>PUD</b>	<b>P</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>I-1</b>	<b>I-2</b>	
Cement Manufacture		-	-	-	-	-	-	-	-	-	C	-	-	-	-	P	P	
Ceramic Products Manufacture		-	-	-	-	-	-	-	-	-	C	-	-	-	-	P	P	
Chemicals Manufacture	422690	-	-	-	-	-	-	-	-	-	C	-	-	-	-	L	P	
Chemical Manufacture, Hazardous	325998	-	-	-	-	-	-	-	-	-	C	-	-	-	-	L	P	
Concrete or Asphalt Mixing/Batching Plant (Permanent)	327320	-	-	-	-	-	-	-	-	-	C	-	-	-	-	L	P	
Culvert, Pipe, Hydro-conduit Manufacture		-	-	-	-	-	-	-	-	-	C	-	-	-	-	L	P	
Dye Manufacture/ Plant		-	-	-	-	-	-	-	-	-	C	-	-	-	-	L	P	
Electro-plating/Electro-typing		-	-	-	-	-	-	-	-	-	C	-	-	-	-	L	P	
Engraving Plant		-	-	-	-	-	-	-	-	-	C	-	-	-	P	L	P	
Farm/Garden Machinery and Equipment Manufacture		-	-	-	-	-	-	-	-	-	C	-	-	-	L	L	P	
Fats and Oils (Animal) Manufacture		-	-	-	-	-	-	-	-	-	C	-	-	-	-	L	P	
Feed Manufacture		-	-	-	-	-	-	-	-	-	C	-	-	-	P	L	P	
Felt Manufacture		-	-	-	-	-	-	-	-	-	C	-	-	-	P	L	P	
Fixtures Manufacture		-	-	-	-	-	-	-	-	-	C	-	-	-	P	L	P	
Foundry - all types	331511	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	P	
Furnace Manufacture		-	-	-	-	-	-	-	-	-	C	-	-	-	-	L	P	
Furniture Manufacture		-	-	-	-	-	-	-	-	-	C	-	-	-	P	L	P	
Gases (Industrial) Manufacture		-	-	-	-	-	-	-	-	-	C	-	-	-	-	L	P	
Glucose Manufacture		-	-	-	-	-	-	-	-	-	C	-	-	-	-	L	P	
Kerosene Manufacture or Storage		-	-	-	-	-	-	-	-	-	C	-	-	-	-	L	P	
Leather/Fur/Hide Tanning and Finishing	316110	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	P	

1/300 office space; 1/1000 indoor facility; 1/2500 indoor/outdoor storage area

<b>Heavy Manufacturing/ Industrial</b>		<b>AG</b>	<b>AG-O</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>D</b>	<b>MF-1</b>	<b>MF-2</b>	<b>MH</b>	<b>PUD</b>	<b>P</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>I-1</b>	<b>I-2</b>	
Lumber Mill/Yard		-	-	-	-	-	-	-	-	-	C	-	-	-	-	L	P	
Machinery Manufacture		-	-	-	-	-	-	-	-	-	C	-	-	-	-	L	P	
Marble Working and Finishing		-	-	-	-	-	-	-	-	-	C	-	-	-	P	L	P	
Meat Packing, Processing Plant	311615	-	-	-	-	-	-	-	-	-	C	-	-	-	-	L	P	
Metal Cans/Containers Manufacture		-	-	-	-	-	-	-	-	-	C	-	-	-	L	L	P	
Metal Products-Fabrication/ Assembly/Manufacture	331111	-	-	-	-	-	-	-	-	-	C	-	-	-	L	L	P	
Metal - Forging/Stamping/ Roll/Draw/Extrude	332116 333994	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	P	
Mineral Extraction- other	333131	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	P	
Mirror Re-silvering		-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	P	
Natural Gas Compressor Station	221210	-	-	-	-	-	-	-	-	-	C	-	-	-	C	C	P	1/300 office space; 1/1000 indoor facility;
Oil Compounding and Barreling		-	-	-	-	-	-	-	-	-	C	-	-	-	-	L	P	1/2500 indoor/outdoor storage area
Paint Manufacture and/or Mixing		-	-	-	-	-	-	-	-	-	C	-	-	-	-	L	P	
Paper Pulp and Raw Paper Manufacture		-	-	-	-	-	-	-	-	-	C	-	-	-	-	L	P	
Petroleum and Petroleum Products Refining	324110	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	P	
Petroleum Distribution/Storage	486210	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	P	
Plastic, Rubber Products – Fabrication/ Assembly/Molding/Casting/	337125	-	-	-	-	-	-	-	-	-	C	-	-	-	-	L	P	
Plastic, Rubber Raw Manufacture	325212	-	-	-	-	-	-	-	-	-	C	-	-	-	-	L	P	
Plating, Galvanizing, Chroming	332813	-	-	-	-	-	-	-	-	-	C	-	-	-	-	L	P	
Printing Ink Manufacture		-	-	-	-	-	-	-	-	-	C	-	-	-	-	L	P	
Recycling Facility, Waste Paper Products Manufacture	562119	-	-	-	-	-	-	-	-	-	C	-	-	-	-	L	P	

<b>Heavy Manufacturing/ Industrial</b>		<b>AG</b>	<b>AG-O</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>D</b>	<b>MF-1</b>	<b>MF-2</b>	<b>MH</b>	<b>PUD</b>	<b>P</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>I-1</b>	<b>I-2</b>	
Reduction of Fats, Ores, Metals, Garbage, Offal, Etc.; Rendering Plant		-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	P	
Rug and Carpet Manufacture		-	-	-	-	-	-	-	-	-	C	-	-	-	-	L	P	
Shellac and Varnish Manufacture		-	-	-	-	-	-	-	-	-	C	-	-	-	-	L	P	
Tire Retreading and Recapping		-	-	-	-	-	-	-	-	-	C	-	-	-	-	L	P	
Water Distillation		-	-	-	-	-	-	-	-	-	C	-	-	-	-	L	P	
White Lead Manufacture		-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	P	
Wood Container Manufacture		-	-	-	-	-	-	-	-	-	C	-	-	L	P	L	P	
Wood Distillation (Manufacture of Tar, Charcoal, Turpentine and Similar Products)		-	-	-	-	-	-	-	-	-	C	-	-	-	-	L	P	
Wood Preserving Manufacture and Treatment		-	-	-	-	-	-	-	-	-	C	-	-	-	-	L	P	
Wood Products Manufacture		-	-	-	-	-	-	-	-	-	C	-	-	L	P	L	P	
Natural gas compressor station		-	-	-	-	-	-	-	-	-	C	-	-	-	C	C	C	
Drilling and production of natural gas and/or oil and activities related thereto	211111	-	-	-	-	-	-	-	-	-	C	-	-	-	-	L	P	
Sand, gravel, caliche or stone extraction, sales and storage	212321	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	P	
Surface Exploration and extraction of hydrocarbons (non-drilling)		-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	P	
1/300 office space; 1/1000 indoor facility; 1/2500 indoor/outdoor storage area																		

Land Use Type	NAICS Code	Residential Zoning Districts										Non-Residential Zoning Districts					Parking Ratio	
		AG	AG-O	R-1	R-2	R-3	D	MF-1	MF-2	MH	PUD	P	C-1	C-2	C-3	I-1		I-2
<b>Institutional/ Governmental</b>	Generally public and quasi-public land uses including utility, educational, religious, recreational, cultural, medical, governmental, and other uses that are strongly vested with public or social importance.																	
Adult Day Care	623990	-	-	-	-	-	-	-	-	-	C	-	L	P	P	P	P	1/6 adults
Armed Services Recruiting Center		-	-	-	-	-	-	-	-	-	C	-	P	P	P	P	P	1/200 G.F.A
Assisted Living Facility - Nursing, Skilled, Convalescent	623110	C	C	C	C	C	C	C	C	-	C	-	P	P	P	-	-	1/3 beds
Auction House – No auto, livestock	453998	-	-	-	-	-	-	-	-	-	C	-	-	P	P	P	P	1/200 G.F.A
Cemetery and/or Mausoleum	812200	C	-	-	-	-	-	-	-	-	-	-	-	C	C	P	P	No additional parking required
Child Day Care Center (Business)	624410	-	-	-	-	-	-	-	-	-	C	-	P	P	P	P	P	1/6 children
Church/Temple/Place of Worship meeting. RUILUPA Stds.	813110	-	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1/2 seats
Civic Center (Municipal)		P	P	-	-	-	-	-	C	-	C	P	P	P	P	P	P	1/200 G.F.A
Civic Club, Halls and Lodges	813410	-	-	-	-	-	-	-	-	-	C	-	P	P	P	P	P	1/200 G.F.A
Community Center (Public)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1/200 G.F.A
Country Club (Private)		-	P	C	C	C	C	C	C	-	C	-	P	P	P	P	P	1/100 G.F.A
Electric Power/Generating Plant	221111	-	-	-	-	-	-	-	-	-	C	C	-	-	-	P	P	½ per employee
Food Bank		-	-	-	-	-	-	-	-	-	-	C	C	P	P	P	P	1/ 2,000 G.F.A min. 5 spaces
Fraternal Organization	813410	-	-	-	-	-	-	-	C	C	-	-	C	-	-	-	-	1/200 G.F.A
Fraternity or Sorority House		-	-	-	-	-	-	-	C	C	-	-	C	-	-	-	-	1/200 G.F.A
Governmental Building or Use (County, State or Federal)		C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	1/300 G.F.A

<b>Institutional/ Governmental</b>		<b>AG</b>	<b>AG-O</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>D</b>	<b>MF-1</b>	<b>MF-2</b>	<b>MH</b>	<b>PUD</b>	<b>P</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>I-1</b>	<b>I-2</b>	
Hospital	621110	-	-	-	-	-	-	-	-	-	C	P	-	P	P	P	-	1.2/bed
Institution for Alcoholic, Narcotic, or Psychiatric Patients	622210	-	-	-	-	-	-	-	-	-	C	-	-	C	C	P	P	1/6 beds
Institution of Religious, Educational or Philanthropic Nature but not meeting Church, Temple, Place of Worship Definition	813319	L	L	L	L	L	L	L	L	L	L	P	P	P	P	P	P	1/3 seats
Library	514120	-	-	-	-	-	-	-	-	-	C	P	P	P	P	P	P	1/300 G.F.A
Museum	712110	-	-	-	-	-	-	-	-	-	C	P	P	P	P	P	P	1/200 G.F.A
Orphanage	623990	-	-	-	-	-	-	-	-	-	C	-	C	P	P	-	-	1/ 2 employees
Parole-Probation Office	922150	-	-	-	-	-	-	-	-	-	C	-	C	C	C	P	P	1/200 G.F.A
Park and/or Playground	713110	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1/ 2,000 G.F.A
Penal, Correctional Institution, Jail	922140	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P	P	1/6 cells
Post Office (Governmental)	491110	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	1/400 G.F.A
Public Assembly (Auditorium, Gymnasium, Stadiums, Meeting Halls, etc.)	711310	P	P	-	-	-	-	-	-	-	P	P	P	P	P	P	P	1/ 2 seats
Public Utility including water/wastewater lines and other appurtenances	221122	P	P	-	-	-	-	-	-	-	C	P	P	P	P	P	P	½ employee
Public Utility Water/Wastewater Treatment Plant and/or Storage Facilities	221310	P	P	-	-	-	-	-	-	-	C	P	-	-	P	P	P	½ employee
Rectory/Parsonage		-	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1/2 seats
Sanitary Landfill	562212	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	½ employee
School – Business (e.g. Barber/Beauty/Cosmetology)		-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	1/3 students

<b>Institutional/ Governmental</b>		<b>AG</b>	<b>AG-O</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>D</b>	<b>MF-1</b>	<b>MF-2</b>	<b>MH</b>	<b>PUD</b>	<b>P</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>I-1</b>	<b>I-2</b>	
School – College or University	514120	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	1/2 students
School – Commercial Trade (Vocational)	611513	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	1/3 students
School – Public or Denominational (K-12)	611110	C	C	C	C	C	C	C	C	-	C	P	C	C	C	-	-	1/10 students (K-8) 1/ 2.5 students (9-12)
Studio for Radio and/or Television (No Tower[s])	513112 513220	-	-	-	-	-	-	-	-	-	C	-	-	P	P	P	P	1/200 G.F.A
Tower with Television or Radio Broadcast Station	513200	-	-	-	-	-	-	-	-	-	C	-	-	P	P	P	P	½ per employee
Tower - Cellular Communications	513322	L	L	-	-	-	-	-	-	-	L	L	L	L	L	L	L	½ per employee
Tower - Radio, Television and Communications Towers	334220	L	L	-	-	-	-	-	-	-	L	L	L	L	L	L	L	½ per employee

Land Use Type	NAICS Code	Residential Zoning Districts										Non-Residential Zoning Districts					Parking Ratio	
		AG	AG-O	R-1	R-2	R-3	D	MF-1	MF-2	MH	PUD	P	C-1	C-2	C-3	I-1		I-2
<b>Light Assembly/ Manufacturing / Industrial</b>	Includes the on-site storage, manufacture, assembly or processing of products and goods not otherwise classified as agricultural or extractive. Generally excludes those manufacturing and industrial processes considered “heavy” especially the processing of raw materials or chemicals or with environmental and adjacency issues.																	
Any Light Assembly, Manufacture or Industrial Process Not Listed and Not Prohibited by Law	541614	-	-	-	-	-	-	-	-	-	C	-	-	-	P	P	P	1/300 office space; 1/1000 indoor facility; 1/2500 indoor/outdoor storage area
Alcoholic Beverage Manufacture-Distillation/Distribution of Liquors, Spirits, Etc. (Brewery)	422820	-	-	-	-	-	-	-	-	-	C	-	-	-	P	P	P	
Awning Manufacture - Cloth, Metal and Wood		-	-	-	-	-	-	-	-	-	C	-	-	-	P	P	P	
Bag Manufacturing		-	-	-	-	-	-	-	-	-	C	-	-	-	L	P	P	
Bottling Works		-	-	-	-	-	-	-	-	-	C	-	-	-	L	P	P	
Candy and Other Confectionary Products Manufacture		-	-	-	-	-	-	-	-	-	C	-	-	L	L	P	P	
Canning and Preserving Factory	422490	-	-	-	-	-	-	-	-	-	C	-	-	L	L	P	P	
Canvas and Related Products Manufacture		-	-	-	-	-	-	-	-	-	C	-	-	L	L	P	P	
Clothing/Apparel Manufacture	315212 315999	-	-	-	-	-	-	-	-	-	C	-	-	L	L	P	P	
Cold Storage Plants/Locker		-	-	-	-	-	-	-	-	-	C	-	-	-	L	P	P	
Coffin Manufacture		-	-	-	-	-	-	-	-	-	C	-	-	-	-	P	P	

<b>Light Assembly/ Manufacturing/ Industrial</b>		<b>AG</b>	<b>AG-O</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>D</b>	<b>MF-1</b>	<b>MF-2</b>	<b>MH</b>	<b>PUD</b>	<b>P</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>I-1</b>	<b>I-2</b>	
Cutlery, Hand tools and General Hardware Manufacture		-	-	-	-	-	-	-	-	-	C	-	-	-	P	P	P	
Dairy Products Processing		-	-	-	-	-	-	-	-	-	C	-	-	-	L	P	P	
Electronic Assembly	311112	-	-	-	-	-	-	-	-	-	C	-	-	L	P	P	P	
Elevator Manufacture		-	-	-	-	-	-	-	-	-	C	-	-	-	L	P	P	
Enameling and Painting		-	-	-	-	-	-	-	-	-	C	-	-	-	L	P	P	
Food Processing (non-meat)		-	-	-	-	-	-	-	-	-	C	-	-	L	L	P	P	
Footwear Manufacture		-	-	-	-	-	-	-	-	-	C	-	-	-	-	P	P	
Heavy Machinery Sales and Storage	421810	-	-	-	-	-	-	-	-	-	C	-	-	-	P	P	P	
Ice Cream/Ice Manufacture		-	-	-	-	-	-	-	-	-	C	-	-	L	P	P	P	
Iron Works (Ornamental)		-	-	-	-	-	-	-	-	-	C	-	-	-	L	P	P	
Laboratory Equipment Manufacturing		-	-	-	-	-	-	-	-	-	C	-	-	-	L	P	P	
Leather Products Manufacture		-	-	-	-	-	-	-	-	-	C	-	-	-	L	P	P	
Manufactured/Industrialized Building Manufacture	321991	-	-	-	-	-	-	-	-	-	C	-	-	-	L	P	P	
Micro-Brewery		-	-	-	-	-	-	-	-	-	C	-	-	P	P	P	P	
Motor/Engine Manufacture	336312	-	-	-	-	-	-	-	-	-	C	-	-	-	-	P	P	
Office Equipment Manufacture		-	-	-	-	-	-	-	-	-	C	-	-	-	P	P	P	
Orthopedic, Prosthetic, Surgical Appliances and Supplies Manufacture		-	-	-	-	-	-	-	-	-	C	-	-	-	P	P	P	
Paper Products, Envelopes and Paper Box Manufacture	322299	-	-	-	-	-	-	-	-	-	C	-	-	-	P	P	P	
Scientific and Industrial Research Laboratories		-	-	-	-	-	-	-	-	-	C	-	-	-	L	P	P	
Textile Products Manufacture		-	-	-	-	-	-	-	-	-	C	-	-	-	L	P	P	

1/300 office space; 1/1000 indoor facility; 1/2500 indoor/outdoor storage area

<b>Light Assembly/ Manufacturing/ Industrial</b>		<b>AG</b>	<b>AG-O</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>D</b>	<b>MF-1</b>	<b>MF-2</b>	<b>MH</b>	<b>PUD</b>	<b>P</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>I-1</b>	<b>I-2</b>	
Concrete or Asphalt Mixing/Batching Plant (Temporary)	327320	-	-	-	-	-	-	-	-	-	C	-	-	-	P	P	P	
Contractor's Temporary On-Site Construction Office (only with permit from Building Official) (trailer, modular bldg.. or one recreational vehicle)	811310	-	-	-	-	-	L	L	L	-	L	L	L	L	L	L	L	
Containers (shipping) or Metal/Modular Pods for temporary storage during construction or remodeling (only with permit from Building Official)		-	-	L	L	L	L	L	L	L	L	L	L	L	L	L	L	1/300 office space; 1/1000 indoor facility; 1/2500 indoor/outdoor storage area
Containers (shipping) or Metal/Modular Pods for accessory storage for an allowed use, not occupying required parking or encroaching on required setbacks and screened or not visible from any adjacent ROW		-	-	-	-	-	-	-	-	-	C	-	-	-	P	P	P	

Land Use Type	NAICS Code	Residential Zoning Districts										Non-Residential Zoning Districts					Parking Ratio	
		AG	AG-O	R-1	R-2	R-3	D	MF-1	MF-2	MH	PUD	P	C-1	C-2	C-3	I-1		I-2
<b>Office</b>																		
Ambulance Service, EMS	921910	-	-	-	-	-	-	-	-	-	C	-	-	P	P	P	P	1/ 2 employees and ½ per ambulance
Clinic, Emergency Care	621493	-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	1/200 G.F.A
Clinic, Medical, Counseling and/or Dental Offices	621111	-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	-	1/200 G.F.A
Bail Bonds	812990	-	-	-	-	-	-	-	-	-	L	-	P	P	P	P	P	1/300 G.F.A
Bank-Automated Teller Machine (ATM) – Drive Thru		-	-	-	-	-	-	-	-	-	L	-	P	P	P	P	P	No additional parking required
Bank, Savings and Loan, or Credit Union	522110	-	-	-	-	-	-	-	-	-	C	-	P	P	P	P	P	1/300 G.F.A
Office, Professional and General Business	561110	-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	1/300 G.F.A
Office Showroom/Warehouse		-	-	-	-	-	-	-	-	-	C	-	-	P	P	P	P	1/400 G.F.A of showroom; 1/1,000 G.F.A of warehouse
Security Monitoring Company (No Outside Storage)		-	-	-	-	-	-	-	-	-	C	-	P	P	P	P	P	1/200 G.F.A
Telemarketing Agency		-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	1/200 G.F.A
Travel Agency	561510	-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	1/300 G.F.A
Veterinarian Clinic-indoor kennels	541940	-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	1/500 G.F.A
Veterinarian Clinic-outdoor kennels or pens	812910	C	-	-	-	-	-	-	-	-	-	-	-	C	C	P	P	1/500 G.F.A

Land Use Type	NAICS Code	Residential Zoning Districts										Non-Residential Zoning Districts					Parking Ratio	
		AG	AG-O	R-1	R-2	R-3	D	MF-1	MF-2	MH	PUD	P	C-1	C-2	C-3	I-1		I-2
<b>Personal &amp; Business Services</b>	Uses generally more of a service nature to either other businesses or individuals. They are not primarily retail sales and would not be considered the heavier classification of commercial use																	
Accessory Building/Structure (Business or Industry)		-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	No add parking required
Automobile Driving School (including Defensive Driving)	611692	-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	1/100 G.F.A
Barber/Beauty Shop	812112	-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	1/chair
Check Cashing Service, Payday Lender, Car Title Loans	522390	-	-	-	-	-	-	-	-	-	C	-	P	P	P	P	P	1/200 G.F.A
Copy, Photocopy, Duplicating Shop	561439	-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	1/400 G.F.A
Dance/Drama/Music Schools (Performing Arts)	611610	-	-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	1/3 students
Funeral Home, Mortuary, Crematory	812210	-	-	-	-	-	-	-	-	-	C	-	-	P	P	P	P	1/3 sanctuary seats
Martial Arts	713990	-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	1/200 G.F.A
Head Shop		-	-	-	-	-	-	-	-	-	C	-	-	L	L	L	L	1/200 G.F.A
Hotel/Motel	721110	-	-	-	-	-	-	-	-	-	C	-	-	P	P	P	P	1.3/room or suite
Kiosk (Providing an allowed use)		-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	No add parking required
Laundromat/ Self-Service	812310	-	-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	1/400 G.F.A
Laundry/Dry Cleaning (Retail Only - Drop Off/Pick Up)	812230	-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	1/400 G.F.A

<b>Personal &amp; Business Services</b>		<b>AG</b>	<b>AG-O</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>D</b>	<b>MF-1</b>	<b>MF-2</b>	<b>MH</b>	<b>PUD</b>	<b>P</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>I-1</b>	<b>I-2</b>	
Locksmith	561622	-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	1/300 G.F.A
Pet and Animal Grooming Shop		-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	1/200 G.F.A
Pharmacy/Drug Store (Retail Only)	446110	-	-	-	-	-	-	-	-	-	C	-	P	P	P	P	P	1/200 G.F.A
Photography Studio	541921	-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	1/200 G.F.A
Sexually Oriented Business	722410	-	-	-	-	-	-	-	-	-	C	-	-	C	C	C	C	1/200 G.F.A
Shoe Tailor, Seamstress or Dressmaker	811430	-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	1/200 G.F.A
Tattoo or Body Piercing Studio, Primary Use	811490	-	-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	1/chair
Taxidermist		-	-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	1/400 G.F.A
Wedding Chapel		-	-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	1/3 seats

Land Use Type	NAICS Code	Residential Zoning Districts										Non-Residential Zoning Districts					Parking Ratio	
		AG	AG-O	R-1	R-2	R-3	D	MF-1	MF-2	MH	PUD	P	C-1	C-2	C-3	I-1		I-2
<b>Residential</b>	Includes structures, houses and buildings occupied for dwelling uses and those uses normally related to and/or accessory to the provision of housing.																	
Accessory to Residential Use Buildings		P	P	P	P	P	P	P	P	P	L	-	-	-	-	-	-	No additional parking necessary
Accessory Dwelling	814116	P	P	P	P	P	-	L	L	L	C	L	C	C	C	C	C	No additional parking required
Bed and Breakfast Inn	721191	C	C	C	C	C	-	-	-	-	C	-	P	P	P	-	-	1.2/dwelling unit
Boarding/Rooming House	721310	C	C	C	C	C	-	-	-	-	C	-	P	P	P	-	-	1.2/dwelling unit
Single Family Attached	814113	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	-	2.5/dwelling unit
Single Family Detached	814111	P	P	P	P	P	P	P	P	P	P	-	P	C	C	-	-	2/dwelling unit & not less than 400 s.f. driveway
Two-Family, Duplex or Duplex Townhome	814122	-	-	L	L	-	P	P	P	-	C	-	-	-	-	-	-	2/dwelling unit
Four-Family (Quadrplex) <i>(Defined Under Multiple-Family Dwelling)</i>	814124	-	-	L	L	-	P	P	P	-	C	-	-	-	-	-	-	1 space + 0.5 per bedroom/dwelling unit
Multiple-Family Apartments/Condos		-	-	-	-	-	-	P	P	-	P	-	L	L	L	-	-	1 space + 0.5 per bedroom/dwelling unit
Manufactured Home	814115	L	L	-	-	-	-	-	-	P	-	-	-	-	-	-	-	2/dwelling unit

<b>Residential</b>		AG	AG-O	R-1	R-2	R-3	D	MF-1	MF-2	MH	PUD	P	C-1	C-2	C-3	I-1	I-2	
Industrialized/Modular Home	814114	L	L	L	L	L	L	-	-	-	-	-	L	-	-	-	-	2.5/dwelling unit
Garage Conversion to additional living space (not dwelling units) w/Replacement Garage		P	P	P	P	P	-	-	-	-	C	-	-	-	-	-	-	No add parking necessary
Garage or Yard sale		P	P	P	P	P	P	P	P	P	C	-	-	-	-	-	-	No additional parking required
Group Day Care Home				C	C	C					C							As per CUP requirements
Group Home	623110			C	C	C					C	-				-	-	As per CUP requirements
Rehabilitation Care Facility (Halfway House)	622210	-	-	-	-	-	-	-	-	-	C	-	-	C	C	C	C	½ per resident
Home – Drug/Alcohol Care w/4 or less living as one housekeeping unit	623220	C	C	C	C	C	C	C	C	-	C	-	P	P	P	-	-	½ per resident
Home - Psychiatric Care w/4 or less residents living as one housekeeping unit	623210	C	C	C	C	C	C	C	C	-	C	-	P	P	P	-	-	½ per resident
Home Occupation	8141130	L	L	L	L	L	L	L	L	L	L	-	-	-	-	-	-	No additional parking required
Live-Work Residence (Building Owner Occupied and Non-rental)	561612	P	P	P	P	P	P	P	P	P	P	-	P	P	P	-	-	No additional parking required
Loft Apartment(s) above a business, less than four.	814124	-	-	-	-	-	-	-	-	-	P	-	P	P	P	-	-	1/dwelling unit
Loft Apartment(s) above a business, more than four.	814131	-	-	-	-	-	-	C	C	-	P	-	P	P	P	-	-	1/dwelling unit

<b>Residential</b>		<b>AG</b>	<b>AG-O</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>D</b>	<b>MF-1</b>	<b>MF-2</b>	<b>MH</b>	<b>PUD</b>	<b>P</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>I-1</b>	<b>I-2</b>	
Recreational Vehicle visiting for less than 48 hours, no more than 3 times per year connected to water and electricity only		<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	-	-	-	<b>P</b>	<b>L</b>	-	-	-	-	-	-	No additional parking required

Land Use Type	NAICS Code	Residential Zoning Districts										Non-Residential Zoning Districts						Parking Ratio
		AG	AG-O	R-1	R-2	R-3	D	MF-1	MF-2	MH	PUD	P	C-1	C-2	C-3	I-1	I-2	
<b>Retail</b>	Generally, the sale of goods and services from individuals or businesses to the end-user, whereby sales taxes are normally paid. A retailer purchases goods or products in large quantities from manufacturers directly or through a wholesale, and then sells smaller quantities to the consumer for a profit.																	
Accessory Outside Display		-	-	-	-	-	-	-	-	-	C	-	L	P	P	P	P	No parking necessary
Antique Shop	453310	-	-	-	-	-	-	-	-	-	C	-	P	P	P	P	-	1/200 G.F.A
Apparel Shop		-	-	-	-	-	-	-	-	-	C	-	P	P	P	P	-	1/200 G.F.A
Art Gallery/Museum/Dealer	453920	-	-	-	-	-	-	-	-	-	C	-	P	P	P	P	P	1/200 G.F.A
Bakery - Retail	722213	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	1/200 G.F.A
Bakery (Wholesale)	422490	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	1/400 G.F.A
Book/Stationery Shop (Retail Only)		-	-	-	-	-	-	-	-	-	C	-	P	P	P	P	-	1/200 G.F.A
Building Material Sales/Lumber Yard	421310	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	1/400 gross site area
Catering Service		-	-	-	-	-	-	-	-	-	L	-	P	P	P	P	P	1/400 G.F.A
Consignment Shop		-	-	-	-	-	-	-	-	-	P	-	P	P	P	-	-	1/200 G.F.A
Convenience Store <i>without</i> gas pumps	447110	-	-	-	-	-	-	-	-	-	C	-	P	P	P	P	P	1/200 G.F.A
Convenience Store with gas pumps		-	-	-	-	-	-	-	-	-	C	-	C	P	P	P	P	1/200 G.F.A
Drinking Establishment		-	-	-	-	-	-	-	-	-	C	-	C	P	P	P	P	1/75 G.F.A
Eating Establishment/Restaurant	721110	-	-	-	-	-	-	-	-	-	L	-	P	P	P	P	-	1/45 usable seating area
Restaurant with drive-thru	721110										L		C	P	P	P		1/45 usable seat area & stacking for 4 vehicles
Food Truck(s)		-	-	-	-	-	-	-	-	-	L	L	L	L	L	L	L	No additional parking required

<b>Retail</b>		AG	AG-O	R-1	R-2	R-3	D	MF-1	MF-2	MH	PUD	P	C-1	C-2	C-3	I-1	I-2	
Electronic Goods (Retail Only)		-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	1/200 G.F.A
Florist Shop (Retail Only)	453110	-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	1/300 G.F.A
Furniture and Appliance Store		-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	1/400 G.F.A
General Retail/Merchandise Stores (No Outside Storage)		-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	1/200 G.F.A
Grocery or Food Store	445110	-	-	-	-	-	-	-	-	-	C	-	L	P	P	P	P	1/200 G.F.A
Hardware Store (no outside storage – see Home Improvement Center)	444130	-	-	-	-	-	-	-	-	-	C	-	L	P	P	P	P	1/400 G.F.A
Hobby, Handicraft and/or Crafts Store (Retail Only)	451120	-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	1/200 G.F.A
Home Improvement Center w/hardware, building materials, outside storage (see accessory storage)		-	-	-	-	-	-	-	-	-	-	-	-	L	P	P	P	1/400 G.F.A
Itinerant Vendor		-	-	-	-	-	-	-	-	-	L	-	L	L	L	L	L	No add parking
Jewelry Store		-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	1/200 G.F.A
Liquor Store		-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	1/200 G.F.A
Market, Farmer’s, Produce (Primarily Retail)		C	C	-	-	-	-	-	-	-	C	-	-	P	P	P	P	1/200 gross site area
Market - Open Air, Flea	453310	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	1/750 S.F. gross site area
Meat and Fish Market		-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	1/300 G.F.A
Musical Instruments, Piano Sales		-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	1/200 G.F.A
Nursery or Greenhouse, retail	111421	-	-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	1/400 G.F.A
Plant or Garden Center	444220	-	-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	1/400 G.F.A
Pet and Bird Shops (Retail Only)	453910	-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	1/200 G.F.A
Trophy Engraving		-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	1/200 G.F.A
Vacuum Cleaner Sales and Repair	442110	-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	1/200 G.F.A

Land Use Type	NAICS Code	Residential Zoning Districts										Non-Residential Zoning Districts					Parking Ratio	
		AG	AG-O	R-1	R-2	R-3	D	MF-1	MF-2	MH	PUD	P	C-1	C-2	C-3	I-1		I-2
<b>Transportation &amp; Auto Services</b>	The sale of vehicles, goods and services related to transportation. Vehicles also mean trucks, boats, motorcycles, bicycles, airplanes & heavy equipment. Goods include vehicle parts and accessories. Services includes repairs, maintenance, storage & actual modes of transportation such as taxis and limousines																	
Vehicle Sales- Cars, Trucks, RVs, and Motorcycles.	421110	-	-	-	-	-	-	-	-	-	C	-	-	P	P	P	P	1/1,000 s.f. site area
Auto Wrecker Service - primary	488410	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	P	1/1,000 s.f. site area
Automobile Wash/Repair	811192	-	-	-	-	-	-	-	-	-	C	-	C	P	P	P	P	2/service bay
Bike Sales and/or Repair	451110	-	-	-	-	-	-	-	-	-	C	-	P	P	P	P	P	1/300 G.F.A
Boats and Personal Watercraft Sales (New/Indoor Repair)	441222	-	-	-	-	-	-	-	-	-	C	-	-	P	P	P	P	1/400 G.F.A
Gasoline/Fueling Station	447190	-	-	-	-	-	-	-	-	-	C	-	C	P	P	P	P	½ per employee
Motor Freight Transportation, Storage, Depot or Terminal	482210	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	1/300 G.F.A of office; 1/400 G.F.A terminal area
Motorcycle Repairs as Primary Use	811490	-	-	-	-	-	-	-	-	-	C	-	-	P	P	P	P	1/200 G.F.A
Quick Lube/Oil Change/Minor Inspection	811191	-	-	-	-	-	-	-	-	-	L	-	-	P	P	P	P	2/service bay
Parking Lot or Garage as accessory or primary use	812930	-	-	-	-	-	-	-	-	-	C	C	-	C	C	C	P	No add parking required
Recreational Vehicle (RV) Display or Sales (New or Used)	441210	-	-	-	-	-	-	-	-	-	C	-	-	P	P	P	P	1/1,000 s.f. site area

<b>Transportation &amp; Auto Services</b>		<b>AG</b>	<b>AG-O</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>D</b>	<b>MF-1</b>	<b>MF-2</b>	<b>MH</b>	<b>PUD</b>	<b>P</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>I-1</b>	<b>I-2</b>	
Railroad Team Tracks, Unloading Docks, Storage Tracks, and Spurs	482110	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	½ per employee
Recreation Vehicle Occupied for any business or office use and/or connected to water or electricity		Unless authorized elsewhere herein, not allowed.																
State Vehicle Inspection Station	811198	-	-	-	-	-	-	-	-	-	C	-	-	P	P	P	P	2/service bay
Taxi/Limousine Service	485221	-	-	-	-	-	-	-	-	-	C	-	-	P	P	P	P	1/Service vehicle & ½ per employee
Tire Sales	441320	-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	1/400 G.F.A
Transit or Passenger Terminal	485112	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	1/300 G.F.A
Truck/Bus Parking, Storage, Leasing	812930	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	1/ 300 G.F.A of office space
Truck Repairs	423000	-	-	-	-	-	-	-	-	-	C	-	-	P	P	P	P	1/1,000 G.F.A
Truck Sales and Services (Heavy Trucks)		-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	1/400 G.F.A
Truck Stop/Wash		-	-	-	-	-	-	-	-	-	C	-	-	C	P	P	P	2/wash bay

### **Section 3.5. - Limited uses.**

3.5.1. Purpose. The purpose of a limited uses permit is to allow certain uses that have previously required a Conditional use permit to be permitted administratively with certain conditions of development that will ensure compatibility with adjacent uses.

3.5.2. Timing of Compliance. The standards of this section apply at the time a limited use is requested to be established in an existing or new structure and/or when one of the following thresholds are met:

- A. An existing limited use is proposed to be expanded by more than 50% of the existing square footage currently devoted to the use.
- B. If the extent of the proposed modifications is 50% or more of the site's assessed value over a 5-year time period. For the purposes of the code the assessed value of a structure shall be the value cited by the Hidalgo County Appraisal District.

3.5.3. Development Standards.

A. Apartments/Condominiums. Apartments/Condominiums are identified as limited uses in the neighborhood commercial and commercial zoning districts. If an apartment is desired in one of these zoning designations the apartment must be on the second or above story of the building. The first floor shall be reserved for commercial development.

B. Manufactured Home.

As an accessory use: The use of manufactured homes in the AG zoning designation is identified as a limited use. The following requirement must be met in order to allow the use. One manufactured home shall be permitted per lot. The manufactured home must meet the requirements of the manufactured home zoning designations.

Primary Use: One manufactured home may be allowed per lot. Unit shall be placed where visibility of unit is limited from right-of-way.

C. Two-Family Site Built/ Modular/Industrialized Homes. The use of a modular/industrialized home shall meet the following requirements:

- 1. Single-family or duplex industrialized housing must have all local permits and licenses that are applicable to other single-family or duplex dwellings.
- 2. All housing shall:
  - a. Have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified appraisal for the County; "Value" means the taxable value of the industrialized housing and the lot after installation of the housing;

- b. Have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the single-family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located;
  - c. Comply with City aesthetic standards, building setbacks, side and rear yard off-sets, subdivision control, architectural landscaping, square footage, and other site requirements applicable to single-family dwellings; and
  - d. Be securely fixed to a permanent foundation as defined by the City of Alton adopted building codes.
3. In addition to any other information otherwise required for building permits, the building permit application shall provide the following information:
- a. Identify each single-family dwelling located within 500 feet of the lot on which the industrialized housing is to be located, and show the taxable value for each dwelling as determined by the most recent certified tax appraisal roll for the county;
  - b. Describe the exterior siding, roofing, roof pitch, foundation fascia, and fenestration for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is to be located;
  - c. Describe the permanent foundation and method of attachment proposed for the industrialized housing;
  - d. State the taxable value of the industrialized housing and the lot after installation of the industrialized housing;
  - e. Provide documentation from the seller of the industrialized home indicating the sales price; and
  - f. Indicate the deed restrictions, if any, otherwise applicable to the real property on which the industrialized housing is to be located.
- D. Accessory Dwelling. The use of an accessory dwelling is identified as a limited use within the “P” zoning district. An accessory dwelling may be permitted within a “P” zoning district if it is a parsonage sharing the same lot as a place of worship.
- E. Outdoor festivals. The use of a carnival/circus shall only be done so on a temporary basis within the City limits and with an issuance of an outdoor festival permit. See section 2.14 for requirements.
- F. Auto Repair and Servicing (work done either partially or completely outdoors). When auto repair and servicing work is either partially or completely done outdoors in the "C-2" zoning district all work must be screened from the view of all public rights-of-way, adjacent uses both commercial and residential and all outdoor work must have limited work hours of 8:00 a.m. to 6:00 p.m. Monday through Saturday.

- G. Commercial Communication Tower. Construction of all commercial communication towers are required to submit a building permit and adhere to the following requirements:
1. Distance requirements from all residential lots shall be a minimum of 110% of height of tower to nearest residential lot or lot zoned residential.
  2. Commercial Communication Towers shall be setback a minimum of fifty feet (50') from any property line.
  3. All accessory structures shall comply with the setback standards for the zoning district in which it is located.
  4. A fence not less than eight feet (8') in height from finished grade shall be constructed around each tower and accessory structure. Access to the tower shall be through a locked gate. If adjacent to residential lots, all mechanical equipment and accessory structures must be screened by a solid fence and/or appropriate landscaping approved by the Planning Director through a limited use permit. A tower that is located over three (3) times the tower height from the nearest residential lot is excluded from requirement to construct a solid fence or landscape screening.
  5. All tower property must be screened from all adjacent rights-of-way by a landscape barrier at the perimeter and adjacent to the right-of-way. Landscaping shall be placed on the outside of fencing and, at a minimum, shall consist of a continuous row of shrubs of at least 4' in height upon maturity, and a tree planted every fifty (50') feet.
  6. Any high voltage or other risk to public safety must be clearly identified by way of signage approved by the Planning Commission.
- I. Gardeners/Farmers Market. Farmers market shall be allowed with limited use permit, subject to meeting the below requirements, in the following zoning districts: "AG", "AG-O", "P", "C-1" "C-2". Requirements are as follows:
1. Designated parking area must be provided and parking plan shall be approved by the Director of Planning.
  2. Must be for a specified period of time approved by the Planning Director.
  3. Must be an accessory use and not the primary use of a site.
- J. Drive-thru facilities (retail establishments, financial institutions, and restaurants). Drive-thru facilities in the "C-1" zoning district shall be subject to a limited use permit and the following requirements:
1. No service speaker shall be located within seventy-five (75) feet of a residential district unless such district is utilized for a non-residential use.

2. Service speakers include speakers used to conduct business with people outdoors or in partially enclosed structures including, but not limited to, drive-thru payment windows, drive-thru restaurant ordering boards, service station pump islands and car washes.
- K. Gasoline Service Station. Gasoline service stations in the "C-1" zoning district shall be subject to a limited use permit and the following requirements:
1. Gasoline pumps or dispensers and canopies shall be located no closer than 20 feet from any property line.
  2. When a vehicle fuel station adjoins any lot in a residential zoned property (or property with a residential use) a minimum 8-foot-high masonry wall shall be erected and maintained along such property line.
- L. Retail Services with outdoor storage/display. Outdoor display and storage of merchandise is identified as a limited use in some zoning districts and shall be subject to the following requirements:
1. Only 10% of the front designated parking area shall be used for outdoor display.
  2. Outdoor storage behind the main structure on a site may be permitted if storage is completely screened from public view through the use of buildings, landscaping or fencing.
- M. Sexually Oriented Businesses. Shall be subject to the requirements of the City Code found in Ordinance 2002-05.

### **Section 3.6. - Lot Dimensional and Development Standards**

3.6.1. General. All development shall comply with all of the applicable dimensional and development standards within this section.

#### 3.6.2. Standards—Residential Districts

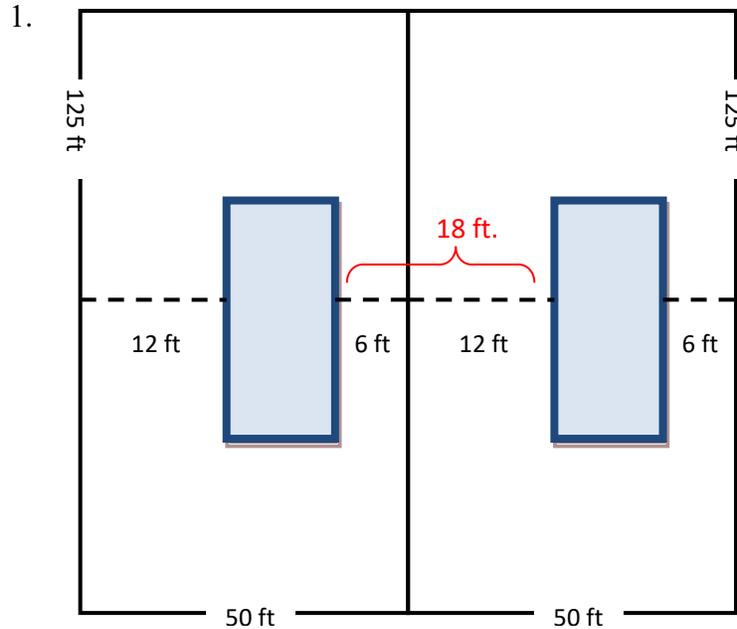
- Setbacks shall not apply to uncovered steps, uncovered balconies, uncovered porches, or roof eaves projecting not to exceed twenty-four (24") inches, and ordinary projections of window sills and other architectural features lying completely under the roof eave.
- For accessory structures 200 square feet or larger the rear yard setback for a primary building shall apply;
- Edge of in ground or above ground pool or spa shall be at least 10 feet from primary structure, shall not encroach on side or rear yard easements, and shall remain a minimum of 5 feet from a side lot line.

#### 3.6.3. District Standards Table

<b>(In Feet)</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>D</b>	<b>MF-1</b>	<b>MF-2</b>	<b>MH</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>I-1</b>	<b>I-2</b>	<b>P</b>	<b>PUD</b>	<b>AG-O</b>	<b>AG</b>
Minimum Lot Size	10,000	6,000	4,000	7,000	8,000	21,000	6,250 <sup>a</sup>	2,500	2,500	43,560	5,750	435,600	43,560	435,600	435,600	435,600
Minimum Lot Depth:	170	100	100	140 <sup>h</sup>	160	420	125	100	100	436	115	1743	N/A	1743	N/A	N/A
Minimum Lot Width:	60	60	40	50	50	50	50	25	25	100	50	250	N/A	250	N/A	N/A
Minimum Corner Lot Width:	65	65	45	55	55	55	55	30	30	105	55	255	N/A	255	N/A	N/A
Maximum Dwelling Units Per Lot:	1	1	1	4	16	22	1	1	1	1	N/A	N/A	N/A	g	1	1
Maximum Height:	35	35	35	35	35	45	22.5	22.5	35	35	45	45	f	45	35	60
Front Yard Setbacks	25 <sup>k,l</sup>	25 <sup>k,l</sup>	25 <sup>k,l</sup>	25 <sup>j</sup>	20	50	20	25	25	25	25 <sup>e</sup>	25 <sup>e</sup>	f	g	20	100
Street Side Yard Setbacks	10	10	10	10	10	10	10	10	10	25	15	15	f	g	10	100
Interior Side Yard Setbacks	6	6	6	6	5	5	6, 12 <sup>b</sup>	6 <sup>c</sup>	6 <sup>c</sup>	6 <sup>c</sup>	15	15	f	g	6	100
Rear Yard Setbacks	20	20	20	20	10	10	25	20 <sup>d</sup>	f	g	25	100				
Maximum Building Coverage:	35%	45%	50%	40%	45%	60%	30%	50%	75%	50%	75%	75%	f	g	15%	25%
Maximum Impervious Cover:	40%	50%	60%	60%	60%	70%	50%	70%	70%	80%	85%	90%	f	g	25%	35%

**Footnotes:**

- a) Manufactured Home (MH) setbacks pertain to manufactured home subdivisions with lots for sale; setbacks for manufactured home parks are listed in Ch. 3
- b) The minimum space between dwelling units shall be eighteen (18) feet.



- c) The listed setback is required when the proposed building is adjacent to a residential zone or use; in all other cases the setback is 0.
- d) The listed setback is required when the proposed building is adjacent to a residential zone or use; in all other cases the setback is 0.
- e) The setback shall be 25 foot minimum or a distance equal to the height of the building, whichever is greater
- f) Building setbacks in the Public District (P) shall meet the minimums required in the General Commercial District (C-2)
- g) The setback requirements of the PUD District shall meet the requirements of the appropriate District

- h) Encroachment into the front setback for a carport is allowed, up to the utility easement or 10' from the property line whichever is greater if the subdivision was recorded prior to the passage of this UDC.
- j) Reducing the lot by 20 ft is allowed if the lot is rear loaded and an alley is provided.
- k) Front setbacks on roadways classified as collector and above shall be 40 ft minimum.
- l) Garage setbacks on R-1 thru R-3 lots shall be 20 ft minimum.

## CHAPTER 4. - SUBDIVISIONS

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### **Section 4.1- General Authority.**

This chapter is adopted pursuant to the authority vested in the constitution and general laws of the state, and by virtue of the applicable provisions of the City Charter.

### **Section 4.2 - Extraterritorial jurisdiction.**

This chapter is also adopted pursuant to the authority vested in the constitution and general laws of the state, including particularly, V.T.C.A., Local Government Code § 212.001 et seq., and the provisions of V.T.C.A., Local Government Code § 212.003, and pursuant to the Charter of the city.

### **Section 4.3 - Conformance to general plan.**

- 4.3.1 No plat or subdivision of land within the city and within its extraterritorial jurisdiction, as determined by Vernon's Ann. Civ. St. art. 974(a) and Vernon's Ann. Civ. St. art. 970(a), shall be approved unless the plat conforms to the general plan of the city and its roads, streets, alleys, easements, parks, playgrounds and public utility facilities, including those which have been or may be laid out and to the general plan for the extension of the city and of its roads, streets, alleys, easements and public highways, regard being had for access to public utilities.
- 4.3.2 Whenever there shall be a subdivision of land within the area between the extraterritorial jurisdiction of the city and a distance of five miles from the corporate limits of the city, unless such area shall also be located in the extraterritorial jurisdiction of an adjoining city, any person so subdividing such property shall file a subdivision plat with the Planning and Zoning Commission for approval by the city. Such plat shall not be approved unless it conforms to the general plan and requirements as promulgated by the County Commissioners' Court, and in addition thereto, provision shall be made for the supplying of a potable water supply source shall be approved by the state department of health for the supplying of potable water to consumers. The City Commission is hereby authorized to approve any such plats on behalf of the city and shall thereafter submit the same to the County Commissioners' Court for its approval.
- 4.3.3 Upon the violation of any requirement of this section, the city attorney is specifically authorized to seek injunctive relief preventing the sale of any or all lots within such subdivision and requiring the developer to meet the subdivision requirements as provided for under this chapter.

### **Section 4.4 - General provisions.**

- 4.4.1 No permit shall be issued within the city by the city for the installation of septic tanks.

- 4.4.2 No building, repair, plumbing, electrical or business permit shall be issued by the city for any structure on a lot in a subdivision for which a final plat has not been approved and filed for record. A business permit shall not be issued for any lot within a subdivision in which the prevailing fire hydrant, paving, sidewalks, and streetlight standards contained in this chapter or referred to in this chapter have not been complied with in full. The term "lot," as used in this chapter, shall also include a parcel of land consistent of a lot in a subdivision for which a final plat has been approved and filed for record and is an adjacent portion of another such lot.
- 4.4.3 The city shall not repair, maintain, install or provide any streets or public utility services in any subdivision for which a final plat has not been approved and filed for record, nor in which the standards contained in this chapter or referred to in this chapter have not been complied with in full.
- 4.4.4 The city shall not sell or supply any water, gas, electricity or sewage service within a subdivision for which city standards have not been approved and filed for record, nor in which the standards contained in this chapter or referred to in this chapter have not been complied with in full.
- 4.4.5 In behalf of the city, the city attorney shall, when directed by the City Commission, institute appropriate action in a court of competent jurisdiction to enforce the provisions of this chapter or the standards referred to in this chapter with respect to any violation of this chapter which occurs within the city, or within the extraterritorial jurisdiction of the city as such jurisdiction is determined under the municipal annexation act, or as determined by agreement with other municipalities in the area, or within any area subject to all or a part of the provisions of this ordinance.
- 4.4.6 If any subdivision exists for which a final plat has not been approved or in which the standards contained in this chapter or referred to in this chapter have not been complied with in full, the City Commission shall pass a resolution reciting the fact of such noncompliance or failure to secure final plat approval, and reciting the fact that the provisions of subsections (a), (b), (c) and (d) of this section will apply to the subdivision and the lots in this ordinance. The City Secretary shall, when directed by the City Commission, cause a certified copy of such resolution under the corporate seal of the city, to be filed in the deed records of the county in which such subdivision or part thereof lies. If full compliance and final plat approval are secured after the filing of such resolution, the city secretary shall forthwith file an instrument in the deed records of such county stating that subsections (a), (b), (c) and (d) of this section no longer apply.
- 4.4.7 Mobile homes, travel trailer and recreational vehicle parks and/or subdivisions shall have plat approval in accordance with the process contained in this chapter or referred to in this chapter in accordance with this chapter and other provisions of this Code and city ordinances as applicable.
- 4.4.8 The provisions of this section shall not be construed to prohibit the issuance of building, repair, plumbing or electrical permits with respect to any lots or building tract, nor prohibit the repair, maintenance or installation of any street or public

utility services for, to or abutting any lot, in these instances, where the last recorded conveyance of such lot or tract prior to passage of this chapter was by metes and bounds; or where a building is in existence on such lot prior to passage of this chapter; or where such subdivision, whether by recorded plat or by actual occupancy and use, was in existence prior to the passage of this chapter.

#### **Section 4.5 - Variance.**

The Planning and Zoning Commission shall recommend variances from the chapter to the City Commission when, in its opinion, undue hardships will result from requiring strict compliance. In recommending a variance, the Planning and Zoning Commission shall prescribe only conditions that it deems necessary or desirable in the public interest. In making the findings required in this section, the Planning and Zoning Commission shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon the health, safety, convenience and welfare in the vicinity. No variance can be recommended unless the Planning and Zoning Commission finds that:

- (1) A written request of the developer is submitted in advance of making such request.
- (2) There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land.
- (3) The granting of a variance is necessary for the preservation and enjoyment of the legal property rights of its owner.
- (4) The granting of the variance will not be detrimental to the public health, safety, welfare, or injurious to the legal rights other property owners enjoy in the area.
- (5) The granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this chapter. Such findings of the Planning and Zoning Commission, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Planning and Zoning Commission's meeting at which such variance is considered. Variance may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety and welfare may be secured and substantial justice accomplished. Financial hardship to the subdivider, standing alone, shall not constitute undue hardship.

The City Commission shall have the ultimate power to grant or reject variance upon receipt of a recommendation from the Planning and Zoning Commission.

**Section 4.6 - Single-lot variance; approval and procedures.**

- (a) The City Commission may approve a single-lot variance which may be issued on a case-by-case basis after consultation with the city manager, city engineer, and the Director of Planning. No single-lot variance shall be considered except upon submittal of an application with the applicable fee paid.
- (b) Single-lot variances. Single-lot variances, aside from meeting section 4.5 (1)-(5), must meet the following criteria: It is a single tract and not a series of proposed tracts, it has access to a paved public street, it does not require any new streets to be dedicated and/or improved, it does not require extension of municipal utilities, it is within the corporate limits or extraterritorial jurisdiction of the city.
- (c) Filing fee. Each application for single-lot variance shall be accompanied by a filing fee as specified in the most recently adopted schedule of fees. No application shall be considered until such payment is made.
- (d) Time limitation. Once a single-lot variance is granted, if such approval is contingent on certain conditions, then such conditions must be met within one year, if not, the approval is revoked. An extension of six months can be granted by Planning and Zoning Commission .
- (e) Upon approval of a Single-Lot Variance, the Director of Planning shall make a notation on the city map of the location of the approved Single-Lot Variance.

**Section 4.7 - Administrative enforcement.**

- (a) The city may elect, at its option, to enforce one or more of the following options to this chapter:
  - (1) Denial of plat approval. No plat shall be recorded unless it contains the data required by Section 4.16, nor shall any court clerk record a plat which has not received the prior approval of the City Commission and Planning and Zoning Commission.
  - (2) Institute appropriate action in a court of competent jurisdiction, to enforce the provisions of this chapter.
  - (3) Denial of public utilities.
  - (4) Denial of building permits.
  - (5) Provide for misdemeanor offenses within the corporate limits of the city.
- (b) Any person residing in any subdivision shall have the requisite standing and authority to enforce the standards established pursuant to this chapter and may file suit in any court of competent jurisdiction for his damages or for declaratory or injunctive relief or such other relief as may be deemed appropriate.

#### **Section 4.8 - Penalties for violation of Chapter.**

- (a) Any person violating any provision of this chapter within the corporate limits of the city shall be guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed \$200.00. Each day that such violation continues shall be a separate offense. Prosecution or conviction under this provision shall never be a bar to any other remedy or relief for violation of this chapter.
- (b) The penalty provided in subsection (a) of this section should not be construed as exclusive, and the city hereby provides that any other remedy available to it, in the enforcement of this chapter, in law or in equity including, but not limited to, an injunction in a court of competent jurisdiction, is not intended to be, and is not foreclosed by the provision of such penalty.

#### **Section 4.9 - Termination.**

Preliminary Plat approval shall be for a period of 18 months from the date the plat approval is granted. Extensions may be granted by the City Commission by petition of the applicant for such extension. If after one year from the date that the Commission has approved the preliminary plat, subdivision construction has not begun on the improvements required by this chapter, the city may at its option institute appropriate action to acquire the securities filed by the developer to ensure compliance and complete the construction of the required improvements itself, or should the subdivider fail to proceed with the construction of the subdivision, the commission may pass a resolution after the date of termination, terminating the plat approval, reciting the fact of such noncompliance or failure to proceed with the subdivision. Therein, the City Secretary shall, when directed by the City Commission, cause a certified copy of such resolution under the corporate seal of the city to be filed in the deed records of the county in which such subdivision or part thereof lies.

#### **Section 4.10 - Rules, regulations, standards and specifications.**

The rules, regulations, standards and specifications for the construction, installation, design, location and arrangement of streets, curbs, street lights, street signs, alleys, utility layouts, utility easements, gates for utility easements, sidewalks, water supply and water distribution systems, fire hydrants, sewage disposal systems, septic tanks, water wells, monuments, criteria for drainage easement requirements, drainage facilities and crosswalks are on file in the planning department. No such rules, regulations, standards and specifications shall conflict with this chapter or any ordinances of the city. All such improvements shall be constructed, installed, designed, located and arranged by the subdivider in accordance with such rules, regulations, standards and specifications.

**Section 4.11 - Standards manual adopted by reference.**

The "Standards Manual," is hereby adopted in its entirety for immediate implementation. Where ever the Model Subdivision Rules conflict with this or any other city ordinances, the Model Subdivision Rules shall supersede the ordinances of the City of Alton.

4.11.1 - Model subdivision rules adopted by reference.

The city hereby adopts and agrees to enforce the Model Subdivision Rules, a copy of which is on file the City Secretary's Office.

**Section 4.12 - Preliminary conference.**

Prior to the official filing of a preliminary plat, the subdivider, his planner or representative, shall consult with and present a proposed plan of the subdivision to the Planning Department for comments and advice on the procedures, specifications and standards required by the city for the subdivision of land.

**Section 4.13 - Where subdivision is unit of a larger tract.**

Where the proposed subdivision constitutes a unit of a larger tract owned by the subdivider which is intended to be subsequently subdivided as additional units of the same subdivision, the preliminary and final plats shall be accompanied by a layout of the drainage, water, sewage and other improvements for such areas. The overall layout, if approved by the City Commission, shall be attached to and filed with a copy of the approved subdivision plat in the permanent files of the city. Thereafter, plats of subsequent units of such subdivision shall conform to such approved overall layout when it finds that:

- (1) Adherence to the previously approved overall layout will not hinder the orderly subdivision of other land in the area in accordance with the provisions of this Chapter; or
- (2) Adherence to the previously approved overall layout will not be detrimental to the public health, safety or welfare or will be injurious to other property in the area.

**Section 4.14 - Required.**

The subdivider shall cause to be prepared a preliminary plat in accordance with this article.

**Section 4.15 - Time for filing and copies required.**

The subdivider shall file copies of the preliminary plat, one set which shall at least be, if necessary, on a reproducible sheet of not more than an 11-inch by 17-inch (ledger

size), topography and utility data, in such numbers, but never less than four sets to the City's Planning Department, together with the original or an electronic reproducible copy (pdf and dwg/dgn), with the Planning and Zoning Commission or appropriate department, at least 30 days prior to the date at which formal application for plat consideration is made to the Planning and Zoning Commission.

4.15.1 - Filing fees. The preliminary plat shall be accompanied by a filing fee. No action shall be initiated by the city until the filing fee has been paid. This fee shall not be refunded if the plat is disapproved. Fees shall be listed in the current schedule of fees adapted by the City Commission

#### **Section 4.16 - Form and content.**

The preliminary plat shall be drawn to a scale of not more than 100 feet to one inch. When more than one sheet is necessary to accommodate the entire area, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the plat. The plat shall show the following:

- (1) The name and address of the subdivider, record of owners of land to be subdivided, and the engineer and/or surveyor preparing the plat.
- (2) The proposed name of the subdivision, which shall not have the same spelling as or be pronounced similar to the name of any other subdivision located within the city or within the extraterritorial jurisdiction of the city.
- (3) A description by metes and bounds of the subdivision.
- (4) Applicants for subdivision approval shall provide a current title report at time of preliminary plat submittal with an affidavit that the applicant is not aware of any changes to the status of title since the effective date of the report. In lieu of such report, the Director of Planning may accept alternative evidence of legal title in and to the subject property along with evidence of a record of any lienholders holding security interest in the property.
- (5) The primary control points, description and location and ties to such control points from which all dimensions, angles, bearings, block numbers and similar data shall be referred. Control point designations shall meet all requirements of the appropriate state statutes.
- (6) Subdivision boundary lines shall be indicated by heavy lines, and the actual acreage of the subdivision shown.
- (7) Existing sites as follows:
  - a. The exact location, dimensions, name and description of all existing or recorded streets, alleys, reservations, easements or other public rights-of-way within the subdivision intersecting or contiguous with its boundaries or forming such boundaries.

- b. The exact location, dimensions, description and flow line of existing watercourses and drainage structures within the subdivision or on contiguous tracts.
  - c. The exact location, dimensions, description and name of all existing or recorded residential lots, parks, public areas, permanent structures and other sites within or contiguous with the subdivision.
- (8) The exact location, dimensions, grade, description and name of all proposed streets, alleys, drainage structures, location of electric, gas, telephone, television, cable, park, other public areas, reservations, easements or other rights-of-way, blocks, lots and other sites within the subdivision.
  - (9) The preliminary project engineer's seal, date of preparation, scale of plat and north arrow.
  - (10) Topographic information shall include contour lines on a basis of one vertical foot minimum.
  - (11) A number or letter to identify each lot or site and each block.
  - (12) All lot sizes and setback lines shall be in conformance with and meet the requirements of Chapter 3, as amended, as if the subdivided property was within the city limits.
  - (13) The location of the city's corporate limit lines, the outer border of the city's extraterritorial jurisdiction and zoning district boundaries, if they traverse the subdivision, form part of the subdivision or are contiguous to such boundary.
  - (14) The topographic and utility details shall be shown on a separate plat.
  - (15) A legible vicinity sketch or map, which shall show existing subdivisions, streets, easements, rights-of-way, parks and public facilities in the vicinity.
  - (16) Restrictive covenants imposed on the land, if desired by the subdivider, or required by the City Commission, are to be shown on a separate document, to be made a part thereof, or recorded by a separate document in the office of the county clerk. A copy of such restrictive covenants, with recording data thereon, shall be furnished to the city.
  - (17) Irrigation canals: No open irrigation canals, except main canals, shall be permitted within a subdivision. The subdivider shall place such canal underground if its continued use is required by the water district in which such canal is located. If an existing canal, is partly included within the boundaries of the land from which the subdivision is made, the subdivider or developer, if the developer or subdivider and the owner of the adjacent land do not agree jointly to place such canal underground when its continued use is required by the water district, shall deposit in escrow with the city, as the case may be, a sufficient sum of money, based on current costs at the time, to pay for his share of the cost to place such canal

underground. Should it develop thereafter that the continued use of such canal not be required and has not been placed underground in the meantime, such escrow fund, without interest, shall be returned to the depositor.

- (18) An engineer's statement describing drainage pattern in the subdivision and the adequacy of the proposed plan for drainage; to be approved by the city engineer in addition to Hidalgo County Drainage District #1.
- (19) A finished floor elevation should be established for the property. The minimum finished floor elevation will be that finished floor as established by the project engineer for the development or 18 inches above the top of the adjacent curb, whichever is greater. The finished floor elevation must be reviewed and approved by the city engineer, and floor plan administrator.
- (20) A completed Trip Generation Worksheet shall be submitted prior to submitting a preliminary plat, or shall be submitted at the time of submittal of the preliminary plat. If a TIA is required, it shall be submitted at or prior to the consideration of the preliminary plat by the city commission.
- (21) A 10 foot utility easement shall be provided along the perimeter of subdivision.

#### **Section 4.17 - Processing.**

- (a) The city planner, construction inspector and city engineer shall check the preliminary plat as to its conformity with the general plan, major street plan, land use plan, zoning districts, master drainage plan, master park plan and standards and specifications set forth in this chapter or referred to in this Chapter.
- (b) The city planner, and city engineer shall review all proposed subdivision plats to determine if the proposed subdivision is reasonably safe from flooding and that the grade inclination for all streets, alleys and lots are established and recorded on the plat to ensure maximum drainage within the dictates of the general topography of the platted area and the areas surrounding the subdivision.
- (c) The city planner or city engineer shall determine that all public utilities and facilities are located and planned to minimize or eliminate flood damage.
- (d) All proposed preliminary plats and subdivisions of land within the city and its extraterritorial jurisdiction shall be submitted by the Planning and Zoning Commission, if applicable, for review and comment by agencies or corporations dealing in public service; i.e., the various governmental departments, independent school districts, AEP, Magic Valley Electric Co-Op, county water and control districts, local public utilities, boards and/or districts.
- (e) The city planner, construction inspector and/or city engineer shall return the preliminary plat and accompanying data to the Planning and Zoning Commission

with recommendations as to modifications, additions or alterations of such plat data.

- (f) Within 30 days after the preliminary plat is formally filed with the city planner, the Planning and Zoning Commission shall:
  - (1) Approve;
  - (2) Disapprove the preliminary plat; or
  - (3) Conditionally approve with modifications.

The Planning and Zoning Commission shall inform the subdivider of the reasons at the time such action is taken.

- (g) Approval of a preliminary plat by the Planning and Zoning Commission shall be deemed as an expression of approval of the layout submitted on the preliminary plat and contingent on approval of utilities as a guide to the installation of streets, drainage, water, sewage, sidewalks, street lights, fire hydrants and other required improvements and utilities and to the preparation of the final or recorded plat. Conditional approval of a preliminary plat shall not constitute an automatic approval of the final plat.
- (h) Approval or conditional approval of a preliminary plat shall be effective for only 18 months unless reviewed by the Planning and Zoning Commission in the light of new or significant information which would necessitate a revision of the preliminary plat. If the Planning and Zoning Commission should deem changes in a preliminary plat as necessary, it shall inform the subdivider in writing.
- (i) If no development has occurred which would affect the proposed plat, after one year of effective approval, the planning director may, upon the application of the subdivider, extend the approval for an additional six months. At the end of this six-month extension, the preliminary approval is automatically revoked.

#### **Section 4.18 - Form and content.**

- (a) The final plat and accompanying data shall conform to the preliminary plat as approved or conditionally approved by the Planning and Zoning Commission and City Commission incorporating any and all changes, modifications, alterations, corrections and conditions recommended.
- (b) The final plat shall be drawn at a scale of 100 feet to one inch. Where more than one sheet is necessary to accommodate the entire area, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the plat.
- (c) The final plat shall be submitted in an original and in such numbers of copies, but never less than four copies, of such sizes, and such material as the city planning department may from time to time require, and shall contain all of the features

required for preliminary plats and it shall be accompanied by site improvement data bearing the seal of an engineer.

- (d) The final plat and the accompanying site improvement data shall be referred to the City Commission when recommended by the Planning and Zoning Commission.
- (e) A statement must be included on the plat stating whether all or a portion of the subdivision falls within the 100-year floodplain and the engineer's statement of the minimum permissible floor elevation for each lot that will protect the improvements from flooding and high waters. Such minimum floor elevation will be that finished floor as established by the project engineer for the development or 18 inches above the top of the adjacent curb, whichever is greater. A statement shall be included on the plat stating that all buildings must be constructed above the minimum floor elevation.
- (f) The final plat shall include the acknowledgements required by the city and state law.
- (g) The final plat must contain a statement declaring whether or not sidewalks are required by the city within any portion of the subdivision, and if sidewalks were required, the location of such sidewalks, the street names where sidewalks are required, and who shall be responsible for installation of such sidewalks.
- (h) Restrictive covenants shall be furnished to the city. The restrictive covenants must comply with all applicable codes and ordinances of the city, though this provision does not preclude stricter standards being imposed by the subdivider. The City shall not be responsible for the enforcement of any private restrictive covenants imposed by the developer.
- (i) All real property taxes and assessments on the property being subdivided must have been paid. Tax certificates from all applicable taxing entities shall be submitted with the final plat showing all real property taxes and assessments have been paid.
- (j) All plans and engineering calculations of the subdivision improvements shall be furnished to the city in the number of copies, but not less than four, of such sizes and such materials as the city planning department may from time to time require. Such plans and calculations shall each contain a statement that such construction plans conform to all city standards and shall bear the signature and seal of a registered/licensed engineer. Such plans and calculations shall include at least the following:
  - (1) Plans and profiles of all streets, alleys, sidewalks, street lights, crosswalks, and monuments showing the right-of-way and paved width of all streets, their centerline grade and distances with the elevations indicated at all centerline intersections and grade breaks, and the location and specifications for all curbs and gutters;

- (2) Plans and profiles showing all proposed sanitary sewer lines including, but not limited to, depth and grades of lines, location of manholes and connections, and the location, dimension and depth of existing sanitary sewer lines and manholes to which the system will be connected;
  - (3) Plans and profiles of all proposed water lines, valves and fire hydrants showing location, size and depths of the proposed lines, and location, dimension and depth of all existing water lines, valves, and fire hydrants to which the system will be connected;
  - (4) Plans, profiles and specifications for all storm drainage improvements showing existing and proposed elevations at one-foot contours within the subdivision and within 300 feet of all subdivision boundaries, and all street widths and trades, runoff figures on the outlet and inlet side of all drainage ditches and storm sewers, and at all points in the street at changes of grade or where the water enters in other street or storm sewer or drainage ditch or pond, showing drainage easements, and a general location map of the subdivision showing the relationship of the subdivision to the entire watershed area, showing calculations specifying the anticipated stormwater flow, including watershed area, percent runoff, and time of concentration, and calculations showing the basis for design of all proposed drainage ditches, pipelines, detention ponds, and complete plans, profiles, cross sections, grades and specifications showing complete construction details for all proposed drainage channels, ponds, ditches, and pipelines (all calculations shall be in accordance with the city's drainage policy, and shall be developed in accordance with engineering formulas and data provided by the city engineer); and
  - (5) Detailed cost estimates of all proposed improvements.
- (k) All fees and charges imposed by the city have been paid.
- (l) Upon completion of construction of subdivision improvements, the city shall be furnished the number of copies including, but not limited to, electronic files (PDF and DWG/DGN), of such size and of such material as the city planning department may from time to time require of "as-built" plans and profiles of all improvements constructed containing a certificate stating that all improvements have been constructed in accordance with the approved construction plans, and that all monuments and lot markers have been properly located and placed in accordance with this subdivision ordinance which certificate is signed and sealed by a registered/licensed professional engineer.

#### **Section 4.19 - Processing.**

The final plat may be considered officially approved when all fees and expenses incurred have been paid, and when all requisites of the subdivision have been met.

4.19.1 Conformity. No preliminary or final plat shall be approved by the Planning and Zoning Commission, and no completed improvements shall be acceptable by the city, unless they conform with the comprehensive plan of the city and parts thereof and comply with the provisions of this ordinance.

4.19.2 Future subdivisions. If a tract is subdivided into parcels larger than ordinary building lots, such parcels shall be arranged to allow the opening of future streets.

4.19.3 Reserve strips. There shall be no reserve strips controlling access to land dedicated or intended to be dedicated to public use.

#### **Section 4.20 - Streets.**

- (a) *Street layout.* Adequate and paved streets shall be provided by the subdivider and the arrangement, character, extent, width, grade and location of each shall conform to the comprehensive plan of the city and shall be considered in their relation to existing and planned streets, to topographic conditions, to public safety and convenience, and in their appropriate relationship to the proposed uses of land to be served by such streets. The street layout shall be devised for the most advantageous development of the entire neighborhood.
- (b) *Relation to adjoining street systems.* Where necessary to the neighborhood pattern, existing streets in adjoining areas shall be continued and shall be at least as wide as such existing streets and in alignment therewith.
- (c) *Projection of streets.* Where adjoining areas are not subdivided, the arrangement of streets in the subdivision shall make provisions for the proper projection of streets into such unsubdivided areas.
- (d) *Street jogs.* Street jogs with centerline offsets of less than 125 feet shall be avoided.
- (e) *Street intersections.* Street intersections shall be as nearly at right angles as practical, giving due regard to terrain, topography, sight distances and safety.
- (f) *Dead-end streets.* Dead-end streets shall be prohibited except as short stubs to permit future expansion.
- (g) *Cul-de-sac.* In general, a cul-de-sac shall not exceed 600 feet in length, and shall have a turnaround of not less than 100 feet in diameter (right-of-way) with a pavement diameter of 80 feet and shall provide access directly or indirectly to no more than 25 dwelling units in residential areas, and shall have a turnaround not less than 160 feet in diameter (right-of-way) with a pavement of 140 feet in commercial and industrial area.
- (h) *Streets on comprehensive plan.* Where a subdivision includes a street as shown on the major streets plan of the city, the Hidalgo County Thoroughfare Plan or the city's comprehensive plan, that street shall be platted in the approximate location

shown on the plan. The right-of-way shall be equal to or greater than that indicated on the comprehensive plan for streets.

- (i) *Minor streets.* Minor streets shall be laid out so as to discourage their use by fast and through traffic.
- (j) *Pavement widths and rights-of-way.*
  - (1) Major thoroughfares of 120 feet of right-of-way shall be paved a minimum of 82 feet.
  - (2) Collector streets shall have a minimum right-of-way of 60 feet and a minimum pavement width of not less than 43 feet as specified by the city.
  - (3) Minor streets with single-family lots having a frontage of 50 feet or more shall have a right-of-way of at least 50 feet with abutting five-foot utility easement. Minor streets with single-family lots having a frontage of less than 50 feet shall have a right-of-way of at least 60 feet; or shall have a right-of-way of at least 50 feet with abutting five-foot utility easement, and shall provide a minimum of one overflow parking space for every two lots or dwelling units, within a reasonable distance from the lots or units to be served. The minimum pavement width of minor residential streets shall be 32 feet back-to-back, and minor residential subcollector streets which typically collect traffic from the subject development as well as interjoining traffic from other areas shall have a minimum pavement width of 37 feet back-to-back. Minor arterials of 80 feet of right-of-way shall be paved a minimum of 57 feet. Minor streets with multifamily lots shall have a right-of-way of at least 60 feet, and a minimum pavement width of 37 feet back-to-back and be in compliance with the requirements of all applicable ordinances dealing with off-street parking.
- (k) *Pavement widths and rights-of-way of streets forming part of the boundary of the subdivision (adjacent).* Pavement widths and rights-of-way of streets forming part of the boundary of the subdivision adjacent shall be as follows:
  - (1) Where the proposed subdivision abuts upon an existing street or half-street that does not conform to subsection (j) of this section, the subdivider shall dedicate right-of-way width to conform to such subsection. Before any pavement is laid to widen existing pavement, the existing pavement shall be cut back two feet to ensure an adequate subbase and pavement joint.
  - (2) No half-streets or half-alleys will be permitted in subdivisions.
- (l) *Curbs.* Curbs shall be installed by the subdivider on both sides of all interior streets, and on the subdivision side of all streets forming part of the boundary of the subdivision.
- (m) *Street construction.* Materials and workmanship shall conform to the following standards:
  - i. Collector and above designated streets\*

2" hot mix asphaltic concrete  
10" caliche base compacted to 95% of modified proctor  
6" subgrade with a Plasticity Index below 20

ii. Residential streets\*

2" hot mix asphaltic concrete  
8" caliche base compacted to 95% of modified proctor  
6" subgrade with a Plasticity Index below 20

\* if a report by a geotechnical engineer indicates that thicker paving sections are required then the geotechnical requirements supersede the standards listed above

- (n) *Street Grading.* Street grading shall meet the following minimum slopes based upon the land use and shall be shown on construction plans:

Residential streets: 0.3%

Multi-family and Commercial streets: 0.5%

Industrial streets: 0.5%

- (o) *Street names.* Names of new streets shall not duplicate or cause confusion with the names of existing streets, unless the new streets are a continuation of or in alignment with existing streets, in which case names of existing streets shall be used, and shall conform to the existing street naming system. Street signs shall conform to city standards and shall be installed at the expense of the subdivider.

- (p) *Marginal access streets.* Where a subdivision has frontage on or borders an arterial street, the City Commission may require marginal access streets to be provided on both sides or on the subdivision side of the arterial street; unless the adjacent lots back up to, side up to, or front with extra depth and access off an alley, and provide some other means of restricting individual access directly to the arterial, or unless the City Commission determines such marginal access streets are not desirable under the facts of a particular case for adequate protection of the lots and separation of through the local traffic.

- (q) *Median islands.* Where a subdivision proposes median islands, the following shall be required prior to recording the plat or providing a final approval to the construction of the subdivision:

(1) The following plat note shall be required: The maintenance of all median islands shown on this plat shall be the exclusive responsibility of the owner of the property the subject of this plat, his heirs and assigns.

(2) The plans (cross-section to be included) and specifications, including a cross-section view, for such median islands shall be reviewed and approved in writing by the city engineer prior to construction where such issues as irrigation lines being encased, overspill appurtenances and illumination shall be considered. In this connection, such median islands shall conform to the amount of pavement required in subsection (m) for

the proposed street and made part of this section by reference for all purposes.

- (3) The City Commission, with the recommendation of the Planning and Zoning Commission, may set additional requirements to secure the public's health, safety and general welfare.
  - (4) The city engineer shall calculate present removal costs for such median islands, including any paving and utility relocation costs as well as any and all engineering costs that may be incidentally required, and 115 percent of such amount shall be escrowed with the city. Any funds so escrowed and not expended by the city as provided in this section within 15 years from the date of receipt, shall be returned to the then owners of the property, the subject of this plat, on the last day of such period, with the owners of each lot being entitled to an equal share of the refund. All of the owners of the property must request such refund within one year of entitlement, in writing, or such right shall be barred. In this connection, the city reserves the right to require evidence satisfactory to it that the persons seeking reimbursement are the owners of the property.
- (r) *Traffic Calming.* If in the opinion of the city engineer and/or planning director streets in a proposed development are designed as such to encourage vehicular travel at unsafe speeds, the developer will bear the expense to install traffic calming measures.

(1) Traffic Calming Measure Alteration and Removal

The process for traffic calming measure removal or alteration by residents will require a petition that documents that a minimum of two-thirds of adjacent property owners on the street support its removal. There is not City participation in cost sharing for the removal of the traffic calming measure. The City Manager has the right to remove a traffic calming measure if it is deemed necessary.

- (s) *Private street policy.*
- (1) A written variance shall be provided requesting that lots are desired to be developed which will not front a public street, and the rationale for such variance for private street(s). If there is a stubbed street, or streets, onto the undeveloped acreage desired to be developed with a private street(s), the likelihood is that there will be no privatization due to pre-designed neighborhood-to-neighborhood linkage.
  - (2) Include within parenthesis under the proposed subdivision plat's name: ("PRIVATE SUBDIVISION").
  - (3) The developer's dedicatory language on the plat shall read as follows: "I, the undersigned, owner of the land shown on this plat, and designated as (the name of the subdivision), do hereby grant an easement to the City of Alton and those who may now or hereafter hold franchise under said city, the use of the streets, alleys, and easements thereon shown, surface use of

the streets and alleys is restricted to the employees or agents of the City of Alton, employees of utilities operating under franchise to the City of Alton, residents of the subdivision, and their guests."

(4) If not legally existing, a homeowner's association (HOA) shall be established/recorded to maximize the maintenance of common areas which shall include the private street(s), its storm drainage, street lighting, accompanying sidewalks, plus any other private improvements within the private street area.

(5) The private street(s) shall be identified as "common areas" and given lettering for said private property such as "Common Area Lot A".

(6) Plat notes shall be required on the plat to be as follows:

*Plat note:* All private streets, inclusive of median islands and any sentry shelters, plus any accompanying storm drainage, street lighting, and/or sidewalks, shall be privately maintained by the homeowner's association. Also, all perimeter walls and fences shall be under the ownership and the exclusive responsibility of the homeowner's association for the purposes of enclosed privacy, security, and repair.

*Plat note:* After the recording of the plat's conditions, covenants, and restrictions (CCRs) to thus assure maintenance of common areas and median islands, etc., a building permit application may be filed with the City of Alton for any proposed gated entry mechanisms whereafter it shall be reviewed for approval or disapproval by the city including the fire marshal's office. In no case shall gate(s) be installed where a building permit has not been issued.

*Plat note:* The homeowner's association and/or every lot owner shall hold the City of Alton, Texas, harmless and indemnify said city from any and all liability and alleged claims relating to said private streets. The lot owners shall be responsible for the costs to maintain the private streets, accompanying storm drainage, private sidewalks, private street lighting, and any other private improvement in the private street area.

*Plat note:* The owner(s)/developer(s) shall sign and record an indemnification agreement holding harmless the City of Alton and indemnifying it from all obligations to maintain said streets and from any liability arising out of or incident to such streets.

(7) The developer shall sign and record a private street agreement on a form established by the City of Alton after consultation with the city attorney.

(8) Should there be an existing subdivision with public streets but where there is a desire to propose a gated entry thus privatizing the street(s), the following minimum policies shall apply and be fully complied with:

a. No collector, arterial, or other street providing "through traffic" shall be considered for privatization.

- b. A written petition reflecting 100 percent of the lot owners desiring the private street and subsequent gated entry shall be provided to the city. Renters or tenants shall not be deemed "lot owners".
  - c. A homeowner's association (HOA) must be evident or shall be legally established providing for the maintenance and upkeep of the streets, street lighting, sidewalks, storm drainage improvements, and other improvements that may be deemed "common elements" that would normally be the City of Alton's responsibility to maintain and upkeep.
  - d. Once the above is evident, then a written petition (deemed to be the written variance request) "to have lots not front a public street" shall be provided to the Alton Planning Department to review for eligibility and pre-meeting consideration.
  - e. Once eligibility is confirmed, and the public works, fire marshal, Police Department, and other city departments have assessed the proposal, the planning department shall cause the variance request for "private streets" to be considered by the Planning and Zoning Commission, and the City Commission as with any other variance to the subdivision code. The forums shall be public hearings with mailed notices to all owners of the subdivision; the cost shall be identical to the rezoning fee.
  - f. If the variance is approved, a private street agreement on a form established by the City of Alton, shall be signed and recorded by the applicant HOA's board of directors.
  - g. Once the street privatization variance is approved by the City Commission, the City of Alton and the applicant HOA shall coordinate within 30 calendar days, the transition of street lighting costs from a public account to a private HOA account.
  - h. The HOA shall pay for any traffic signage and markings indicating that the street is now "private".
  - i. Any desired gate to secure the private street shall first obtain a building permit prior to any installation.
- (9) Should there be a petition from an existing subdivision with private streets but where there is a desire to dedicate the street(s) to the public the following minimum policies shall apply and be fully complied with:
- a. A written request signed by the duly authorized Homeowners Association (HOA) officers and submitted to the City Commission requesting dedication of the private streets to the public;
  - b. The written request by the HOA officers will be accompanied by a petition containing the signatures of the owners of 100% of the existing lots in the subdivision, unless the City Commission determines it is in the public interest to accept the streets;

- c. The streets must meet City standards as determined by the City Engineer and the City Commission agrees to accept the streets;
- d. All repairs or reconstruction of private streets to City standards must be accepted by the City prior to conversion. All conversion dedication costs will be paid by the HOA; or
- e. The City shall be authorized to place a lien on each lot in the subdivision for repaving or other construction related to bringing the streets and other appurtenance to code; and
- f. All gates and appurtenances thereto must be removed at the expense of the HOA.

**Section 4.21 - Alleys.**

- (a) *Width and paving.* Alleys shall be provided at the rear of all single-family residential lots of less than 50 feet in width, or of commercial, multifamily or industrial lots. Alleys shall be generally parallel to the street, shall not be less than 16 feet wide, include an 18” concrete, “valley gutter” and shall be paved wherever an alley is required. A minimum 20 foot right-of-way for alleys shall be dedicated to the public. The minimum cross-section requirements shall be 1.5” hot mix asphaltic concrete, 6” caliche base and 6” of subgrade with a Plasticity Index below 20. Wherever alleys are not required, but are provided, the alleys shall meet city engineering all-weather specifications for not less than 12 feet of all weather surface laid for proper drainage.
- (b) *Intersecting alleys or utility easements.* Where two alleys or utility easements turn at a right angle, a cutoff of not less than 20 feet from the normal intersection of the property or easement line shall be provided along each property or easement line.
- (c) *Dead-end alleys.* Dead-end alleys shall not be permitted.
- (d) *Alleys which do not connect on a straight course.* If alleys are not themselves straight within each block, or if the same do not connect on a straight course with the alleys of adjoining blocks, then all necessary easements shall be provided for the placing of guy wires in order to support poles set on curving or deviating rights-of-way of alleys.

**Section. 4.22 - Water installation.**

- (a) *Water supply and distribution.* All subdivisions shall be provided with potable water in a water distribution system approved by the city and connected to an entity that is certified to provide such potable water in accordance with the following rules:
  - (1) All subdivisions shall be provided with a water distribution system approved by the city engineer.

- (2) Water service by a public water supply approved per TAC 290, with the condition that the developer submit a letter from the public water supplier addressed to the city stating it approves the proposed water layout and agrees to supply potable water for 30 years to the subdivision and that water meters are immediately available to every lot upon application by the individual lot owner.
  - (3) The developer is responsible for extending a looped waterline to and through the property so as to make it reasonably accessible and cost effective to all adjoining property owners, who shall also be required to meet this requirement. The City Commission may grant exceptions to this requirement after consultation with the city manager, city engineer, public works director and planning director.
- (b) *Water line specifications.* Water line material and specifications shall be as follows:
- (1) Minimum water line size shall be 8” in diameter. All other specifications for water lines shall meet Sharyland Water Supply Corporation standards.
- (c) *Fire hydrants.* Any subdivision developed within 1,300 feet of an existing water line shall provide fire hydrants as part of the water distribution system in accordance with specifications provided by the city engineer, Sharyland Water Supply Corporation and the state board of insurance. The City Commission may grant a variance from this requirement when it is not feasible to install fire hydrants. When a variance is granted from the requirement to install fire hydrants the developer shall place in escrow to the city, funds for fire hydrants in accordance with city standards.
- (1) The city engineer shall calculate present costs for such fire hydrants, including any incidental costs that may be associated with the installation of the fire hydrants, and 115 percent of such amount shall be escrowed with the city. Any funds so escrowed and not expended by the city as provided in this section within 15 years from the date of receipt, shall be returned to the then owners of the property, the subject of this plat, on the last day of such period, with the owners of each lot being entitled to an equal share of the refund. All of the owners of the property must request such refund within one year of entitlement, in writing, or such right shall be barred. In this connection, the city reserves the right to require evidence satisfactory to it that the persons seeking reimbursement are the owners of the property.
  - (2) Fire hydrants shall meet the specifications as detailed in the city standards manual. Fire hydrants shall be spaced based upon the use of the development and shall meet the minimum spacing as follows:
    - a. Residential: 500 feet maximum spacing between fire hydrants as measured along the street frontage;
    - b. Multi-family and Commercial: 300 feet maximum spacing between fire hydrants as measured along the street frontage;

- c. Industrial: 300 feet maximum spacing between fire hydrants as measured along the street frontage.

#### **Section 4.23- Sewers.**

- (a) All subdivisions shall be connected to an approved sewage collection system, except where the City Commission, after recommendation from the director of public works and/or city engineer, determines that a separate system may be used.
- (b) The developer shall provide a sewer line to and through the property so as to make it reasonably accessible and cost effective to all adjoining property owners, who shall also be required to meet this requirement.
- (c) Sanitary sewer lines shall be a minimum 8” sdr-26 pvc line, meeting TAC 285 minimum slope requirements.
- (d) Sanitary sewer manholes shall be spaced a maximum of 400 feet apart and shall meet all city specifications. Specifications for manhole covers shall be determined by the director of public works and/or city engineer.
- (e) On-site sewage facilities.
  - (1) The city hereby adopts the rules and ("Design Criteria for On-Site Sewage Facilities") and Administrative Rules TAC 285.1-285.91 which such rules are on file with the public works director and the city engineer and as such rules and criteria are promulgated by the Texas Commission on Environmental Quality for on-site sewage systems. Such rules are hereby adopted and all officials and employees of the city having duties under such rules are authorized to perform such duties and are required of them under such rules.
  - (2) Any owner or operator of a structure discharging sewage into an on-site sewage facility within the jurisdiction area of the city must comply with the rules adopted in subsection (e)(1) of this section.

#### **Section 4.24 - Utility lines.**

- (a) All utility lines that pass under any area to be paved shall be installed prior to the area being paved. When it is necessary that utility lines pass under a paved area, they shall be extended to a point at least three feet beyond the edge of the pavement. All utility lines shall be located in an area dedicated to the public.
- (b) Utility lines crossing under roadways classified as collector and above must be encased per city standards.
- (c) Utility trenches in unpaved areas must be compacted to 98% standard proctor.
- (d) At such time that a new development is attempting to tie into an existing utility line that is deemed in poor condition (e.g cast iron or clay) by the director of public works and/or the city engineer, that section of line that adjoins the new development shall be replaced at the expense of the developer.

- (e) All subdivisions located within the city's extraterritorial jurisdiction or connected to one or more of the city utilities, must request annexation to the city prior to the approval of the final subdivision plat.

**Section 4.25 - Monuments and corner markers.**

- (a) All block corners, angle points and points of curves and all corners of boundary lines of subdivisions shall be marked with a one-half inch steel rod, two feet in length, set in the center of a concrete monument six inches in diameter and 30 inches deep with the top flush with the finished ground surface.
- (b) Where, due to topographic conditions or permanent structures, or other conditions prevail, the view is obstructed between any two adjacent monuments, intermediate monuments shall be so set as to ensure a clear view between adjacent monuments.
- (c) Lot corner markers consisting of a one-half inch street rod or three-quarter inch pipe, two feet in length, shall be driven flush with the ground surface to mark the corners of all lots.

**Section 4.26 - Drainage.**

- (a) *Easement.* Where a subdivision is traversed by a watercourse, drainageway, natural channel, stream or where there is a necessity for such as determined by the Planning and Zoning Commission, there shall be provided an easement or right-of-way conforming substantially to the limit of such watercourse. A 50 foot drainage ditch easement shall be required from the centerline of the drainage ditch, unless the City of Alton Master Storm Water Drainage Plan indicates otherwise. A minimum of a 10 foot access roadway for maintenance shall be required on the perimeter of the drainage ditch.
- (b) *Drainage facilities.* Drainage facility as Improvements indicated by the City of Alton Master Drainage Plan. Drainage facilities shall be provided and constructed at the expense of the subdivider pursuant to the city drainage policy and as specified and/or approved by the city engineer. Drainage inlets located within roadways shall meet the following spacing requirements:
  - i. Regardless of the use of the development, drainage inlets shall have maximum spacing of 300 feet on all streets.
- (c) *Drainage policy.* No subdivision will be approved unless calculations submitted by the project engineer show that the projected runoff for the proposed subdivision, based on a twenty-five-year flood event, will not be greater than the natural runoff. Any water in excess of natural runoff must be detained on-site and released at existing 10-year flood rate. These flows may be exceeded only if off-site improvements and/or facilities are provided which, in the opinion of the city engineer and the Planning and Zoning Commission, serve as adequate drainage facilities. Any property must provide an amount of floodwater storage capacity after development, which is not less than the preexisting floodwater storage

capacity of such property during the 100-year flood, regardless of whether such pre-existing flood storage capacity is due to natural or artificial causes. The project engineer shall provide such information as required by the city to demonstrate compliance with the city drainage policy.

Twenty-five-year flood detention is required for all developments except for two cases:

- i. Small Projects. The table below identifies small projects.

<b>SMALL PROJECT EXCEPTION DESCRIPTION</b>	
<b>1.</b>	Construction of a building or parking lot if the proposed construction does not require a variance from a water quality regulation, does not exceed 5,000 square feet of impervious cover and the construction site does not exceed 10,000 square feet (includes construction, clearing, grading, construction equipment access, driveway reconstruction, temporary installations, landscaping and other areas planning director or city engineer determine part of construction site).
<b>2.</b>	Construction of a storm sewer not more than 30 inches in diameter that is entirely on public right-of-way or easement.
<b>3.</b>	Construction of a utility line not more than 8 inches in diameter that is entirely in public right-of-way.
<b>4.</b>	Construction of a left turn lane on a divided arterial street.
<b>5.</b>	Construction of street intersection improvements.
<b>6.</b>	Widening of public street to provide a deceleration lane if additional right-of-way is not required.
<b>7.</b>	Depositing less than two feet of earth fill, if site is not in the 100 year floodplain and the fill is not to be deposited within the dripline of a protected tree.

<b>8.</b>	Minor development that the planning director and/or city engineer determine similar to items described above.
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ii. Storm Water Quality. In an attempt to help reduce the amount of pollutant being discharged into the Arroyo Colorado Watershed, City will consider reducing the amount of storm water detention, if low impact development techniques are used to hold storm runoff. There are many practices that have been used to adhere to these principles such as bioretention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements. City Engineer must approve these techniques and quantities before storm detention requirement is reduced.

- (d) *Existing facilities*. Facilities currently discharging storm water to streets without detention will be required to detain storm water run-off if a building permit is requested, if the building does not meet small project exception. The minimum detention requirements shall be based on the building being constructed or remodeled. The storm water run-off may be detained in the landscaped area.
- (e) *Lot Grading*: All lots shall be graded so that storm water run-off is directed to the street fronting the lot. If a lot has double frontage, the city engineer and/or planning director may allow for the drainage of the lot to be split such that a portion of the run-off is directed to the street in front of the lot with the remainder of the run-off directed to the street at the rear of the lot.

**Section 4.27 - Blocks.**

Block length shall not exceed 1,300 feet or provide access to more than 50 dwelling units except along major and minor thoroughfares.

A residential block that exceeds 900 feet in length must be transected by a pedestrian path that is located not less than 300 feet from each block end. The pedestrian path shall not be less than five feet wide, comply with city standards for a sidewalk or trail, and be located within an easement or right of way, as determined by the Planning Director, not less than fifteen feet wide. The Director may waive or modify this requirement if he/she determines that the path cannot meet ADA requirements.

**Section 4.28 - Crosswalks.**

Crosswalk rights-of-way six feet in width shall be dedicated to the public where deemed necessary by the Planning and Zoning Commission to provide pedestrian circulation or access to schools, playgrounds, shopping centers and transportation and other community facilities, or to provide pedestrian circulation with the subdivision. Crosswalks shall be provided with a concrete sidewalk at least five feet wide.

**Section 4.29 - Park dedication of fees in lieu of requirements.**

- (a) *Purpose*.

- (1) This section is adopted to provide recreational areas in the form of neighborhood parks as a function of subdivision development in the city and its extraterritorial jurisdiction, as defined under this ordinance. This section is enacted in accordance with the home rule powers of the city granted under the state constitution, and the state statutes including, but not by way of limitation, V.T.C.A., Local Government Code §§ 51.071 et seq., 212.003, 212.0045, 212.0115, 212.018. It is hereby declared by the City Commission that recreational areas in the form of neighborhood parks are necessary and in the public welfare, and that the only adequate procedure to provide for same is by integrating such a requirement into a procedure for planning and developing property or subdivisions in the city and its ETJ, whether such development consists of new construction on vacant land or rebuilding and remodeling of structures on existing property for increased residential use.
- (2) Neighborhood parks are those parks providing a variety of outdoor recreational opportunities and within convenient distances from a majority of residences to be served thereby. The primary cost of neighborhood parks should be borne by the ultimate residential property owners who, by reason of the proximity of their property to such parks, shall be the primary beneficiaries of such facilities. Therefore, the following requirements are adopted to the purpose stated:
  - (b) *General requirements.* R-1, R-2, R-3, D, MF, MH, PUD land shall be used for single-family, large lot single-family, townhouse, duplex, multifamily, mobile home and modular home, high-density manufactured housing development, planned unit development, and/or other ETJ residential purposes.
    - (1) Whenever a final plat is filed of record with the county clerk for development of a residential area in accordance with the planning and zoning ordinances of the city, such plat shall contain a clear fee simple dedication of an area of land to the city for park purposes, which area shall equal one acre for each 125 proposed dwelling units. Any proposed plat submitted to the city for approval shall show the area proposed to be dedicated under this section. The required dedication of this section may be met by money in lieu of land or by prior donation of public park land when permitted or required by other provisions of this section.
    - (2) The City Commission declares that development of an area smaller than one acre for public park purposes is impractical. Therefore, if fewer than 125 units are proposed by a plat filed for approval, the landowner shall be required to pay the applicable cash in lieu of land amount provided by subsection (d)(3) of this section, rather than to dedicate any land area. No plat showing a dedication of less than one acre shall be approved.
    - (3) In instances where an area of more than one acre of park land is to be dedicated, the city shall have the right to accept the land dedication for approval of the final plat, or to refuse the same, after consideration of the recommendation of the Planning and Zoning Commission to require

payment of cash in lieu of land in the amount provided by subsection (d)(3) of this section, if the city determines that sufficient park area is already in the public domain in the area of the proposed development, or if the recreation potential for the City would be better served by expanding or improving existing parks.

- (4) The dedication required by this section shall be made upon filing of the final plat or contemporaneously by separate instrument, unless additional dedication is required subsequent to the filing of the final plat as follows. If the actual number of completed dwelling units exceed the figure upon which the original dedication was based, such additional dedication shall be made by the current landowner by payment of cash in lieu of land in the amount provided by subsection (d)(3) of this section, or by the conveyance of an entire numbered lot adjoining the dedicated park site to the city.
- (c) *Prior dedication/donation.* At the discretion of the city, any former gift of land to the city may be credited on a per-acre basis toward eventual land dedication requirements imposed on the donor of such lands. The City Commission shall consider the recommendation of the Planning and Zoning Commission in exercising its discretion under this subsection.
- (d) *Money in lieu of land.*
  - (1) Subject to approval of the City Commission, a landowner responsible for dedication of land under this section, where such property is within the city limits or within the defined ETJ, may elect to meet the requirements of subsection (b) of this section, in whole or in part, by a cash payment in lieu of land, in the amount set forth by subsection (d)(3) of this section. With the City Commission approval, such payment in lieu of land may be either made prior to the time of the final plat's recording or prior to the issuance of a building permit by the city.
  - (2) The city may from time to time decide to purchase land for parks in or near areas of actual or potential development. If the city does purchase park land, the city shall have the right to require payment of cash in lieu of land in the amount set forth in subsection (d)(3) of this section for all subsequent residential development near the subject park, provided that the fees assessed do not exceed the city's actual cost of acquisition and development of the park and the city's actual cost of the provision of adjacent streets and utilities, if applicable. Once the city has been reimbursed entirely for all such costs for that park, this section shall cease to apply, and the other sections of this section shall again be applicable.
  - (3) To the extent that other sections of this section require, the dedication requirement shall be met by a payment in lieu of land at a per-dwelling unit price set from time to time by ordinance of the City Commission, sufficient to acquire and develop land and to provide adjacent streets and utilities for a neighborhood park to serve the area in which such development is located. Unless changed by the City Commission, such per

dwelling unit price shall be computed on the basis of \$400.00 per dwelling unit. Cash payments may be only used for the acquisition, development or improvement of a neighborhood park, bicycle trails, and/or streets and utilities adjacent to the neighborhood park.

(e) *Special fund; right to refund.*

- (1) There is hereby established a trust and agency account for the deposit of all sums paid in lieu of land dedication under this section, which fund shall be known as the park land dedication account.
- (2) The city shall account for all sums paid in lieu of land dedication under this section with reference to individual plats involved. Any funds paid for such purposes must be expended by the city within five years from the date received by the city for the acquisition, development or improvement of a neighborhood park, bicycle trails, or adjacent streets and utilities necessary for the park. Such funds shall be considered to be spent on a first-in, first-out basis. If not so expended, the owners of the property on the last day of such period shall be entitled to a pro rate refund of such sum, computed on the same basis as is called for in subsection (d)(2) of this section. The owners of such property must request such refund within one year of entitlement, in writing, or such right shall be barred.

(f) *Additional requirements; definitions.*

- (1) Any land dedicated to the city under this section must be suitable for park and recreation uses. The following characteristics of a proposed area are generally unsuitable:
  - a. Any area primarily located in the 100-year floodplain;
  - b. Any areas of unusual topography, slope or shape which renders the same unsuitable for organized recreational activities.

Such characteristics of a park land dedication site may be grounds for refusal of any preliminary plat.

- (2) Drainage areas may be accepted as part of a park if the drainage is constructed in accordance with city engineering standards and if no significant area of the park is cut off from access or rendered unusable by such drainage area.
- (3) Each park must have ready access to a public street.
- (4) Unless provided otherwise in this section, an action of the city shall be by the City Commission, after consideration of the recommendation of the Planning and Zoning Commission. Any proposal shall be reviewed by the Planning and Zoning Commission. The commission shall consider the proposal coming under this section and make its recommendation. The Planning and Zoning Commission recommendation shall be given to the City Commission. The matter shall then be referred to the City Commission for its decision.

**Section 4.30 - Sidewalks.**

- (a) Sidewalks shall be installed along the perimeter streets of the subdivision at the developers' expense, and shall be so installed in the following manner:
  - (1) All sidewalks shall be not less than five feet in width and of concrete, stone or masonry construction.
  - (2) Sidewalks shall be as nearly parallel to the street as possible.
  - (3) Sidewalks shall be placed in accordance with the city's construction standards manual and meet all ADA requirements.
  - (4) In lieu of construction, cash or its equivalent may be deposited with the city in a sum equal to the actual cost of construction, plus any engineering costs that might be required, as an alternative to the mandatory construction of sidewalks. Such funds will be set aside by the city for the installation, as the need arises.
  - (5) Additional sidewalks may be provided as deemed necessary and in the interest of the city upon consideration by the Planning and Zoning Commission in commercial, industrial, public and multifamily areas; and such additional sidewalks as the property owner may desire shall be permitted.
  - (6) If such sidewalks are not installed prior to the issuance of a building permit on a lot requiring a sidewalk, the owner shall construct the same or may elect the other alternative described in section (4) of this section.
  
- (b) Sidewalks shall be installed in front of lots by the property owner at the time of building construction. On corner lots, the owner shall be responsible for the sidewalk along all streets adjoining the lot. Sidewalks shall be installed in the following manner:
  - (1) Sidewalks in residential areas shall be four feet in width and of concrete, stone, or masonry construction.
  - (2) Sidewalks in multi-family/commercial or industrial area shall be five feet in width and of concrete, stone or masonry construction.
  - (3) Sidewalks in residential zones shall be constructed a minimum of four (4) feet from the back of curb, unless otherwise approved by the planning director or city engineer.

**Section 4.31 – Multi Use Trails**

- (a) In areas where the City’s Master Parks Plan or Master Trail Plan defines a multi-use trail or a side path, the developer shall dedicate 15 feet of right of way for the trail or path.
- (b) Where a development will abut or adjoin a proposed or existing trail or side path, the developer will dedicate a 15 foot easement to connect the proposed development to the trail or path.

**Section 4.32 - Streetlights.**

- (a) *Location.* Streetlights shall be installed at the cost of the subdivider at all intersections, at the end of culs-de-sac, and at such other locations as deemed necessary by the Planning and Zoning Commission within the proposed subdivision and those adjacent subdivisions.
- (b) *Major thoroughfares/arterials.* On streets classified as major thoroughfares or arterial streets, the streetlight shall be a minimum 27,500 lumen sodium vapor or approved equivalent, and be spaced no more than 250 feet between streetlights.
- (c) *Collector streets.* On streets classified as collector streets, the streetlights shall be 27,500 lumens sodium vapor and be spaced no more than 300 feet between streetlights.
- (d) *Minor residential streets.* On streets classified as minor residential streets, the developer will:
  - (1) Install 27,500 lumens sodium vapor streetlights to be spaced not more than 400 feet between streetlights.
- (e) *Private streetlights maintenance.* It is recommended that streetlights on private streets are installed pursuant to subsection (d) of this section. Being nonpublic streets, the monthly streetlights costs are not borne by the city nor the maintenance costs involved thereof. Prior to any private streets being accepted as dedicated streets, streetlights located therein may be caused by the city to be upgraded, new streetlights spaced appropriately, or cause other improvements to be done. In regard to private streetlights on public streets, such as in the extraterritorial jurisdiction, where maintenance is not accepted by the jurisdiction power company, the City Commission, with the advice and recommendation of the Planning and Zoning Commission, may approve the monthly costs of the streetlights but shall not, under any circumstances, accept the maintenance costs involved. Such maintenance costs shall be borne as a proper obligation by the owner and/or homeowner's association.
- (f) *Existing streetlights.* During the platting review and approval process where streetlights are existing, the subject streetlights must be upgraded to the appropriate luminaire level reflective of the public street's classification.

**Section 4.33 - Buffer fencing.**

In developments within the city limits and the ETJ, a minimum eight-foot buffer fence shall be required along any natural and/or manmade hazard such as an open canal, open ditch, caliche pit, and holding pond which, in the opinion of the city, is necessary for the lot's occupants to be protected from. In the ETJ, a plat note requiring such buffering of the affected lot owner at the time of the lot's occupancy shall be provided. Removal or damage to these fences will subject the owner of the lot adjacent to the buffer fence to fines and/or replacement/repair of the fence at the owner's expense or the person causing this damage. Such buffering may also include major thoroughfares but not golf course lakes, and/or similar landscaping.

**Section 4.34 – Subdivision Improvement Inspections.**

All subdivision improvements will be inspected by the City Engineer or his designee for conformance to city specifications. All construction materials and compaction of roadways and utility trenches will be tested by a Geotechnical Engineering Laboratory of the City's choice. In order to recover the expenses related to the aforementioned inspections, the City will charge a fee of five per cent of the approved construction cost estimate. Two per cent will cover the cost of inspections by city personnel. Three per cent will be placed into escrow account to cover the cost incurred by the city for the services provided by the Geotechnical Engineering Laboratory. Any costs that exceed the three per cent will be the responsibility of the developer and must be reimbursed to the city prior to the recordation of the plat.

**Section 4.35 - Planned Unit Development**

The regulations set forth in this article or as set forth elsewhere in this ordinance, when referred to in this section, are regulations in the planned unit development subdivision (PUD).

**4.35.1 Purposes.**

In certain instances, the purposes of this ordinance may be achieved by the development of planned units which do not conform in all respects with the land use pattern designated on the zoning map or the district regulations prescribed by the zoning or subdivision ordinances. A planned unit development (PUD) may include a combination of different dwelling types and/or a variety of land uses which creatively complement each other and harmonize with existing and proposed land uses in the vicinity. In order to encourage creative development of the land, provide locations for well-planned comprehensive developments, and provide for variety in the development patterns of the city, which conform with the purposes of the general plan, the Planning and Zoning Commission may grant permits for planned unit developments, subject to review and approval by the City Commission. Technical planning review of these planned unit developments should be provided by the Planning and Zoning Commission.

#### 4.35.2 Location Permit Required.

A planned unit development may be located in any zoning district upon the granting of a permit in accordance with the provisions of this article. Establishment for a planned unit development requires at least ten acres

#### 4.35.3 Permit Procedure.

The regulations prescribed in this article shall regulate the procedure for making application for a permit for a planned unit development, the public hearing, the staff investigation and technical report, the action by the commission, the delegated representative of the city, the appeal to or the review by the Planning and Zoning Commission , and the lapse or revocation of a permit, and shall regulate new applications and permits to run with the land, subject to the prerequisites found in this article.

#### 4.35.4 Permit Application.

The application shall be accompanied by a development plan of the entire planned unit development, drawn at a scale of 100 feet to one inch, and showing provisions for drainage of surface waters, watercourses, railroads and public utility rights-of-way, streets, driveways, pedestrian walks, off-street parking and off-street loading facilities, reservations for public uses, including parks, playgrounds and other open spaces, private uses, including dwelling types; lot layout, locations, land coverage and heights of structures and landscaped area. In addition to the data and drawing prescribed, the application shall be accompanied by a tabulation of the average population density per net acre and per gross acre in the area proposed to be devoted to residential use.

#### 4.35.5 Findings Required.

The Planning and Zoning Commission may grant a permit for a planned unit development, if on the basis of the application and the evidence submitted, the Planning and Zoning Commission makes the following findings:

- (1) The proposed location of the planned unit development is in accord with the objectives of the comprehensive general plan and the zoning and subdivision ordinances and the major purposes of the district in which the site is located.
- (2) The standards of population density, site area and dimensions, site coverage, yard spaces, heights of structures, distances between structures, usable open space and off-street parking and off-street loading facilities will be such that the development will not generate more traffic than the streets in the vicinity can carry without congestion and will not overload utilities.

- (3) The combination of different dwelling types and/or the variety of land uses in the development will complement each other and will harmonize with existing and proposed land uses in the vicinity.

#### 4.35.6 Modification by commission.

If the City Commission reverses a decision of the Planning and Zoning Commission or modifies a decision of the Planning and Zoning Commission, granting a permit for a PUD, the findings and conditions shall be set forth.

#### 4.35.7 Proof of ownership or control.

Before a preliminary development plan shall be approved for any improvement in any district, the owners of all the land included in such area of all structures existing thereon, and of all encumbrances of both such land area and structures, called the applicants, shall present sufficient evidence to establish that the applicants are in fact all the owners or have control of all outstanding interests of the land and structures thereon.

#### 4.35.8 Filing fee.

Before or upon application for a planned unit development district designation, the applicant shall present to the Planning and Zoning Commission and the delegated representative of the city for their review a preliminary development plan of that portion of the area on which improvements are to be constructed in conformity with the standards contained in this article. Such plan shall be accompanied by:

- (1) An application on a form prescribed for this purpose by the city; and
- (2) Payment of a fee, per master fee schedule, upon but not before, the approval, registration and recording of the development plan as hereinafter set forth, the applicants for such plan shall be entitled to apply for such permits and certificates as are necessary to proceed with the accomplishment of the plan.

#### 4.35.9 Contents of development plans.

The preliminary and the approved development plans shall be certified by the applicants and shall show the following existing and proposed items drawn to scale:

- (1) The title page of each application and set of plans shall be signed by the applicant's architect, planner, landscape architect, engineer and/or land surveyor. In addition to the engineer and planner, the applicant's submittal shall contain the professional services of at least two of the remaining three professionals involved in the design and construction of the environment.

- (2) The boundaries of the area covered by the plan, all public and private rights-of-way and easements bounding and/or intersecting the districts which are proposed to be continued, created, relocated and/or abandoned.
- (3) The proposed finished grade of the area, shown to contour intervals of not more than two feet.
- (4) A description of the proposed lot or lots and the boundaries thereof.
- (5) The location of each existing and each proposed structure in the development, the use or uses to be contained therein, the number of stories, the gross floor area, and the location of entrances and loading points thereof.
- (6) All curb cuts, driving lanes, parking areas, loading areas, public transportation areas and illumination facilities for the same.
- (7) All pedestrian walks, malls and open areas for use by tenants or visitors.
- (8) The location and height of each wall, fence and screen planting.
- (9) The location, size, height and orientation of each sign other than signs that are flat on building facades and that do not directly face property in a residential district.
- (10) The types of surfacings, such as paving, turfing or gravel to be used at the various locations.
- (11) The location, type and size of proposed drainage facilities.
- (12) The location of fire hydrants.
- (13) The location of water and sewage facilities.

#### 4.35.10 Preliminary development plan review.

Each development plan shall be submitted to the city's planning director or delegated representative of the city and shall be reviewed in accordance with the following schedules:

- (1) The applicant shall file with the planning director or delegated representative of the city, a reasonable number of copies (not less than five), of his/her development plans as required.
- (2) In the review of a preliminary development plan by the planning director or delegated representative of the city, he/she shall recommend to the Planning and Zoning Commission whether such preliminary plan shall be approved subject to compliance with modifications or conditions.
- (3) Preliminary and final development plan combined: After approval of the preliminary plan, the applicant may combine his/her preliminary development plan and final development plan so as to make them one and the same. The applicant shall indicate on such plan all data required of the preliminary and final development plan procedures.

#### 4.35.11 Phase development of PUD district.

The preliminary and final development plans shall be divided into sections of proposed development so that in the event of failure to commence timely bona fide construction in any section of an approved final development plan, there will be:

- (1) Definitely established lines showing the reduced PUD district after the rezoning of the unused portion of the site area.
- (2) Minimum of damage to the unused portion of the site from the standpoint of its suitability for use following rezoning.

#### 4.35.12 Recording.

After completing its review of a development plan, the Commission shall return such plan and all pertinent data, together with a written list of recommendations to the planning director or delegated representative of the city. All approved development plans shall be registered and recorded as set forth in this section.

- (1) Upon approval of the preliminary development plan, the applicant shall record one of the approved plans with the planning director. Before recording such plan, such plan shall be reviewed for compliance with any modifications or conditions of the approving agent, dated and approved for recording by the planning director or the delegated representative of the city.
- (2) The planning director or delegated representative of the city shall enter the date of receipt on each copy of the plan and shall, within 14 days thereof, review the plan for compliance with the preliminary development plan and this section. If such plan is found to be complete, it shall be transmitted with his comments and recommendations to the Commission for further review, comment and action. No final development plan shall be approved unless it is in full compliance with the approved preliminary development plan. The action of the Planning and Zoning Commission shall be completed and due notice thereof, including a written statement of the reasons for disapproval or required modifications thereto, given to the applicant within ten days of such plan.

#### **Section 4.36 - Development guidelines.**

All development plans shall make due provisions for:

- (1) Adequate design of grades, paving gutters, drainage and treatment of turf to handle stormwaters and prevent erosion, minimize floodings and formation of dust.

- (2) Adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading spaces, and waste disposal systems and illumination.
- (3) Adequate and proper locations of pedestrian walks, malls and public transportation loading places from general vehicular circulation facilities.
- (4) Arrangement of building and vehicular circulation open spaces so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffic.
- (5) Proper arrangement of signs and lighting devices with respect to traffic control devices and adjacent residential districts.
- (6) Fences, walls or year round screen planting where necessary to shield adjacent residential districts from parking illumination, headlights, fumes, heat, blowing papers and dust and to increase the visual privacy and residential neighborhood character.
- (7) The average dwelling unit's density per net acre in that portion of a planned unit devoted to residential use can exceed the net dwelling unit density proposed in the approved general plan providing the gross average density of the planning area in which it is located. In calculating population density per net acre, all streets shall be excluded.

#### **Section 4.37- Effects of recording development plan.**

All final development plans registered and recorded under this article shall be binding upon the applicants; therefore, their successors and assignees shall limit and control the issuance and validity of all permits and shall restrict and limit the construction, location, use and operation of all land and structures included within such plans to all conditions and limitations set forth in such plans. Changes during the construction phase must be submitted to the city's Planning Department for approval.

#### **Section 4.38 - Amendments and appeals.**

All applicants for development and site plans which are disapproved may file with the reviewing agents who disapproved the plan, an amendment to such plan or an amended plan, which amendment or amended plan shall be limited exclusively to changes made necessary to accomplish compliance, with the grounds for disapproval stated by the reviewing agent. Such amendment or amended plan shall be reviewed in accordance with the same time limits and procedures as provided in this article for original submission. All changes, during the construction stage, must be submitted in writing to the Planning Department for approval of such.

**Section 4.39 - Coordination with chapter.**

It is the intent of this article that the provisions of this chapter be carried out simultaneously with the review of a planned unit development under other pertinent sections of this chapter.

- (1) The plans required under this article must be submitted in a form which will satisfy the requirements of this chapter for the preliminary and final plans required under such regulations.
- (2) Both this article and other provisions of this chapter contain regulations which apply to such matters in the design of a planned development as streets and open spaces. In any planned development for which the provisions of the two are in conflict, the Planning and Zoning Commission, with advice and recommendations from the Planning Director or delegated representative of the city, shall make the decision as to which shall prevail.

**Section 4.40 - Construction of improvements.**

The subdivider may, upon final plat approval by the City Commission, construct the required improvements prior to the recording of the final plat. All such construction shall be inspected while in progress by the city, and must be approved by the city. A certificate by such officer stating that the construction conforms to the specifications and standards contained or referred to in this ordinance must be presented to the commission prior to release of the final plat for recordation. The construction may not commence until written authorization to commence construction has been issued by the city.

**Section 4.41 - Security in lieu of construction.**

If the subdivider chooses to file security in lieu of completing construction prior to the final plat approval for recordation, he may utilize one of the following methods of posting security. If the subdivider chooses to file security, the plat shall not be approved for recordation unless the subdivider has done one of the following:

- (1) *Performance bond.* The developer has filed with the commission a bond executed by a surety company holding a license to do business in the state and acceptable to the city, on the form provided by the city, in an amount equal to the cost of the improvements required by this ordinance and within the time for completion of the improvements as estimated by the city engineer or his designated representative. The performance bond shall be approved as to form and legality by the city attorney.
- (2) *Trust agreement.* The developer has placed on deposit in a bank or trust company in the name of the city and approved by the city, in a trust account, a sum of money equal to the estimated cost of all site improvements required by this ordinance, the cost and time of completion as approved by the city engineer, or his designated representative. Selection of the trustee shall be executed on the form provided by the city

and approved as to form and legality by the city attorney. Periodic withdrawals may be made from the trust account for a progressive payment of installation cost. The amounts of such withdrawals shall be based upon progress work estimates and approved by the city engineer or the designated representative of the city. All such withdrawals shall be approved by the trustee.

- (3) *Unconditional guarantee.* Unconditional guarantee from local banks or other financial institutions as approved by the city may file with the Planning and Zoning Commission, a letter on the form provided by the city, signed by the principal officer of a local bank or other financial institution, acceptable to the city, agreeing to pay the city on demand, a stipulated sum of money to apply to the estimated cost of installation of all improvements for which the subdivider or developer is responsible under this ordinance. The guaranteed payment sum shall be estimated costs and scheduling as approved by the city engineer or the designated representative of the city. The letter shall state the name of the subdivision and shall list the improvements for which the subdivider or developer is required to provide for.

#### **Section 4.42 - Guarantee of materials and workmanship.**

The subdivider or developer shall require guarantee of materials and workmanship of his construction contractors with whom he contracts, for furnishing material and installing the improvements, required under this ordinance, and shall himself be responsible for guaranteeing that all materials and workmanship in connection with such improvements are free of defects for a period of one year.

#### **Section 4.43 - Acceptance or rejection of construction.**

Should one of the three types of security be filed by the subdivider under Section 4.41 Security in lieu of construction, the city engineer or the designated representative of the city shall inspect the construction of the improvements while in progress, and he/she shall inspect each improvement upon completion of construction. After final inspection, he shall notify the subdivider and the city attorney in writing as to his acceptance or rejection of the construction. He shall reject such construction if it fails to comply with the standards and specifications contained or referred to in this ordinance and if major changes were built not meeting city standard without a written consent. If he/she rejects such construction, the city attorney shall, on direction of the City Commission, proceed to enforce the guarantees provided in this ordinance.

#### **Section 4.44 - Extension of time.**

Where good cause exists, the Planning Director or the designated representative of the city may extend the period of time required for completion under Section 4.41 Security in lieu of construction. Such extension of time shall be reported to the Planning

and Zoning Commission and recorded in the minutes. No such extension shall be granted unless security as provided in section 4.41 has been provided by the subdivider covering the extended period of time.

**Section 4.45 - Responsibility for payment of off-site/on-installation costs.**

Water and sewer installation necessary to provide adequate and appropriate services to subdivisions developed under the terms of this ordinance (or to subdivisions or additions, or any part thereof, platted and approved pursuant to existing ordinances, or any other former ordinance, but as to which water or sewer installations have not been made at the date of adoption of this ordinance) shall be constructed by the city (or under its direction and supervision) but the subdivider shall deposit with the city finance director, prior to the beginning of any such utility construction, costs to defray the cost of such construction as follows:

- (1) *Deposits.* All deposits shall be paid in cash and shall be paid into such special or general fund as the City Commission may from time to time determine. Such payments shall not be considered as a trust fund, but rather as a contribution to construction of the city's utility systems.
- (2) *Installation becomes property of city.* Upon completion of the system and acceptance by the city, the installation becomes the property of the city to operate and maintain.
- (3) *Contributions to construction of off-site water lines.* The subdivider's contribution to the cost of the off-site water service to the subdivision shall be an amount equal to the installed cost, including all labor, ditching, engineering and material, of line, fire hydrants, valves, fittings and other appurtenances necessary to furnish water service to the subdivision; provided, however, that if any part of such water line is required to be larger than that necessary to serve the subdivision, in order to provide the service deemed necessary by the city, within the subdivision or elsewhere in the water system supplying the city, the city shall pay for the pipe in excess of the size required of the developer as soon as funds can be made available or appropriated.
- (4) *Contributions to construction of off-site sewer lines.* The subdivider's contribution to the cost of the off-site sewer service to the subdivision shall be equal to the installed cost, including all labor, ditching, engineering and material, of lines, lift stations, manholes and appurtenances necessary to furnish sewer service to the subdivision. In order to provide the service deemed necessary by the city within the subdivision or elsewhere in the city's sewer system, the city may, providing funds are available, pay for the pipe in excess of the size required of the developer.
- (5) *Street.* The city may pay, providing funds are available, for street right-of-way in excess of 60 feet in width and for street paving width in excess of

43 feet, except where such extra widths are in commercial or industrial developments of where they are not required by the city.

- (6) *Bridges.* The city may participate, providing funds are available, in extra cost of large drainage structures on principal streets shown on the city's thoroughfare plan.

**Section 4.46 - Filing fee.**

The filing fee for preliminary plats, or re-platting as provided for in this ordinance, which shall be paid upon filing such plat, shall be as set forth, in the master schedule of fees approved from time to time by the City Commission.

**Section 4.47- Inspection fees.**

A fee for the inspection of the subdivision improvements shall be paid to the city prior to commencement of the construction of the subdivision improvements. The fee shall be equal to five percent of the estimated cost of constructing the subdivision improvements and approved by City Engineer. The five percent inspection fee is broken down as follows;

- (a) Three percent of the cost of the construction will be placed in an escrow account that will be utilized to pay for construction and materials testing fees, conducted by a third party geotechnical engineering firm that is contracted by the City, incurred by the City during the construction of the subdivision. Any fees invoiced in excess of the amount escrowed will be paid to the City by the owner prior to the recordation of the plat; any amount remaining in the escrow account after all construction has ceased and invoices paid will be returned to the owner.
- (b) The remaining two percent will be utilized by the City as a reimbursement for the inspections conducted by City staff during the construction of the improvements.

**Section 4.48 - Capital recovery fee for new subdivisions connecting to utility systems.**

This section reserved

**Section 4.49 - Procedure.**

- (a) *Vacation of previous plat.*
  - (1) *Prior to the sale of any lot.* In cases where lots have not been sold, any plan, plat or re-plat may be vacated by the proprietors of the land covered thereby at any time before the sale of any lot therein by a written instrument declaring the same to be vacated, duly executed, acknowledged and recorded in the same office as the plat to be vacated, provided that it is approved and recorded in the manner prescribed for the original plat shall have been obtained, and the execution and recordation of the instrument

shall operate to destroy the force and effect of the recording of the plan, plat, or replat as vacated.

(2) *After the sale of any lot.* In cases where lots have been sold, the plan, plat or replat, or any part thereof, may be vacated upon the application of all the owners of lots in such plat in the manner prescribed for the original plat.

(b) *Plat without vacation of immediate previous plat.* If there is not compliance with subsection (a) of this section, a replat or resubdivision of a plat, or a portion thereof, but without vacation of the immediate previous plat, is expressly authorized to be recorded and shall be deemed valid and controlling when approved by the Planning and Zoning Commission under the following conditions:

(1) *All proposals to amend plat.*

a. The replat or resubdivision of a plat, or a portion thereof, has been signed and acknowledged by only the owners of the particular property which is being resubdivided or replatted.

b. The replat or resubdivision of a plat, or a portion thereof, has been approved by the Planning and Zoning Commission after a public hearing in relation thereto at which parties in interest and citizens shall have an opportunity to be heard.

c. The replat or resubdivision of a plat, or a portion thereof, does not attempt to alter, amend or remove any covenants or restrictions.

d. There is compliance, when applicable, with subsections (b)(2) and (b)(3) of this section.

(2) Amending plat procedure shall be in accordance with the current Texas Local Government Code.

a. An amending plat shall meet all of the informational requirements set forth for a final plat.

b. The city manager or an employee designated by the city manager may approve, and the mayor shall sign, an amending plat that complies with this section. The city manager or designated employee may, for any reason, elect to present the amending plat to the Planning and Zoning Commission or the City Commission, or both, for approval or disapproval, as in the case of other plats. The city manager or designated employee may not disapprove an amending plat. If the city manager or designated employee refuses to approve the plat, he shall refer it to the Planning and Zoning Commission or City Commission, or both, as in the case of other plats, within the time period applicable to other plats. The amending plat, which may be recorded and is controlling over the preceding plat without vacation of that plat, may be approved if the

amending plat is signed by the applicants only and is solely for one or more of the following purposes:

1. Correct an error in a course or distance shown on the preceding plat;
2. Add a course or distance that was omitted on the preceding plat;
3. Correct an error in a real property description shown on the preceding plat;
4. Indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
5. Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
6. Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats. Such errors may include, but are not limited to, lot numbers, acreage, street names, and identification of adjacent recorded plats;
7. To correct an error in courses and distances of lot lines between two (2) adjacent lots where both lot owners join in the application for amending the plat, neither lot is abolished, the amendment does not attempt to remove recorded covenants or restrictions, the amendment does not have a materially adverse effect on the property rights of the owners in the plat;
8. Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement; or
9. Relocate one or more lot lines between one or more adjacent lots if:
  - a. The owners of all those lots join in the application for amending the plat;
  - b. The amendment does not attempt to remove recorded covenants or restrictions;
  - c. The amendment does not increase the number of lots.
10. To replat one or more lots fronting on an existing street if: the owners of all those lots join in the application for amending the plat; the amendment does not attempt to remove recorded covenants or restrictions; the amendment

does not increase the number of lots; and the amendments does not create or require the creation of a new street or make necessary the extension of municipal facilities.

- c. Notice, a public hearing, and the approval of other lot owners are not required for the approval and issuance of an amending plat.
- d. When an amending plat is prepared, the surveyor shall be required to survey only those lots which are affected by the changes. The surveyor shall sign the replat stating the lots which have changed in addition to any other corrections which have been made.
- e. The property owners for the lots which are changed shall be the only additional signatures necessary to the original signatures.

#### **Section 4.50 – Minor Plats**

The city manager or employee designated by the city manager may approve, and the mayor shall sign, a plat involving four (4) or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities. The city manager or designated employee may, for any reason, elect to present the minor plat to the Planning and Zoning Commission or the City Commission, or both, for approval or disapproval, as in the case of other plats. The city manager or designated employee may not disapprove a minor plat. If the city manager or designated employee refuses to approve the plat, he shall refer it to the Planning and Zoning Commission or City Commission, or both, as in the case of other plats, within the time period applicable to other plats.

#### **Section 4.51 - Replatting; short form**

- (a) The procedure provided in sections 4.51 and 4.52 may be followed when the land proposed to be resubdivided meets the following conditions and requirements:
  - (1) Such land abuts upon a street of adequate width and is so situated that no additional streets and no alleys, easements or other public property are required in order to meet the requirements of this ordinance.
  - (2) The perimeter of the tract being subdivided has been surveyed and marked on the ground and a plat thereof prepared and filed with the director of planning, and the nearest corner of each lot or parcel of such proposed subdivision is within 200 feet of a known corner which is adequately marked by a concrete monument or iron stake.
  - (3) The drainage provisions of this ordinance have been complied with satisfactorily.
  - (4) The utilities, as required in this ordinance, are in place to serve each parcel or lot of such subdivision or resubdivision, or the installation of utilities will be a minor job, the necessary easements are already existing and arrangements to provide such utilities have been made.

- (5) The uses proposed for the property will not require rezoning of any portion of the property.
- (b) Formal application for a short form subdivision or resubdivision approval shall be made by the subdivider in writing to the Commission.

**Section 4.52 - Requirements of plats for replatting.**

- (a) *Filing.* The subdivider shall file blue or black line copies of the plat, in such numbers, but never less than five copies, of such size and such material as the city planning department may from time to time require, together with the original at least 15 days prior to the date at which the commission will consider the request.
- (b) *Form and content.* The plat shall be drawn to a scale of 100 feet to one inch. When more than one sheet is necessary to accommodate to entire area, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the plat. The plat shall show the following:
  - (1) Vicinity sketch showing the location of the subdivision in relation to adjacent arterials or collectors, with sufficient information to locate the subdivision in relation to the rest of the city.
  - (2) Subdivision boundary lines, indicated by heavy lines, and the computed acreage of the subdivision.
  - (3) The names and addresses of the subdivider, record owner, engineer and surveyor.
  - (4) The exact location, dimensions, description and name of all existing and/or proposed alleys, drainage structures, reservations, easements, and lots with accurate dimensions, bearing or deflecting angles with radii, area, and central angles, degree of curvature, tangent distance, and length of all curves where applicable.
  - (5) The location, dimension, description, and names of existing or recorded public areas, parks, and significant sites within or contiguous with the subdivision.
  - (6) The location, dimensions, description, and flow line of existing watercourses within the subdivision or on contiguous tracts.
  - (7) Location of city limits line, the outer border of the city's extraterritorial jurisdiction, and zoning district boundaries, if they traverse the subdivision, form part of the boundary of the subdivision, or are contiguous to such boundary. This shall be drawn on all blue line copies submitted to the city and will not be required on the final plat.
  - (8) The subdivision master plan, or preliminary plat shall indicate, by lot, the proposed land use on all blue line copies submitted. This information will not be required on the final plat.

4.52.1 Procedure. The subdivider shall file the plat with a fee equal to the cost of recordation of the plat with the Director of Planning. Such plat shall also be accompanied by an administrative fee in accordance with the City of Alton Master Fee Schedule. The fee is nonrefundable.

- (a) The Director of Planning shall process the plat and ensure that it is checked for conformance to city ordinances.
- (b) The Director of Planning shall forward the plat to the commission with any comments.
- (c) The commission shall have 30 days to conditionally approve or disapprove the plat after it is formally filed with the city, and fees are paid. If the plat is disapproved, the commission shall inform the subdivider in writing of the reasons at the time such action is taken.
- (d) If such plat be not disapproved within 30 days from such filing date, it shall be deemed to have been approved by the Planning and Zoning Commission. A certificate showing the filing dates and the failure to take actions thereon within the periods prescribed in this section shall on demand be issued by the Planning and Zoning Commission. Such certificate shall be sufficient in lieu of the written endorsement or other evidence of approval required in this section.
- (e) If the replat is approved, and the current tax certificates submitted, and all other requirements have been met, the commission shall cause to have the plat recorded with the county clerk. No plat shall be filed for record without the written consent of the subdivider. If the subdivider fails to give such written consent within 30 days of the date of final approval of the plat, the commission may at any time thereafter, cancel such approval.
- (f) This section is to be interpreted so that if a subdivider wishes to replat, either partially or wholly, an existing subdivision, he does not need to submit a preliminary plat.
- (g) A subdivider may present to the commission a proposed sketch or outline of what he or she proposes to do without first platting the property. The Commission may approve the proposed plan with the mandatory condition that the subdivider then submit a plat to the Commission in accordance with all requirements of this section. This procedure does not constitute preliminary plat or final plat approval.

#### **Section 4.53 - Traffic Impact Analysis.**

- A. Applicability. All subdivision plats and project/driveway access request shall require a traffic impact analysis (TIA) form to be completed by the developer and approved by the City Engineer. A peak hour trips (PHT) generation form may also be required by the Planning Director, the Planning and Zoning Commission or the City Commission as part of a zoning change application. The City Engineer and Planning Director may waive the requirement for a TIA on projects where the expected peak hour trips are less than 100. A TIA or peak hour trips (PHT) generation form shall be performed by the property owner or its agent. The type of submittal required shall be based upon the

number of PHT generated by the proposed development, as set forth in the following table:

B. TIA Table Submittal Type.

Peak Hour Trips (PHT)	Submittal Type
100 or less	PHT Generation Form (no TIA required)
101—500	Level 1 TIA
501—1,000	Level 2 TIA
1,001 or more	Level 3 TIA

When the use or design of a site changes from that on which a previous TIA was submitted and accepted, the property owner or its agent shall perform and submit to the city an amended TIA.

- C. Impact area. The impact area is the area within which any traffic impact analysis is conducted in order to determine compliance with the level of service standards. This area shall be based on the size of the development and the PHTs projected to be generated by the proposed development. The impact areas shall be established as shown in the following table:

TIA Impact Area Table	
Submittal Type	Impact Area
Level 1 or Level 2 TIA	The site and area within one-quarter mile from the boundary of the site.
Level 2 TIA	The City Engineer may require the area of study to be extended up to a maximum of one mile from the boundary of the site.
Level 3 TIA	The site and area within one mile from the boundary of the site.

- D. TIA Requirements/Peak Hour Trips Generation Form and Application Materials. Please see UDC Technical Manual for specific requirements on analysis requirements. A study scoping meeting with city staff may be required prior to starting a full traffic impact analysis.
- E. City evaluation and action. The City shall evaluate the adequacy of the Traffic Impact Analysis (TIA) prepared by the applicant. Based upon such evaluation, the City shall determine whether the application may be approved in the absence of dedication of rights-of-way or construction of improvements to each affected thoroughfare and the extent of the applicant's obligations to make such dedications or improvements. The

City shall condition the approval of the subdivision application on one or more of the following performances by the applicant:

1. Delay or phasing of development until thoroughfares with adequate capacity or intersection improvements are constructed;
2. A reduction in the density or intensity of the proposed development sufficient to assure that the road network has adequate capacity to accommodate the additional traffic to be generated by the development;
3. The dedication or construction of thoroughfares or traffic control improvements needed to mitigate the traffic impacts generated by the proposed development.

# CHAPTER 5. - SITE DEVELOPMENT STANDARDS

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## Section 5.1. - General regulations

5.1.1. Intent. Site design standards establish design criteria and minimum standards for development in the City. The intent of the site development standards is to help enhance the visual character of the built environment. Pertinent to the visual character of the area is site design, parking and site access, landscaping, and lighting.

5.1.2. Application of Requirements. Unless otherwise noted within this chapter this section applies in the following areas:

Property within City of Alton city Limits	Property within City of Alton ETJ
YES	NO

5.1.3. Chapter Components. This chapter includes the following sections:

- Landscaping/Tree Protection and Mitigation
- Parking/Loading Requirements
- Sidewalks
- Drainage/Detention
- Screening
- Waste Receptacles
- Auto Repair Uses
- Fencing
- Lighting

5.1.4. General Standards.

- If the subject property being developed is located in a special flood hazard area as identified by the Federal Emergency Management Agency, the subdivision or site is subject to the regulations found in Chapter 6.
- The requirements of this chapter shall be visually demonstrated through depiction on a site plan or note on a site plan attesting to compliance with the standards of this chapter.

## Section 5.2. - Landscaping.

5.2.1. Intent. It is the intent of this section to encourage the preservation of trees and their value to the community, increase the compatibility of adjacent uses, and to minimize the effects of noise, dust, debris, artificial light intrusions, and other impacts created by the development of land. The standards and requirements set out in this Article [chapter] are intended to:

- (a). Protect and preserve the appearance and character of the community;

- (b). Preserve permeable, native soil and enhance disturbed soils to store and infiltrate storm flows;
- (c). Promote the value and benefit of abundant landscaping while recognizing the needs to utilize water and other resources as efficiently as possible;
- (d). Promote the health and quality of life of the residents of the City through the protection of trees and landscaping;
- (e). Reduce heat island effects for large areas of impervious cover;
- (f). Promote the planting of trees and shrubs that are native to Texas;
- (g). Establish criteria and standards for the design, installation, and maintenance of water-efficient landscapes in new development projects

#### 5.2.2. Applicability.

- (a). The requirements and standards for the installation and maintenance of landscape elements and site improvements shall apply to all developed area within the City limits.
- (b). If other articles of this Code would otherwise permit land coverage by building development that would conflict with this section, this section shall supersede and prevail over the other requirements.

#### 5.2.3. General Provisions.

- (a). All new development or redevelopment of properties must comply with the requirements of this section. In the case of a redevelopment of an existing site or structure only the new portion of the site or structure shall come into conformance with the applicable requirements of the landscape section unless one of the following exists:
  1. The redevelopment of the property includes a 50% or more increase in square footage; or
  2. If the extent of the proposed modifications is 50% or more of the site's assessed value over a 5-year time period. For the purposes of the code the assessed value of a structure shall be the value cited by the Hidalgo County Appraisal District.

In such case the site in its entirety must be brought into conformance with the requirements of this code.

- (b). Landscape standards do not apply to active agricultural uses
- (c). Visibility Clearance. No landscape tree or other material shall be maintained in the vicinity of any corner or intersection to the extent that it is determined, by City staff, to create a visibility obstruction. A 15' visibility triangle shall be required, in which any obstruction 30" to 7' above grade shall be prohibited.
- (d). Trees planted under electric utility lines or within an electric utility easement shall be selected from the preferred plant list – ornamental trees category.
- (e). The owner of the building, or the manager or agent of the owner, shall be responsible for the maintenance of all landscape areas. The areas shall be maintained so as to present a healthy, neat and orderly appearance at all times and shall be kept free of refuse and debris. All planted areas shall be provided with a readily available water

supply and watered sufficiently to ensure continuous healthy growth and development. Maintenance shall include the replacement of all dead plant material needed to meet the requirements of this Code.

**DO THIS**



*Example of landscape medians with walkways*

**NOT THIS**



*Demonstrates a parking lot with landscaping only on the perimeter of the lot*

- (f) Any requirement of this section that applies to a Front Yard also applies to the Street Side Yard, unless otherwise specified. Any other requirement of this section that applies to a Side Yard does not apply to a Street Side Yard, unless specified otherwise.
- (g) Whenever this section imposes a requirement based on the classification of a premises as a Residential or Nonresidential use, the requirement shall also apply to the portions

of a premises used for Residential uses and Nonresidential uses located in a planned unit development, as determined by the Planning Director.

#### 5.2.4 Landscape Plan, Deviations and Appeals.

- (a) For any premises to be developed for Multi-Family Dwellings or Nonresidential use, a landscape plan must be submitted to the City showing how the requirements of this section are to be met. The required plan must be submitted on sheets of a size not to exceed 24"x36". If the plan meets the requirements of this section, the Planning Director may approve the plan.
- (b) Where improvements are proposed to a developed premises devoted to a Nonresidential use that was developed prior to the effective date of this Code and does not meet the landscaping requirements of this section, the Planning Director may approve a landscape plan with deviations from the requirements of this section or impose alternative requirements that serve the purpose and intent of this section, if the requirements of this section cannot be reasonably complied with because of the existing developed conditions.
- (c) In approving a landscape plan, the Planning Director may allow or require minor deviations from the requirements of this section whenever a literal application of a requirement to a premises that would, because of unusual circumstances or situations not generally common to other premises, not achieve the purpose or intent of the regulation or cause an undesired result.

#### 5.2.5 Compliance Requirements.

- (a) All landscaping requirements of this section, including the requirements contained in an approved landscape plan, must be met prior to and as a condition for the issuance of a Certificate of Occupancy for any premises to which these regulations apply. If weather conditions, scheduling delays, or similar conditions delay compliance, the Planning Director may grant a temporary Certificate of Occupancy if the owner or person in control of the premises enters into an agreement with the City to comply with the landscaping requirements within a specified time, not to exceed six months.
- (b) All vegetation required to be installed must, after installation, be maintained in good condition. If the required vegetation becomes diseased, deteriorated, or dies, the owner of the premises must replace the vegetation within 90 days of written notice from the City.
- (c) All fences required by this chapter must be maintained by the owner in good condition so that there are no damaged or missing boards or parts, all structural supports are sound and sufficient to maintain the fence in its original upright condition, and any surface treatment, including paint or stucco, is substantially maintained in its original appearance to be free from graffiti, noticeable cracking, discoloration, or similar

surface blemishes or defects.

#### 5.2.6 Residential Front Yard Landscaping.

- (a) For any premises located in an R-1, R-2 and R-3 Single Family Residential District, and MH Mobile Home Subdivision District, the premises must have one shade tree located within 15 feet of the Front Lot Line for each 60 feet of lot width or portion thereof, measured along the Front Lot Line. Trees may be clustered or spaced linearly and need not be placed evenly at 60 foot intervals.
- (b) Multifamily Lot Landscaping Requirements. 15% of the developed lot area shall be devoted to landscaping. 1 large shade tree, 2 shrubs shall be planted for every 400 square feet of required landscaping. 30% of required landscaping shall be located between the front property line and the building. Overall landscaping can be used to meet the requirements of the buffering, and perimeter lot landscaping requirements.

#### 5.2.7 Nonresidential Use Landscaping.

The following landscape requirements apply to all premises developed for a Nonresidential Use:

- (a) If the premises abutting the opposite side of the street is used or zoned for Residential Use, the premises must have one shade tree located in the Front Yard for each 30 feet of lot width, or portion thereof, measured along the front lot line. If the premises abutting the opposite side of the street is used or zoned for Nonresidential Use, the premises must contain one shade tree for every 50 feet of lot width, or portion thereof, measured along the front lot line. The trees may be clustered or spaced linearly and need not be placed evenly.
- (b) If the premises abuts another premises used for residential purposes, the premises must have an opaque screen at least eight feet in height located along the abutting lot line, from the front building line to the rear lot line. The fence is not required if a comparable fence is already existing on the abutting residential property.
- (c) All portions of the ground located in the front yard or the street side yard of the premises which are not covered by driveways, parking lots, and similar permanent improvements, must be landscaped.
- (d) All side yards must contain a six-foot wide landscaped area extending from the front lot line to the rear lot line.

#### 5.2.8 Front Yard Parking Lot Landscaping.

Any premises zoned or used for Nonresidential Use that contains a parking lot or vehicle use area within a front yard or street side yard must have a 15 foot wide landscaped area located between all portions of the parking lot, including a vehicle use area, and the public street. The landscaped area must have a continuous hedge, fence or

berm of a minimum height of three feet to screen the parking lot and vehicle use area from the street. If fences are used to provide screening, one shrub or vine must be planted on the street side of the fence or berm for each ten feet of street frontage, but the plants need not be spaced evenly apart. If berms are utilized they shall have a slope no steeper than 3 to 1. The remainder of the landscaped area must contain plants, grass, or ground cover. All other portions of the front yard lying between the parking lot and front lot line which are not improved, must be landscaped.

#### 5.2.9 Side and Rear Yard Parking Lot Landscaping.

- (a) Any premises used or zoned for a nonresidential use that contains a parking lot or vehicle use area in a side yard or rear yard that abuts a premises used or zoned for a residential use, must have a continuous hedge, fence or berm, with a minimum height of eight feet, located between the parking lot, including a vehicle use area, and the lot line. The area required to be screened must also contain one tree for each thirty linear feet of landscaping or screening, or portion thereof.
- (b) Any premises used or zoned for nonresidential use that contains a parking lot or vehicle use area in a side or rear yard that abuts a premises used or zoned for nonresidential use, must have a screen of hedges, fences or berms, of a minimum height of three feet, located between the parking lot, including the vehicle use area, and the side or rear lot line so as to provide screening for 25% of the parking lot and vehicle use area. The required screening may be grouped and dispensed randomly and need not be spaced evenly. The area required to be screened must also contain one tree for each fifty linear feet of screened area, or portion thereof.
- (c) All plants used to satisfy the requirements of this section must be located in landscaped areas that are at least 2 ½ feet in width.
- (d) Each required tree must be planted in a landscaped area of at least 36 square feet, with a minimum dimension of six feet.

#### 5.2.10 Interior Parking Lot Landscaping.

Any premises containing a parking lot that has ten parking spaces or more must meet the following landscaping requirements for the parking lot:

- (a) At least one tree planted in the parking lot for each ten parking spaces, or fraction thereof, landscaped areas containing a total of at least 162 square feet must be provided within the parking lot. Landscaped areas or islands must be a minimum of six feet in width, measured from the back of curb, and be dispersed throughout the parking lot. One shade tree must be provided for each required landscaped island. The remaining area or island must be landscaped with plants not exceeding three feet in height.
- (b) Landscaped islands must be protected from vehicle intrusion by curbs or similar structures. The front of a vehicle may encroach upon the island when the area is a

minimum of six feet in depth and protected by wheel stops or curbs. Two feet of the landscaped area may be counted as part of the required depth of the abutting parking space.

#### 5.2.11 Accessory Structure Screening.

The following landscape and screening requirements apply to premises use for Multi-Family Dwellings or a Nonresidential Use:

- (a) Areas used to hold refuse containers must be screened from the public view with a solid masonry fence not less than six feet in height.
- (b) Exterior ground-mounted or building-mounted equipment to serve as a building, including mechanical equipment, utility meter banks, and heating and cooling equipment must be screened from public view with landscaping or with an architectural treatment compatible with building architecture.
- (c) All rooftop equipment must be screened from the public view with an architectural treatment which is compatible with the building architecture. The methods of screening rooftop equipment include the use of parapet walls and the encasement of partition screens.
- (d) All materials, products, or equipment which are stored outside of a fully-enclosed building, other than for display, must be entirely screened from the public view.
- (e) For the purposes of this section, “screened from the public view” means not visible at eye level from any point on the lot line of the abutting premises or from any point on a street.

#### 5.2.12 Tree Preservation.

- (a) The landscape plan required by this chapter must show the location of all existing trees with a caliper equal to or greater than six inches, wooded areas, areas with dense shrubbery, and which trees and plants will be preserved and which will be removed.
- (b) Improvements must be designed whenever reasonably possible to preserve existing trees. The Planning Director may approve a landscape plan that provides for the removal of existing trees where it is determined by the Planning Director that the development cannot reasonably preserve the trees. For each existing tree that is preserved, the owner may receive credit for two trees that are otherwise required to be installed to comply with this chapter.
- (c) If the Planning Director approves the removal of an existing tree, the landscape plan must provide for the planting of two replacement trees of like type for each existing tree to be removed. The replacement trees are in addition to any other trees required to be planted by this section.

- (d) Whenever one or more existing trees, or existing shrubs provide an effective and desirable buffer or screen for a proposed use or development, the Planning Director may require that the existing trees or shrubs or portions thereof, be preserved if the preservation can be accomplished without undue interference with the development of the premises. The Planning Director will credit any existing trees or shrubs which are preserved against any requirements for trees, shrubs, or screening as provided in this section, if the preserved trees or shrubs substantially serve the purpose of the requirement.

#### 5.2.13 Design Planting and Criteria.

- (a) Any tree, shrub, plant, fence, or screen installed to satisfy the requirements of this section must meet the following requirements:
  - (1) Trees must be a minimum of two inch caliper, measured six inches above ground level, with a ten to twelve foot average height immediately after planting and must have an average mature crown spread of at least 15 feet in diameter. Trees having an average mature crown spread of less than 15 feet in diameter may be grouped in sufficient number so as to create the equivalent of a 15 foot crown spread. Tree trunks shall be free of branches to seven feet (illustrated in Figure 1 in the Appendix). Any trees or plants used to meet the requirements of this chapter are recommended to be one of the preferred trees or plants listed in “Table A” located in the Appendix.
  - (2) Planting of trees shall be consistent with Figure 2 in the Appendix
  - (3) Shrubs must have a minimum of two feet in height when measured immediately after planting. When used for screening purposes, the shrubs must be planted in triangular centers and not be separated by more than two and ½ feet. Whenever hedges are used to meet a screening requirement, the plants must be planted and maintained so as to form a continuous, unbroken, solid, visual screen within one year of planting.
  - (4) Vines must be a minimum of 30 inches in height immediately after planting and may be used in conjunction with fences to meet physical barrier requirements.
  - (5) Ground covers used in place of grass, in whole or in part, must be planted to present a finished appearance and reasonable complete coverage within three months after planting.
  - (6) Grass must be of a species normally grown as permanent lawns in the Texas Rio Grande Valley Region. Solid sod must be used to provide coverage and soil stabilization in swales or other areas subject to erosion.

- (7) Detention and retention basins and ponds must be landscaped with shade and ornamental trees, shrubbery, hedges, or other plants.
- (8) Indigenous and drought resistant plant material should be used, but if not used, an irrigation system must be installed or a watering source made available within 100 feet.
- (9) Any fence installed to meet the requirements of this chapter must, unless otherwise specified, be constructed of wood, stone, brick, masonry, stucco, or concrete.

**Section 5.3. - Reserved.**

**Section 5.4. - Off-street parking and loading.**

5.4.1. **Intent.** Off-street parking and loading requirements are established to ensure that all developments within the City provide adequate and reasonable parking necessary to serve the development or use.

5.4.2. **Applicability.** Off-street parking and loading standards required by this Chapter apply in the following circumstances, in addition to any additional standards or requirements provided for this Code:

- (a). New Development: The off-street parking and loading standards apply to any new building constructed and to any new use established.
- (b). Expansions and Alterations: In the case of a redevelopment of an existing site or structure only the new portion of the site or structure shall come into conformance with the applicable requirements of the landscape section unless one of the following exists:
  - 1. The redevelopment of the property includes a 50% or more increase in square footage; or
  - 2. If the extent of the proposed modifications is 50% or more of the site's assessed value over a 5-year time period. For the purposes of the code the assessed value of a structure shall be the value cited by the Hidalgo County Appraisal District.

In such case the site in its entirety must be brought into conformance with the requirements of this code.

- (c). Change in Use: The off-street parking and loading standards shall be required to be met when a change in use is proposed.

**5.4.3. General Provisions.**

- (a). Unclassified use: Where the proposed land-use cannot be classified within the uses herein specified, the Planning Director shall determine the specified use most closely related to the proposed use and the minimum requirements for the specified use so determined shall apply to the proposed use.

- (b). Parking spaces used for the parking of trucks or buses shall not be counted towards meeting the requirements of this section.
- (c). When measurements of the number of required spaces result in a fractional number, any fraction of  $\frac{1}{2}$  or less will be rounded down to the next lower whole number and any fraction of more than  $\frac{1}{2}$  will be rounded up to the next higher whole number.
- (d). A public street or right-of-way shall not be classified as off-street parking in computing the parking requirements for any use.
- (e). Compact parking spaces may account for up to twenty-five (25) percent of the total required off-street parking spaces.
- (f). All parking areas and spaces shall be designed and constructed so as to have free ingress and egress at all time.
- (g). No off-street parking area or space shall be designed so as to require a vehicle to back into a public street or across a public sidewalk, except in the case of one and two-family dwelling units.
- (h). All parking lots shall be paved according to City standards and specifications.

#### **5.4.4. Exceptions and Permitted Reductions in Parking.**

- (a). An Alternative Parking Plan may be approved by the Planning Director for the following instances:
  - 1. Groups of uses requiring vehicle parking space may join in establishing group parking areas with capacity aggregating that required for each particular use. Where it can be established before the Planning Director that parking for two (2) specific uses occurs at alternating periods, the parking space requirements of the use requiring the greater number of spaces may be applied to both uses in a combined parking area. Such parking shall be within three hundred (300) feet of all uses to be served by such parking. Example: church and professional office building. A shared parking plan will be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record must be submitted to the Director for recordation. Recordation must take place before issuance of a Building Permit for any use to be served by the off-site parking area.
  - 2. Specific uses which are deemed to require less parking than the standards outlined in the UDC based on the following criteria:
    - The user provides a detailed breakdown of his/her parking requirements indicating employee counts, shift distribution and visitor or customer needs.
    - The user provides a site plan showing how additional parking to meet the UDC requirements would be provided if the use changed or parking needs increase, or what land uses would need to be prohibited in order to keep parking demands consistent with parking provided.
    - The Director shall establish conditions necessary to assure the adequacy of future on-site parking when approving an alternate parking standard.

3. Specific parking and access alternatives may be considered, including off-site, shared or valet parking. The Director shall be authorized to consider and approve any alternative to providing off-street parking spaces on the site of the subject development if the applicant demonstrates to the satisfaction of the Director that the proposed plan shall result in a better situation with respect to surrounding neighborhoods, city wide traffic circulation or urban design than would strict compliance with otherwise applicable off-street parking standards.
4. Projects within three hundred (300) feet of a public transit stop are eligible for a five percent (5%) reduction in the parking requirement in addition to any other type of parking reduction.
5. Projects providing permanent, securely anchored bicycle parking are eligible for a reduction of one (1) parking space for each six (6) bicycle parking spaces up to five percent (5%) of the parking requirement in addition to any other type of parking reduction. Racks must support the bike frame at two locations. Ribbon or wave-type racks shall not qualify for this reduction.

**DO THIS**



**NOT THIS**



**5.4.5. Parking/Loading Schedule.**

- Off-street loading requirements. In all zoning districts there shall be provided in connection with appropriate allowable uses, off-street loading facilities in accordance with the following requirements:
  - Any department store, industrial plant, manufacturing establishment, retail establishment, storage warehouse or wholesale establishment, which has an aggregate gross floor area of 10,000 square feet or more, arranged, intended, or designed for such use shall be provided with off-street truck loading or unloading berths at least 12 feet wide, 14 feet high, and 35 feet long in accordance with the following table. There shall be sufficient space to ensure that all maneuvering required to utilize such loading space will not include street right-of-way.

Square Feet of Aggregate Number Gross Floor Area	Required Number of Berths
10,000 to 40,000	1
40,001 to 100,000	2
100,001 to 160,000	3
160,001 to 240,000	4
240,001 to 320,000	5
320,001 to 400,000	6
400,001 to 490,000	7
For each additional 90,000 over 490,000 additional berth	1

**Section 5.5. - Sidewalks.**

5.5.1. **Intent.** The intent of the following sidewalk requirements is to implement the goals of the Comprehensive Master Plan and create an accessible sidewalk network which improves pedestrian safety and creates complete streets with opportunities for pedestrians, cyclists, and automobiles.

5.5.2. **Applicability.** This section applies to properties located within the Alton City Limits and within the Extraterritorial Jurisdiction (ETJ) of Alton.

**5.5.3. General Requirements.**

(a). Location.

1. Sidewalks must be installed on both sides of all public streets.

2. Sidewalks shall be located on the front of lots and along the street sides of corner lots.
3. Sidewalks shall be located within the right-of-way (exact location shall be coordinated with City staff). Sidewalks may be placed in an access easement on private property only when existing right-of-way is limited.
4. Sidewalks may meander to avoid trees, utility poles and utility boxes, and other obstacles; and for aesthetics.

(b). Timing of Construction.

1. New Construction: Construction of sidewalks must take place at the time of development and all required sidewalks must be built before a certificate of occupancy is issued for a new residential and nonresidential development.
2. Existing Sites/Structures: Modification of an existing site and/or structure, other than a single-family residential site, must be brought into conformance with these requirements to the maximum extent practicable if the extent of the proposed modifications is 50% or more of the site's assessed value over a 5-year time period. For the purposes of the code the assessed value of a structure shall be the value cited by the Hidalgo County Appraisal District.
3. Sidewalks adjacent to public spaces: When streets are constructed, the developer must also install sidewalks along streets adjacent to amenity centers, open space, and land dedicated for parks and other public purposes which are not required to secure a building permit and subsequent certificate of occupancy.

(c). Connectivity. Sidewalks must connect to existing adjacent sidewalks, or be designed and placed to allow connection to future adjacent sidewalks. Required sidewalks serving non-residential lots must connect to parking in the lot and to primary building entrances (connections may include street crosswalks, crush granite pathways, other methods may be approved by the City Engineer and Planning Director).

(d). Minimum Size and Design. Sidewalks on the perimeter of residential developments shall be a minimum of five feet in width and ADA compliant. Sidewalks in nonresidential developments, sidewalks located within the right-of-way (exact location shall be coordinated with City staff), and sidewalks located along arterials, collector streets, and state rights-of-way shall be a minimum of five feet in width and ADA compliant. Please see technical manual for construction specifications.

#### 5.5.4. Specific Requirements.

(a). Development within the City Limits.

1. Single- or Two-Family Development—New Street Construction. The developer shall be responsible for construction of a sidewalk in conformance with the general requirements outlined above.
2. Single- or Two-Family Development—No New Street Construction.
  - The developer of a single-family lot whose lot is within 300' feet of an existing sidewalk (on the same side of the street, measured property line to

property line) shall be responsible for construction of a sidewalk in conformance with the general requirements outlined above.

- The development of a single-family lot whose lot is more than 300' feet from an existing sidewalk (on the same side of the street) shall have the option of either constructing the sidewalk in conformance with the general requirements outlined above or paying a fee-in-lieu of construction (see below for specifics on fee-in-lieu).
3. All Other Development. The developer shall be responsible for construction of a sidewalk in conformance with the general requirements outlined above.

(b). Development within the ETJ.

1. When sidewalks are required, a plat note shall be placed on the final plat indicating that sidewalks are required, upon which streets they are required, and who is responsible for installation.

5.5.5. Fee-in-Lieu/Alternative Sidewalk Plan.

- (a). In situations where sidewalk installation is impractical, as described below, a property owner may request a cash fee-in-lieu of sidewalk installation or an alternative sidewalk plan with the approval of the Planning Director and the City Engineer.
  1. Fee-in-lieu. A cash fee for the installation of off-site sidewalks may be paid in lieu of all or part of the sidewalks when the option is outlined above or when the Planning Director and City Engineer have approved the request. The amount of the fee-in-lieu of installation shall be determined by the City Engineer.
  2. Alternative Sidewalk Plan. An alternative sidewalk plan may be requested when the developer would like to use alternative materials, construct the sidewalk in an alternative location or seek to vary (as opposed to waive) one of the above requirements. All elements of an alternative sidewalk plan must meet ADA requirements.
- (b). All fees-in-lieu of installation or alternative sidewalk plan requests shall be approved prior to the issuance of a building permit. In evaluating the request, the Planning Director and City Engineer shall consider the following.
  1. Proximity to the nearest existing sidewalk;
  2. Topographic or drainage issues;
  3. Proximity to pedestrian generators, such as schools, libraries, shopping centers, parks and other government buildings;
  4. The master plan guidance for an existing rural area;
  5. For a single-family home being constructed on a lot larger than one acre on an existing public street, the fee-in-lieu of construction shall be based on a maximum of 100' of frontage;
  6. Whether any public sidewalk improvements are planned or contemplated in the area; and

7. Any other information deemed appropriate in the professional judgment of the Planning Director and City Engineer.

**5.5.6 Waivers from Required Sidewalk Construction.** Waivers from sidewalk construction should be the last resort and shall be done so after reviewing the site for alternatives. The Planning and Zoning Commission shall review each request for a sidewalk waiver along a street in the context that the public safety and welfare make it desirable to encourage pedestrian movement by providing safe walkways and sidewalks away from automobile traffic. Requests shall not be based solely on financial gain from not having to construct a sidewalk. A waiver may only be requested and approved if the request is based on a unique topographical or other physical condition unique to this particular site and which the stated reason for seeking a variance is not based exclusively on financial gain.

### **Section. 5.6. - Drainage/Detention.**

The drainage/detention standards of Chapter 4 and the Technical Manual shall be applicable to new development and redevelopment of a site. Should a subdivision plat not be required prior to site development the drainage/detention standards shall be reviewed in conjunction with the site development/building permit application.

#### **5.6.1 Erosion and Sediment Control**

##### **(a) Introduction / Purpose**

During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of sewers and ditches and the dredging of lakes. In addition, clearing and grading during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat.

As a result, the purpose of this local regulation is to safeguard persons, protect property, and prevent damage to the environment in the City of Alton and its downstream neighbors. This section will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land in the City of Alton.

##### **(b) Responsibility for administration and permits**

The City of Alton shall administer, implement, and enforce the provisions of this section. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the Director of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency.

All municipal departments shall comply with the requirements of this section and are required to incorporate the authority of the authorized individual into its respective daily operations.

- 1) No land-disturbing construction activity shall be permitted without the approval of an

Erosion and Sediment Control Plan by the City of Alton.

- 2) Approval of an Erosion and Sediment Control plan is not required for the following activities:
  - i. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
  - ii. Existing nursery and agricultural operations conducted as a permitted main or accessory use.

**(c) Review and approval**

- 1) The City of Alton will review each application for site development (e.g. subdivision development, building permit application) to determine its conformance with the provisions of this regulation. Within 30 days after receiving an application, The City of Alton shall, in writing:
  - i. Approve the permit application;
  - ii. Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or
- 2) Disapprove the permit application, indicating the reason(s) and procedure for submitting a revised application and/or submission.

**(d) Erosion and Sediment Control Plan**

- 1) The Erosion and Sediment Control Plan shall include the following:
  - (a) A natural resources map identifying soils, forest cover, and resources protected under other chapters of this code. This map should be at a scale no smaller than 1"=100'.
  - (b) A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
  - (c) All erosion and sediment control measures necessary to meet the objectives of this local regulation throughout all phases of construction and after completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.
  - (d) Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.
  - (e) Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance.
- 2) Modifications to the plan shall be processed and approved or disapproved in the same manner as listed above, and shall include
  - (a) Major amendments of the erosion and sediment control plan submitted to the

City of Alton

(b) Field modifications of a minor nature

**(e) Design Requirements**

- A) Grading, erosion control practices, sediment control practices, and waterway crossings shall be adequate to prevent transportation of sediment from the site to the satisfaction of the City of Alton. Cut and fill slopes shall be no greater than 2:1, except as approved by the City of Alton to meet other community or environmental objectives.
- 2) Clearing and grading of natural resources, such as forests and wetlands, shall not be permitted, except when in compliance with all other chapters of this Code. Clearing techniques that retain natural vegetation and drainage patterns shall be used to the satisfaction of the City of Alton.
- (a) Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.
- (b) Phasing shall be required on all sites disturbing greater than 30 acres, with the size of each phase to be established at plan review and as approved by the City of Alton.
- (c) Erosion control requirements shall include the following:
- i. Soil stabilization shall be completed within *five days* of clearing or inactivity in construction.
  - ii. If seeding or another vegetative erosion control method is used, it shall become established within two weeks or the City of Alton may require the site to be reseeded or a non-vegetative option employed.
  - iii. Special techniques approved by the City of Alton on steep slopes or in drainage ways shall be used to ensure stabilization.
  - iv. Soil stockpiles must be stabilized using approved BMP techniques or covered at the end of each workday.
  - v. The entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion, at the close of the construction.
  - vi. Techniques approved by the City of Alton shall be employed to prevent the blowing of dust or sediment from the site.
  - vii. Techniques approved by the City of Alton that divert upland runoff past disturbed slopes shall be employed.
- (d) Sediment controls requirements shall include, but are not limited to:
- Settling basins, sediment traps, or tanks and perimeter controls.
  - Settling basins that are designed in a manner that allows adaptation to provide long term storm water management, if required by the City of Alton
  - Protection for adjacent properties by the use of a vegetated buffer strip in combination with perimeter controls
- All sediment control techniques shall be approved by the City of Alton.

(e) Waterway and watercourse protection requirements shall include, but are not limited to:

1. A temporary stream crossing installed and approved by approved by the City of Alton if a wet watercourse will be crossed regularly during construction
2. Stabilization of the watercourse channel before, during, and after any in-channel work
3. Stabilization adequate to prevent erosion located at the outlets of all pipes and paved channels.

All waterway and watercourse protection requirements shall be approved by the City of Alton. All on-site storm water conveyance channels shall be designed as approved by the City of Alton.

(h) Construction site access requirements shall include, but are not limited to:

- A temporary access road provided at all sites
- Other measures required by City of Alton in order to ensure that sediment is not tracked onto public streets by construction vehicles or washed into storm drain.

All construction site access requirements shall be approved by the City of Alton.

**(f) Inspection**

1) The City of Alton or designated agent shall make inspections as hereinafter required and either shall approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the Erosion and Sediment Control Plan as approved. Plans for grading, stripping, excavating, and filling work bearing the stamp of approval of the City of shall be maintained at the site during the progress of the work. To obtain inspections, the permittee shall notify City of Alton at least two working days before the following:

- (a) Start of construction
- (b) Installation of sediment and erosion measures
- (c) Completion of site clearing
- (d) Completion of rough grading
- (e) Completion of final grading
- (f) Close of the construction
- (g) Completion of final landscaping

2) The permittee or his/her agent shall make regular inspections of all control measures in accordance with the inspection schedule outlined on the approved Erosion and Sediment Control Plan(s). The purpose of such inspections will be to determine the overall effectiveness of the control plan and the need for additional control measures. All inspections shall be documented in written form and submitted to City of Alton at the time interval specified in the approved permit.

- 3) The City of Alton or its designated agent shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports filed under Section (f)2.

**(g) Enforcement**

- 1) Stop-Work Order; Revocation of Permit

In the event that any person holding a permit pursuant to this ordinance violates the terms of the permit or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, City of Alton may suspend or revoke the site development permit.

- 2) Notice of Violation.

Whenever the City of Alton finds that a person or entity has violated a prohibition or failed to meet a requirement of this section, the City of Alton may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (a) The performance of monitoring, analyses, and reporting;
- (b) The elimination of illicit connections or discharges;
- (c) That violating discharges, practices, or operations shall cease and desist;
- (d) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
- (e) Payment of a fine to cover administrative and remediation costs; and
- (f) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

- 4) Appeal of Notice of Violation.

Any person receiving a Notice of Violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be received within 10 days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

- 4) Enforcement measures after appeal.

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or in the event of an appeal, within 15 days of the decision of

the municipal authority upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

5) Cost of abatement of the violation

Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 30 days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this section shall become liable to the city by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the rate of 10 percent per annum shall be assessed on the balance beginning on the 1st day following discovery of the violation.

6) Injunctive relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this section. If a person has violated or continues to violate the provisions of this section, the City of Alton may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

7) Compensatory action.

In lieu of enforcement proceedings, penalties, and remedies authorized by this section, the authorized enforcement agency may impose upon a violator alternative compensatory action, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

8) Violations deemed a public nuisance

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this section is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

9) Criminal prosecution.

No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this ordinance. Any person violating any of the provisions of this section

shall be deemed guilty of a misdemeanor and each day during which any violation of any of the provisions of this section is committed, continued, or permitted, shall constitute a separate offense. Upon conviction of any such violation, such person, partnership, or corporation shall be punished by a fine of not less than \$500.00 nor more than \$2000.00 for each violation par day. In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this section shall be required to bear the expense of such restoration.

Any person that has violated or continues to violate this section shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty and/or imprisonment for a period of time not to exceed 15 days.

The City of Alton may recover all attorneys' fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

### **Section 5.7 - Recycling/Garbage Container Screening.**

5.7.1. Intent. The intent of the requirements of this section is to reduce the visual clutter of trash and refuse collection areas and integrate screening materials consistent with the building materials use on site.

5.7.2. Applicability.

- A. Trash receptacles 90 gallons or larger used for storage, disposal of trash, garbage, refuse or grease shall be comply with the requirements of this section.
- B. New Construction. All new construction or redevelopment of existing properties shall comply with the provisions of this section.
- C. Existing Facilities. All existing facilities utilizing garbage receptacles as defined by this section shall comply with the provisions of this section. Existing properties utilizing garbage receptacles are exempt from the provisions of this section if the receptacle is not visible from ordinary public view from the adjacent right-of-way and adjacent property or the receptacle is 75 feet or more from the nearest right-of-way or property line. Existing facilities using the right-of-way for garbage containers, where no other practical alternative exists, will be required to obtain approval from the City.

5.7.3. Exceptions. The following types of trash/recycling receptacles are exempt from the screening requirements of this section:

- A. Temporary dumpsters used in construction;
- B. Temporary dumpster for special events;
- C. Recycling dumpsters;
- D. Residential garbage containers, usually 90 gallons or less, provided by the City.

5.7.4. Proof of Compliance Required. A screening detail and note attesting to compliance with the general standards of this section shall be added to all site plans, at the time of building permit application submittal. The approved garbage receptacle site plan shall become part of

the approved site and building plans and no Certificate of Occupancy shall be issued until the garbage receptacle screen is constructed and approved by the Building Official.

5.7.5. Visual Screening Requirements.

- A. Visual screening consisting of a solid fence or masonry wall, having a minimum height of eight feet, to screen the entire garbage receptacle on all sides shall be constructed and maintained by the occupant or property owner.
- B. Grease rendering receptacles: All grease rendering receptacles shall be placed on an impervious surface (i.e. concrete, asphalt) approved by the Building Official.
- C. For new food service establishments, or for the relocation of existing food service garbage containers, the garbage container shall be placed as far from any property line adjacent to residential uses as reasonably possible as determined by City staff.
- D. To facilitate cleaning, dumpsters serving food service establishments shall be placed on an approved impervious surface.
- E. Non-food service dumpster enclosures adjacent to residential locations are required to setback a minimum 10' from the property line.
- F. If unsanitary conditions exist, including, but not limited to, noxious odors, insects or rodents, City staff shall have the authority to require that the dumpster and enclosure be relocated, maintained in a sanitary condition, or if the conditions remain unabated, removed.

5.7.6. Materials and Design. The following building materials shall be used:

- A. Treated wood designed in fence fashion. No plywood or wooden sheeting will be approved.
- B. Solid masonry construction in accordance with the Building Code. No cinder block construction will be approved unless painted or of stucco exterior.
- C. Landscape stock may be used only in conjunction with other approved screening materials in order to enhance and improve the screen's appearance.
- D. All materials must be approved by the Building Official.
- E. Gates must include a locking device to protect against unauthorized use.

5.7.7. Maintenance.

- A. The property owner, tenant or agent shall be responsible for maintaining all garbage receptacles in a clean, non-odorous, structurally sound condition; replacing and repairing the receptacle and screening when necessary and keeping the surrounding area free from garbage, trash, refuse and high weeds in accordance with all City ordinances.
- B. Screening must be repaired or replaced in accordance with this ordinance within (60) days of notification by the Building Official.
- C. Failure to properly maintain screening shall constitute a violation.

5.7.8. Visibility Clearance. No garbage receptacle and screen shall be located in the vicinity of any corner, street, intersection, or access way if the Building Official determines a visibility obstruction will occur. In such cases, every effort shall be made to relocate the receptacle

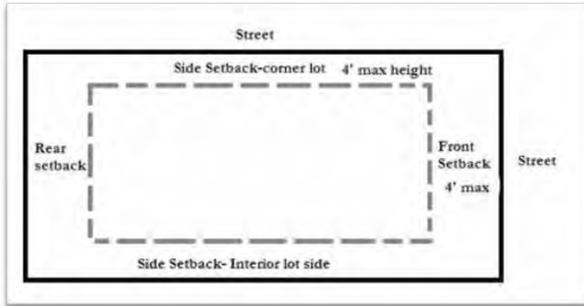
and screen to a safer location on the property. This may include the use of one or more parking spaces provided the Planning Director determines sufficient parking to service the facility will remain.

#### Auto Repair and Servicing

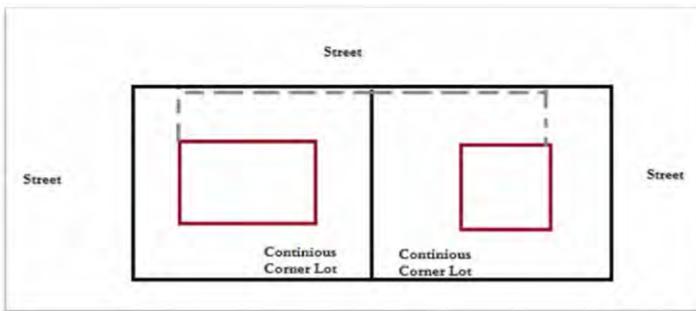
- 5.7.9. Intent. The intent of the requirements of this section is to reduce the visual clutter of trash and refuse collection areas and integrate screening materials consistent with the building materials use on site.
- 5.7.10. Applicability. Automotive repair and lubrication, oil changes, paint and bodywork, and other maintenance services, are permitted in accordance with the use tables in Chapter 3, are subject to the following conditions.
- 5.7.11. Vehicle Storage. Vehicle storage requirements for Automotive Repair; Paint and Body Shops near one- or two-family residential use shall meet the following requirements:
- A. Automotive Repair; Paint and Body Shops located on property adjacent to a one- or two-family residential use must screen all vehicles that have been accepted for repairs from view from such residential use by parking/storing the vehicles within a building or by providing a eight-foot solid screening fence along the property line adjacent to, or across an alley from, the one- or two-family residential use.
  - B. All other Automotive Repair; Paint and Body Shops within 200 feet from any one- or two-family residential use must screen all vehicles that have been accepted for repairs from view from such residential use by parking/storing the vehicles within a building or by providing a eight-foot solid screening fence on all property lines facing the residential use. The measurement of the distance between the automotive repair or paint and body shop and the one- or two-family residential use shall be along the nearest property line of the one- or two-family residential use to the nearest property line of the automotive repair or paint and body shop, along street lines and in a direct line across intersections.
  - C. Overnight vehicle storage requirements. No more than two vehicles per bay or repair/inspection station that have been accepted for repairs by the repair, paint or body shop may be stored/parked outside after regular business hours.
  - D. Vehicle storage requirements for wrecked or dismantled vehicles. All wrecked or dismantled vehicles must be stored in an enclosed building or completely enclosed behind a minimum eight-foot solid screening fence.
  - E. No automobile repair or service facility shall be permitted to have bay doors facing a one- or two-family district.
  - F. No vehicle retained for repairs may be stored for more than sixty (60) days from the date the vehicle is accepted for repair. The sixty-day time limit may be extended to a total of one hundred eighty (180) days from the date the vehicle is accepted for repair if the automotive repair or paint and body shop has begun the process to obtain a lien on the vehicle pursuant to state law.

## **Section 5.8. - Fencing.**

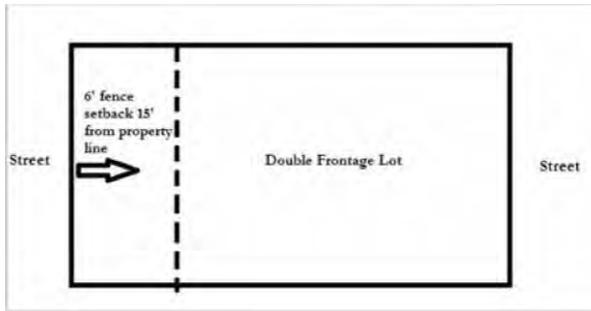
- 5.8.1. Intent. The intent of this section is to establish standards for the erection and maintenance of fences. The general objectives of these standards are to promote health, safety, welfare, and enjoyment of the public, and to promote the safety of persons and property by providing that fences do not:
- A. Create a hazard due to collapse, fire, decay or abandonment;
  - B. Obstruct firefighting or police observation ability;
  - C. Create traffic hazards by confusing or distracting pedestrians or motorists; or
  - D. Become obstacles that hinder the ability of pedestrians, bicyclists or motorists to read traffic signs.
- 5.8.2. Applicability. The requirements of this section apply to all new fences and reconstruction of existing fences. Reconstruction for the purposes of this section shall mean the replacement of more than 50% of an existing fence.
- 5.8.3. General Standards.
- A. Fences with an unfinished or rough side and a finished or smooth side must be placed so the finished or smooth side faces out.
  - B. It shall be unlawful for any person to erect or replace a fence, as defined herein, without first obtaining a building permit in accordance with this Code.
  - C. Within 30 days of completion of the fence an inspection shall be requested and City staff shall verify compliance with the requirements stipulated herein.
- 5.8.4. Construction materials.
- A. Approved materials include: Treated wood, wrought iron, stone or brick with mortar, painted or textured masonry, decorative metal, chain link, cedar, vinyl fencing.
  - B. Prohibited materials include: Sheet metal, barbed wire and razor ribbon, plywood, corrugated steel, fiberglass panels or electric fences.
  - C. Agricultural, Public and Industrial sites: Agricultural, Public and certain Industrial locations may be suitable for otherwise prohibited fencing materials. These include, but are not limited to, barbed wire, razor ribbon, corrugated steel and electric fencing.
- 5.8.5. Location and height regulations.
- A. Intersecting street corners. It shall be unlawful for any owner of property on a street intersection corner in the City to permit a fence, vine, tree, shrub, structure or any other opaque object to remain on the property within a platted corner clip or when a corner clip does not exist, within fifteen lineal feet of the legal street corner and which prevents a driver of a vehicle from having a clear view through the six foot area of the intersecting street in the opposing direction.
  - B. Height limit. Any fence or wall located between the property line and the required front yard setback line (or side yard setback line if a corner lot and adjacent to an interior lot) of a building shall not exceed four feet in height.



- C. In cases of a continuous corner lot (two corner lots back to back) the sideyard fence may be constructed out to the property line and shall not exceed six feet in height (behind the front building line).



- D. Measuring. If an existing, legally non-conforming building has less than the required setback, the front yard shall be measured from the front building line.
- E. Front yard. No fence shall exceed four feet in height measured from the adjacent natural grade, in front yards as used herein. Fences located in properties zoned Industrial shall not exceed eight feet in height in front yards.
- F. Side and rear yard (interior lots). No fence shall exceed eight feet in height measured from the adjacent natural grade, in side and rear yards as herein used. Fences located in non-residential zoned properties shall not exceed 8 feet in height in side and rear yards.
- G. Double Frontage Lots. A double frontage lot is a lot bounded on opposite sides by streets. With regard to fence placement on double-frontage lots, the front shall be the portion of the property from which it is addressed, and fences along the front and rear yards must meet those requirements related to the "front." The opposite side of the property may be permitted to meet the requirements related to a "rear," provided that one of the following is met:
1. The fence is setback a minimum 15' from the rear property line.



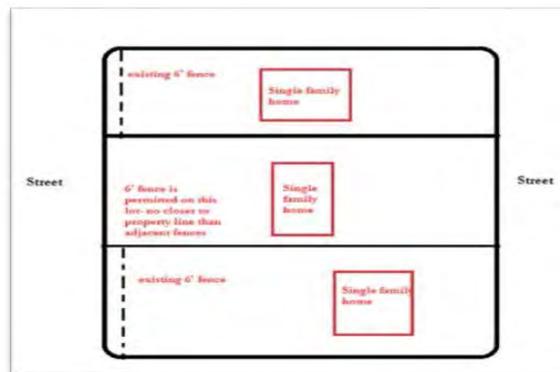
- The fence is setback 5' from the property line and landscaping (trees and shrubs) is evenly distributed throughout the length of the fence to visually break up the fence.



- Decorative metal fencing is used.



- The existing character of the adjacent lots has a 6' rear yard privacy fence (only applicable to single family development existing at the time of this code).



#### 5.8.6. Maintenance.

- A. All fences constructed within the City shall be maintained in a vertical position, and not create an unsightly condition that substantially detracts from the appearance of the neighborhood.
- B. All fences shall be maintained structurally sound, with no missing components and not out of vertical alignment in excess of 20%.
- C. All damaged, rotting, removed or missing portions of the fence shall be replaced with comparable materials.
- D. Fences shall not be externally braced in lieu of replacing or repairing posts, columns or other structural elements.
- E. All damaged or missing parts of chain link or metal fences shall be replaced or repaired.
- F. Fence reconstruction shall be in accordance with the provisions of this code.

#### 5.8.7. Utility easements.

- A. Fencing across easements shall only be allowed with the written approval of the City and/or easement holder and shall include any and all requirements for utility access and maintenance.
- B. Access requirements may include gates sufficiently wide to allow equipment access, removable fence panels or other designs acceptable to the City and easement holder.
- C. Access to easements shall be allowed as needed for repair and maintenance.
- D. Permission to build a fence upon or across a utility easement does not remove the obligation of the owner of said fence to remove the fence upon demand of the City or utility company.
- E. Removal and rebuilding of the fence shall be the responsibility of the owner of said fence and at the owner's expense.

### **Section 5.9. – Lighting**

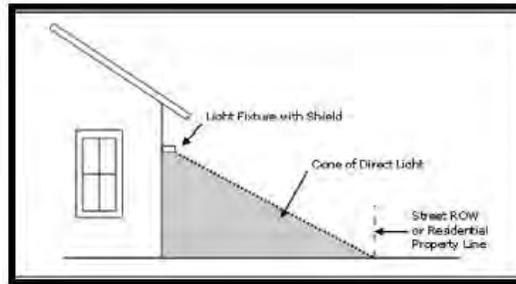
5.9.1. Intent. Lighting standards set forth in this chapter are intended to reduce hazards to motorists and annoyance and inconvenience from light trespass upon the residents, drivers, pedestrians, businesses and other elements of the community. These standards are intended to allow reasonable enjoyment of adjacent and nearby property by their owners and occupants while requiring adequate levels of lighting of parking areas, internal drives, service and pedestrian areas.

5.9.2. Applicability. The standards of this section shall apply to all new construction.

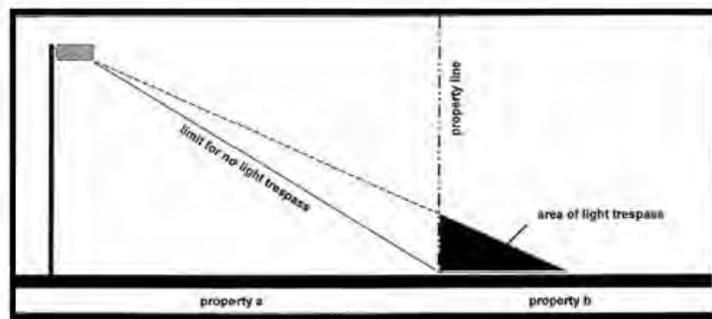
5.9.3. Proof of Compliance Required. A note attesting to compliance with the general standards of this section shall be added to all site plans, at the time of building permit application submittal.

5.9.4. General Standards. Site lighting shall shine downward and be shielded so that light sources are not visible from public thoroughfares or from adjacent residential zoned or used property. All permanent exterior lighting shall be non-flashing and shielded such that the light source (cone of direct light) is not visible from the public ROW or adjacent residential uses at the property line. Wall pack lighting or other lighting that directs the light in a

horizontal direction without an adequate shield is not permitted (since it directs the light glare directly outward) if there are streets or residential uses in the direction of the light.



*Meets the requirements of this section - Example of cone of direct light stopping at property line*



*Does not meet the requirements of the section - Example of light trespassing onto adjacent residential property or street*

5.9.5. Prohibited Lighting. The following light sources are prohibited:

- A. Laser source light.
- B. Strobe light.
- C. Flashing or blinking (Exceptions are: traditional holiday lighting not used to draw attention to a sign and flashing or blinking lights required by law).
- D. Beacon or searchlight, including temporary display, unless otherwise approved by the City.

## Chapter 6 - FLOOD DAMAGE REDUCTION REGULATIONS

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### **Section 6.1. - Statutory Authorization.**

In Section 16.3145 et seq., Tex. Water Code, the legislature of the State of Texas has delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses and to be eligible to participate in the National Flood Insurance Program.

(Ord. No. 2010-15)

### **Section 6.2 - Findings of Fact.**

As a part of these provisions, the City finds that:

1. The flood hazard areas of the City are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
2. These flood losses are exacerbated by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other land because they are inadequately elevated, flood proofed or otherwise protected from flood damage.

### **Section 6.3 - Statement of Purpose.**

It is the purpose of this Chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditures of public money for costly flood-control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas;
7. Ensure that potential buyers are notified that property is in a flood area;
8. Require new development and construction to result in no adverse impact to surrounding or nearby properties, which prohibits the action of 1 property owner from adversely impacting the rights of other property owners, as measured by increased flood peaks, flood stage, flood velocity, and erosion and sedimentation; and

9. Ensure that all new construction is elevated sufficiently so that the minimum finished floor elevation is at least 1 foot above the base flood elevation.

#### **Section 6.4 - Methods of Reducing Flood Losses.**

To accomplish its purposes, this Chapter uses the following methods:

1. Restricts or prohibits uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
2. Requires that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controls the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
4. Controls filling, grading, dredging and other development which may increase flood damage;
5. Prevents or regulates the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other land; and
6. Ensures that all new development and construction is regulated with a set of consistent standards and criteria aimed at reducing the potential for flood losses.

#### **Section 6.5 - Lands to Which This Chapter Applies.**

This Chapter shall apply to all areas within the jurisdiction of the City.

#### **Section 6.6 - Basis for Establishing the Areas of Special Flood Hazard.**

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current Flood Insurance Rate Maps and/or Flood Boundary – Floodway Maps (FIRM and/or FBFM) dated June 8, 1982 and any revisions thereto are hereby adopted by reference and declared to be part of this Chapter.

#### **Section 6.7- Establishment of Development Permit.**

A floodplain development permit is required to ensure conformance with the provisions of this Chapter. As part of the building permit application, a floodplain development checklist will be completed. This will include NFIP data such as base flood elevation (BFE), required minimum lowest finished floor elevation (LFF), and an elevation certification form or elevation survey for "as-built" construction.

#### **Section 6.8 - Compliance.**

No structure or land shall hereafter be located, altered or have its use changed without full compliance with the terms of this Chapter and other applicable regulations.

#### **Section 6.9 - Abrogation and Greater Restrictions.**

This Chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Chapter and another conflict or overlap, whichever imposes the more stringent restriction shall prevail.

### **Section 6.10. - Interpretation.**

In the interpretation and application of this Chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the City; and
- C. Deemed neither to limit nor repeal any other powers granted under State statutes.

### **Section 6.11- Warning and Disclaimer of Liability.**

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater floods can and will occur, and flood heights may be increased by man-made or natural causes. This Chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the City or any official or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.

### **Section 6.12. - Designation of the Floodplain Administrator.**

The Planning Director, or his designee, is hereby appointed the Floodplain Administrator to administer and implement the provisions of this Chapter and other appropriate sections of 44 CFR, Part 9 (National Flood Insurance Program Regulations) pertaining to floodplain management.

### **Section 6.13 - Duties and Responsibilities of the Floodplain Administrator.**

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

- A. Maintaining and holding open for public inspection all records pertaining to the provisions of this Chapter;
- B. Reviewing permit applications to determine whether proposed building sites will be reasonably safe from flooding;
- C. Reviewing, approving or denying all applications for development permits required by adoption of this Chapter;
- D. Reviewing permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local government agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C.A. § 1344) from which prior approval is required;
- E. Where interpretations are needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), making the necessary interpretations;
- F. Notifying, in riverine situations, adjacent communities and the State Coordinating Agency which is the Texas Water Development Board prior to any alteration or

relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;

- G. Assuring that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained;
- H. When base flood elevation data has not been provided in accordance with Section 6.7, obtaining, reviewing and reasonably utilizing any base flood elevation data and floodway data available from a federal, state or other source in order to administer the provisions of this Chapter;
- I. When a regulatory floodway has not been designated, requiring that no new construction, substantial improvements or other development (including fill) shall be permitted within Zones A1-30 and AE on the City's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than 1 foot at any point within the community;
- J. Under the provisions of 44 CFR § 65.12, of the National Flood Insurance Program regulations, approving certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than 1 foot, provided that the City has first applied for a conditional FIRM revision through FEMA;
- K. Enforcing the City's "No Adverse Impact" Floodplain Management requirements as described in this Chapter prohibiting the action of 1 property owner from adversely impacting the rights of other property owners, as measured by increased flood peaks, flood stage, flood velocity, and erosion and sedimentation.

#### **Section 6.14 - Permit Procedures.**

- A. Application for a floodplain development permit must be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions and elevation of proposed landscape alterations, existing and proposed structures, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
  - 1. Elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures;
  - 2. Elevation in relation to mean sea level to which any building occupied by a nonresidential use shall be flood proofed;
  - 3. A certificate from a registered professional engineer or architect that the nonresidential flood proofed structure shall meet the flood proofing criteria of Section 6.18(b) of this Chapter;
  - 4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development; and
  - 5. A record of all such information in accordance with Section 6.13(a) of this Chapter.

- B. Approval or denial of a floodplain development permit by the Floodplain Administrator shall be based on all of the provisions of this Chapter and the following additional relevant factors:
1. The danger to life and property due to flooding or erosion damage;
  2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  3. The danger that materials may be swept onto other lands to the injury of others;
  4. The compatibility of the proposed use with existing and anticipated development;
  5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
  7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
  8. The necessity to the facility of a waterfront location, where applicable;
  9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and
  10. The relationship of the proposed use to the Comprehensive Plan for that area.

#### **Section 6.15 - Variance Procedures.**

- A. The City Commission shall hear and render judgment on requests for variances from the requirements of this Chapter.
- B. The City Commission shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision or determination made by the Floodplain Administrator in the enforcement or administration of this Chapter.
- C. Any person or persons aggrieved by the decision of the City Commission may appeal such decision in the courts of competent jurisdiction.
- D. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
- E. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or a state inventory of historic places, without regard to the procedures set forth in the remainder of this Chapter.
- F. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- G. Variances may be issued for new construction and substantial improvements to be erected on a lot of ½ acre or less in size and contiguous to and surrounded by lots with existing

structures constructed below the base flood level, providing the relevant factors in Section 6.3(2) of this Chapter have been fully considered. As the lot size increases beyond ½ acre, the technical justification required for issuing the variance increases.

- H. Upon consideration of the factors noted above and the intent of this Chapter, the City Commission may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Chapter (Section 6.3).
- I. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- J. Prerequisites for granting variances shall be as follows:
  - 1. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
  - 2. Showing a good and sufficient cause;
  - 3. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
  - 4. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with State law or City ordinances.
- K. Variances may be issued by the City Commission for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use; provided, that the criteria outlined in Section 6.15 (A-F) of this Chapter are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

### **Section 6.16 - Infrastructure Design Standards.**

Design requirements for all drainage infrastructure, including storm sewers, channels, detention facilities, and other structures and facilities used to collect, convey, and store storm runoff, are set forth in the latest approved version of the City of Alton Design Standards. The City's Design Standards apply to all areas regardless of location inside or outside of a special flood hazard area.

### **Section 6.17 - General Standards.**

In all areas of special flood hazards, the following provisions are required for all new construction and substantial improvements:

- A. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- B. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- C. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
- D. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service

facilities that are designed and/or located above the base flood elevation so as to prevent water from entering or accumulating within the components during conditions of flooding;

- E. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- F. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters;
- G. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding;
- H. The lowest elevation of the first floor of all structures and buildings must be constructed at least 1 foot above the 100-year floodplain base flood elevation shown on the latest FIRM map panels or the latest available data provided by the City if there is no FIRM that provides for a BFE. All public streets must be designed so that the lowest top of curb elevation is equal to or above the 100-year floodplain elevation, or, in lieu thereof, the developer may provide documentation satisfactory to the City to show that the lowest public street top of curb elevation is not exceeded by the 100-year floodplain elevation for more than 4 hours. The 100-year floodplain is the 100-year water surface elevation in the outfall channel, receiving stream, or detention facility designated to receive storm runoff from the proposed development. Special consideration may be given to tracts containing natural aesthetic amenities within existing developed areas and served by existing outfall drainage facilities, where the addition of fill would result in the destruction of those amenities and for which there is no other feasible method to meet the aforementioned criteria. When base flood elevation data is not available in accordance with Section 6.7 of this Chapter, and reliable base flood elevation data and floodway data is not available from a federal, state or other source, a floodplain study must be provided by a professional engineer that establishes the base flood elevation (BFE) and the floodplain and floodway boundaries prior to the City issuing a development permit.

### **Section 6.18 - Specific Standards.**

In all areas of special flood hazards where base flood elevation data has been provided, as set forth hereinabove, the following provisions are required:

- A. Residential Construction. New construction and substantial improvements of any residential structure must have the lowest floor (including basement) elevated a minimum of 1 foot above the base flood elevation. A registered professional engineer, architect or land surveyor will submit a certification to the Floodplain Administrator that the standard of this subsection is satisfied. (See City Design Standards and Subdivision Regulations [Chapter 4 of this Code] for more details.)
- B. Nonresidential Construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated a minimum of 1 foot above the base flood level or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the

passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads including the effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are flood proofed shall be maintained by the Floodplain Administrator.

- C. Enclosures. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding must be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
1. A minimum of 2 openings on separate walls having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding must be provided;
  2. The bottom of all openings must be no higher than 1 foot above grade; and
  3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- D. Manufactured Homes.
1. All manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
  2. Manufactured homes that are placed or substantially improved within Zones A, AH, and AE on the community's FIRM on sites: (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the bottom of the chassis of the manufactured home is elevated a minimum of 1 foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
  3. Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A, AH and AE on the community's FIRM that are not subject to the provisions of this Section must be elevated so that either:

- a. The lowest floor of the manufactured home is a minimum of 1 foot above the base flood elevation; or
  - b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- E. Recreational Vehicles. Recreational vehicles placed on sites within Zones A, AH, and AE on the community's FIRM must (i) be on the site for fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of Section 6.14 (A) of this Chapter and the elevation and anchoring requirements for "manufactured homes" of this Section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

### **Section 6.19 - Standards for Subdivision Proposals.**

- A. All subdivision proposals, including manufactured home parks and subdivisions, shall be consistent with Sections 6.2 through 6.4 of this Chapter and conform to the City's Subdivision Regulations and Design Standards.
- B. All proposals for the development of subdivisions, including manufactured home parks and subdivisions, shall meet all of the requirements of this Chapter.
- C. Base flood elevation data shall be generated for subdivision proposals and other proposed development, including manufactured home parks and subdivisions, if greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided in this Chapter.
- D. All subdivision proposals, including manufactured home parks and subdivisions, must have adequate drainage provided as required by the City's Design Standards to reduce exposure to flood hazards.
- E. All subdivision proposals, including manufactured home parks and subdivisions, must have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize or eliminate flood damage.
- F. All subdivision proposals, including manufactured homes parks and subdivisions, shall comply with the minimum slab elevations required for all buildings and manufactured homes as set forth in the City's Subdivision Regulations and Design Standards.

### **Section 6.20 - Standards for Areas of Shallow Flooding (AO/AH Zones).**

Located within the areas of special flood hazard are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- A. All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade, at least

as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified).

- B. All new construction and substantial improvements of non-residential structures:
  - 1. Have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified), or
  - 2. Together with attendant utility and sanitary facilities be designed so that below the base specified flood depth in an AO Zone, or below the base flood elevation in an AH Zone, level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads, including the effects of buoyancy.
- C. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section are satisfied.
- D. Require within Zones AH or AO adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

#### **Section 6.21 - Floodways.**

Located within areas of special flood hazard established in Section 6.6 of this Chapter are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- A. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- B. If the above requirement is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Article.
- C. Under the provisions of 44 CFR § 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first completes all of the provisions required by Section 65.12.

#### **Section 6.22 - Standards for Critical Facilities.**

The minimum finished floor elevation of any critical facility shall be a minimum of 2 feet above the 100-year base flood elevation.

#### **Section 6.23– Enforcement**

- A. Penalty. It is unlawful for a person to:
  - 1. Violate or fail to comply with a provision of this Chapter; or

2. Erect, construct or alter any structure, or place any fill material, in violation of the detailed statement or drawing submitted and approved under this Chapter.

Any person found guilty of violating a provision of this Chapter may be punished as provided for in Section 1.1.9 (D).

- B. Continuing Violations. Each day any violation continues constitutes a separate offense.
- C. Inspection. The Floodplain Administrator may inspect all premises subject to this Chapter at any time before, during or after any new construction or substantial improvements or other development in order to assure compliance with all provisions of the development permit and all flood damage regulations.
- D. Stop Work Orders. Upon notice from the Floodplain Administrator that work on any building, structure, dike, bridge or any improvement which would affect water drainage is being done contrary to the provisions of this Chapter, or in a dangerous or unsafe manner, such work shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of the property or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, no written notice shall be required to be given by the Floodplain Administrator; provided however, written notice shall follow within 24 hours from the time oral notice to stop is issued.
- E. Revocation of Permit. The Floodplain Administrator may revoke a permit or approval issued under the provisions of this Chapter in cases where there has been any false statement or misrepresentation as to a material fact in the application or plans upon which the permit or approval was based.

## CHAPTER 7. - DEFINITIONS

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### **Section 7.1. - Definitions.**

**Acceptable outfall.** The point, as determined by a registered professional engineer, where stormwater can be released to a channel without causing erosion, or resulting sedimentation to the receiving channel or its floodplain. Where necessary, the outfall shall include structural and vegetative measures to assure nonerosive velocities.

**Accessory building.** In a residential district, a subordinate building, attached to or detached from the main building, without separate utilities, and not used for commercial purpose or rented. It may be used as a guest house, a washroom, and storage room for domestic storage belonging to the owner or tenant only, or a space for one or more automobiles owned by the owner, tenant or guests. In districts other than residential, an accessory building is a subordinate building the use of which is incidental to and used only in conjunction with the main building. Accessory building shall not be used in conjunction with home occupations for storage of products intended for retail sale.

**Accessory use.** A use customarily incidental and subordinate to the main use; provided further, that a use is an accessory use in a "residential" district only if the use is located on the same lot as the main use.

**Adopted policies.** A written administrative directive discussed at a public meeting and officially adopted by a majority vote of the council.

**Alley.** A minor public right-of-way, not intended to provide the primary means of access abutting lots, which is used primarily for vehicular service access to the back or sides of properties otherwise abutting on a street.

**Alteration.** Any construction or change of the exterior of a building, object, site or structure. For buildings, objects, sites or structures, alteration shall, but is not limited to, the changing of roofing or siding materials; changing, eliminating, or adding doors, door frames, windows, window frames, shutters, fences, railings, porches, balconies, signs, or other ornamentation. Alteration shall not include ordinary repair and maintenance.

**Amusement, Commercial (Indoor).** Any amusement enterprise wholly enclosed in a building which is treated acoustically so that no noise of the enterprise is perceptible at the bounding property line and including, but not limited to, a movie theater, bowling alley, billiard parlor or video arcade.

**Amusement, Commercial (Outdoor).** Any 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, including, but not limited to, a golf driving range, amusement park, archery range, miniature golf course or other similar activity.

**Apartment.** A room in an apartment house or a suite of rooms arranged, designed or occupied as a residence by a single family, individual, or groups of individuals. See "Dwelling unit, multiple."

**Apartment house.** A building designed, built, rented, leased, let or hired out, which is occupied as the home or residence of three (3) or more families or individuals, living independently of each other. See "Dwelling unit, multiple."

**Appeal.** Means a request for a review of the City Engineer's interpretation of any provision of this Chapter or a request for a variance.

**Appurtenant Structure** means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

**Area of Future Conditions Flood Hazard** means the land area that would be inundated by the 1% annual chance (100-year) flood based on fully developed conditions hydrology.

**Area of Shallow Flooding** means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's flood insurance rate map (FIRM) with a 1% or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where high velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Area of Special Flood Hazard** means the land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year. The area may be designated as Zone A on the flood hazard boundary map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

**Assisted Living.** An establishment, including personal care and board and care facilities, that furnishes, in one or more facilities, food and shelter to more than six individuals who are unrelated to the owner of the establishment; and provides personal care services; and in addition, provides minor treatment or services which meet some need beyond the provision of food, shelter, and laundry.

**Authorized agent.** An architect, builder, developer or other person or persons empowered to act on behalf of other persons.

**Bar, cocktail lounge, tavern saloon.** An establishment where the primary business is the sale of alcoholic beverages for on-premises consumption.

**Base Flood** means the flood having a 1% chance of being equaled or exceeded in any given year.

**Base Flood Elevation (BFE)** is the flood elevation occurring at a given location as a result of the occurrence of the base flood event.

**Basement** means any area of a building having its floor subgrade (below ground level) on all sides.

**Bed and Breakfast.** An owner occupied private home of historic interest, which offers lodging for paying guests, which may serve meals to these guests, and which allows for limited social functions as regulated by a Specific Use Permit, Limited Use Permit, or otherwise required by this code.

**Block.** An area enclosed by streets and occupied by or intended for buildings; or, if said word is used as a term of measurement, it shall mean the distance along a side of street between the nearest two (2) streets which intersect said street.

**Breakaway Wall** means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

**Building.** Any structure built for the support, shelter and/or enclosure of persons, chattels or moveable property of any kind.

**Building development/development.** The term "building development or development" shall be construed to include any construction, reconstruction, conversion, structural alternation, relocation, or enlargement of buildings or structures; use or change in use of buildings or land; and/or extension of use of land or clearing, grading, excavation or other movement of land, for which permission may be required under this code. Includes reconstruction, alteration of the size, or material change in the external appearance of a structure; changes in intensity of land use; and excavation for construction, moving, alteration, or repair, except ordinary repairs, of any building or other structure.

**Building setback line.** A line defining an area on the building lot between the property line and the building line within which no building shall be constructed, encroach or project except as specifically authorized in an adopted ordinance of the City of Alton; also called "building line" or "setback line".

- a. Front building setback line. A line parallel to the street right-of-way line which the building faces, and takes its primary access from. On corner lots the front building setback line shall be considered as parallel to the street upon which the lot has its least dimension except where corner lots may be square in dimension and/or have double frontage, at which time the front yard shall correspond to the lot's side adjacent to the longest block face in which it occurs and to which the majority of the existing structures front.
- b. Side building setback line. A line parallel to an adjacent lot or street right-of-way on a corner lot, which the building sides up to.
- c. Rear building setback line. A line parallel to an adjacent lot, alley, or street in the case of double-frontage lots, which the building backs up to and has its rear or secondary access from.

**Carport.** A roofed structure open on two (2) sides when attached to a dwelling and open on three (3) sides when detached from a dwelling, covered with a roof supported by structural steel or wood columns or masonry piers of minimum size for structural safety.

**Certified Contractor.** A person who has received acceptable training and is authorized by its employer to inspect and maintain erosion and sediment control practices.

**City.** The City of Alton, Hidalgo County, Texas.

**City attorney.** A licensed attorney employed or designated by the City of Alton to provide legal services for and in behalf of the City.

**City Commission/Council.** The words "City Commission" or "Council" shall refer to the City Commission of the City of Alton, Texas.

**City Engineer.** A registered professional engineer employed or designated by the City of Alton to provide professional engineering services for and in behalf of the City.

**City standards.** As referred to in this ordinance, shall mean the City's standards and specifications, together with all tables, drawings and other attachments hereinafter approved by the Council.

**Clearing.** Any activity that removes the vegetative surface cover.

**Clinic.** An institution or station for the examination and treatment of ill and afflicted outpatients by a physician or group of physicians.

**Cluster development.** See "Subdivision, cluster."

**Columbarium.** A structure of vaults lined with recesses for cinerary urns.

**Commission.** The Planning and Zoning Commission of the City of Alton, Hidalgo County, Texas.

**Community Center.** A central social and recreational building as part of a housing project, subdivision or planned unit development.

**Communication Tower.** A device fixed and free-standing or guyed, which may include an uninhabitable structure, not designed as a shelter or to be occupied for any use. This definition includes, but is not limited to, any such structure supporting antennae that transmit or receive any portion of the electromagnetic spectrum of radio waves. The following are examples, but are not limited to: freestanding monopole structures, lattice or open framed structure and other similar self-supporting, trussed, or open framed structures, and guyed structures. For communication tower purposes a monopole is a single, slender and typically cylindrical, vertical structure to which antennae are affixed.

**Commercial trimming/cutting.** Any individual or business that practices tree trimming, cutting or removal, for hire, within the City limits of the City of Alton, Texas.

**Comprehensive plan.** The comprehensive plan of the City of Alton and includes any unit or a part of such unit separately adopted and any amendment to such plan or parts thereof. Also Comprehensive Master Plan, Master Plan.

**Condominium.** A multifamily dwelling unit, within which designated units or apartments are conveyed, [in] fee simple title, with an undivided interest in the building's common elements, to include, but not be limited to, halls, stairs, elevators, roof parking space, and the land when the building is not constructed on leased land.

**Control Agency.** TCEQ, and/or the EPA designated to enforce this ordinance and/or to enforce the TPDES and/or to enforce the NPDES regulations.

**Construction Activity.** Activities subject to TPDES Construction Permits. Currently these include construction projects resulting in land disturbance of 1 acre or more, or as defined by the TPDES program. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

**Construction plans.** The drawings and technical specifications, including bid documents and contract conditions, where applicable, providing a graphic and written description of the character and scope of the work to be performed in construction of a subdivision. Detailed specifications for requirements can be found in the UDC Technical Manual.

**Control Plan.** professional engineer or other acceptable professional indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.

**Crematory.** A furnace for cremating or an establishment containing such a furnace.

**Critical Facility** means a facility that:

- A. Is critical to the community's public health and safety;
- B. Is essential to the orderly functioning of a community;
- C. Stores or produces highly volatile, toxic, or water-reactive materials; or
- D. Houses occupants that may be insufficiently mobile to avoid loss of life or injury;

Examples of critical facilities include hospitals, schools, daycare facilities, public electric utilities, fire stations, emergency operation centers, police facilities, detention centers, nursing homes, wastewater treatment facilities, water plants, gas/oil/propane storage facilities, hazardous waste handling and storage facilities, or other public equipment storage facilities.

**Critical Feature** means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

**Crosswalk way.** A public right-of-way, six feet or more in width between property lines, which provides pedestrian circulation.

**Custom slaughter facility.** A building where animals are killed and butchered for human consumption. The term "animals" shall include only those animals used for human consumption, including, sheep/goat, bovine, fowl, swine, or other animals used for human consumption. This definition excludes rendering operations.

**Day care nursery.** A place designed for the care of children for less than 24 hours a day.

**Decorative street light.** Shall include any light standard or fixture which is not of a type normally stocked by the City electric department.

**Density.** The number of dwelling units per gross acre of subdivision, excluding any areas that are nonresidential in use.

**Detached garage.** A garage wholly separated from and independent of the principal building on a lot; or connected to a principal building by an unenclosed or latticed passageway, arbor or covered walk.

**Developer.** An individual, partnership, corporation or governmental entity undertaking the subdivision or improvement of land and other activities covered by these regulations, including the preparation of a subdivision plat showing the layout of the land and the public improvements involved therein. The term "developer" is intended to include the term "subdivider" even though personnel in successive stages of a project may vary.

**Development** means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

**Director of Planning.** The duly authorized employee or representative of the City in charge of the planning function for the City and charged with implementation and enforcement of the subdivision, zoning and other growth-related ordinances.

**Director of Public Works.** The duly authorized employee or representative of the City in charge of the street department, water department, sewer department, or a combination of such departments of the City.

**District/Zoning District.** A section of the City of Alton for which the regulations governing the areas, heights or uses of buildings are uniform.

**Dormitory.** A building, other than a hotel or motel, containing rooming units with or without individual kitchen facilities to be used for residential purposes. Rentals of each unit shall be on a weekly basis or longer. A dormitory may contain common food preparation and eating facilities primarily for the use of the occupants of the building.

**Drainage facilities.** Storm drainage facilities are hereby defined as being all parts of a drainage system, consisting of streets, alleys, storm sewers, channels, culverts, bridges, swales, detention or retention facilities, and any other feature which stormwater flows over or through.

**Drainage Way.** Any channel that conveys surface runoff throughout the site.

**Drip Line Area.** The area immediately below the tree's canopy.

**Dwelling unit.** A room or suite or set of rooms occupied or suitable for occupancy as a family residence and having kitchen, bath and sanitary facilities, together with appropriate appurtenances to such occupancy.

- a. Single-family detached dwelling unit: A building designed for and occupied exclusively by one family as a separate dwelling unit and not meeting the requirements of a townhouse or row house. Occupancy shall be limited to no more than four (4) individuals who are unrelated by blood, legal adoption, or marriage. The owner and any agent of the owner shall be legally responsible for any dwelling unit use.
- b. Single-family attached dwelling unit: A building designed or occupied exclusively by one family as a separate dwelling unit, and meeting the requirements of a townhouse or row house. Occupancy shall be limited to no more than four (4) individuals who are unrelated by blood, legal adoption, or marriage. The owner and any agent of the owner shall be legally responsible for any dwelling unit use.
- c. Duplex: A building designed for or occupied exclusively by two (2) families living independently of each other. A duplex sharing a lot with other residentially used structures shall fall under the definition of a multiple dwelling unit and shall not be considered a duplex for the purposes of this ordinance.
- d. Multiple: A building designed for and/or occupied exclusively by three (3) or more dwelling units. (Also known as multifamily dwelling unit.)
- e. Accessory: A secondary separate dwelling unit such as a garage apartment no larger than 50% of the square footage of the primary structure. The determination of whether one family is living independently of another is based on one or more of the following criteria: separate sanitary facilities, separate kitchen facilities, separate entrances, and separate utilities.

**Easement.** An interest in land granted to the City, to the public generally, and/or to a private utility corporation.

**Efficiency apartment.** An apartment having a combination living and bedroom (no separate bedroom), cooking facilities and bath.

**Elevated Building** means, for insurance purposes, a non-basement building, which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

**Engineer.** A person duly authorized under the provisions of the Texas Engineering Registration Act, as heretofore or hereafter amended, to practice the profession of engineering.

**Existing Construction** means, for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

**Existing Manufactured Home Park or Subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before March 17, 1987.

**Expansion to an Existing Manufactured Home Park or Subdivision** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Extraterritorial jurisdiction.** The unincorporated area, not a part of any other City, which is contiguous to the corporate limits of the City of Alton, the outer limits of which are measured from the extremities of the corporate limits of the City outward for such distances as may be stipulated in the Texas Municipal Annexation Act in accordance with the total population of the incorporated City, and in which area, within the terms of the act, the City may enjoin the violation of its subdivision ordinance.

**Family Home for Handicapped.** A community based residential home established to care for persons that have a physical or mental impairment and have trouble performing certain life activities. The purpose for a family home is to assist these persons with a physical or mental impairment in order to help them develop certain life skills. A family home may not have more than six disabled persons and two supervisory personnel residing at the home at any one time.

**Farm.** An area of two (2) acres or more which is used for the growing of the usual farm products such as vegetables, fruits, trees and grain and their storage on the area and/or the raising thereon of the usual farm poultry and farm animals such as horses, cattle, sheep and swine, and including dairy farms with the necessary accessory uses for treating and storing the produce; provided, however, that the operation of such accessory use shall be secondary to that of the normal activities; and provided further, that it does not include the commercial feeding of offal or garbage to swine or other animals.

**Farmers/Artisans Market.** A market at a designated outdoor location for the distribution and sale (directly to consumers) of products and goods that are locally grown by farmers/gardeners or

hand-crafted by artisans. Products and goods are not mass produced and no other retail or any resale is permitted.

**Fence.** Means any wall or structure more than 18 inches in height erected or maintained for the purposes of enclosing, screening, restricting access to or decorating a lot, parcel, building or structure. Fence does not include dog runs, arbors or other incidental decorative barriers located within perimeter fencing.

**Finish side, Fence.** Means that side of the fence that forms the barrier, where the support elements, including posts and rails of the fence, are not visible from outside the property.

**Flood or Flooding** means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Elevation Study** means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

**Flood Insurance Rate Map (FIRM)** means an official map of a community on which the Federal Insurance Administrator has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**Flood Insurance Study (FIS).** See "Flood elevation study."

**Flood Proofing** means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**Flood Protection System** means those physical, structural works for which funds have been authorized, appropriated and expended, and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood-modifying works are those constructed in conformance with sound engineering standards.

**Floodplain or Flood-Prone Area** means any land area susceptible to being inundated by water from any source. Any and all land area adjoining the channel of a river, stream, lake, watercourse, marshy area or other drainage element, which has been or may be inundated by stormwater runoff. The extent of the floodplain shall be determined by the crest of a flood having an average frequency of occurrence of once in 100 years, as established by the Federal Insurance Administration.

**Floodplain Management** means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

**Floodplain Management Regulations** means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance), and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**Floodway (Regulatory Floodway)** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**Fraternity or sorority.** A social club or an association having meeting facilities for the members. A fraternity or sorority house may have dormitory facilities for its members. Any such fraternity or sorority house shall be deemed a rooming house, boarding house, or group home, depending upon the circumstances in each instance. The office or headquarters of a professional, business or other fraternal organization shall be considered as an office for the purposes of this chapter.

**Functionally Dependent Use** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities or port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**Garbage Container.** A large receptacle, usually exceeding 90 gallons, used for the storage and disposal of trash, garbage, refuse and grease rendering. This definition does not include the following: temporary dumpsters used in construction, temporary dumpster for special events, recycling dumpsters, residential garbage containers, usually 90 gallons or less, provided by the City's franchise holder.

**General plan.** See "Comprehensive Plan".

**General Land Use Plan.** A plan, including all site details and functions, required for development of any tract zoned Planned Unit Development.

**Grading.** Excavation or fill of material, including the resulting conditions thereof.

**Guest house.** An accessory building designed for the temporary occupancy of guests of the primary dwelling for which there is no remuneration.

**Height, Structure.** The height of a building or portion of a building shall be the vertical distance from grade to the highest point of the coping of a flat roof, the deck line of a mansard roof, and the mean height level between eaves and ridge for hip, gable or gambrel roofs. In measuring the height of a building, the following structures shall be excluded: Chimneys, cooling towers, elevator bulkheads, mechanical rooms, tanks, water towers, radio tower, television antennas, ornamental cupolas, domes or spires, and parapet walls not exceeding four (4) feet in height.

**Height, Communications Tower.** The vertical distance between the finished grade at the base of the tower or the lowest point of contact with the building, and the highest point of the tower structure.

**Height, Freestanding Sign.** The measurement shall be from the grade to the highest point of the sign, including the sign face structure, pole and any projection, decoration or trim of the sign face structure or pole.

**Height, Small Wind Energy Systems.** The height above natural grade of the fixed portion of the tower, excluding the wind turbine.

**Highest Adjacent Grade** means the highest natural elevation of the ground surface prior to construction and next to the proposed walls of a structure.

**Historic Structure** means any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - 1. By an approved state program as determined by the Secretary of the Interior or;
  - 2. Directly by the Secretary of the Interior in states without approved programs.

**Home occupations.** A home occupation is an occupation customarily carried on in the home by a member of the occupant's family without structural alterations in the building or any of its rooms, without the installation of machinery other than that customary to normal household operation or additional equipment, without the employment of additional persons, and which does not cause the generation of additional traffic in the street and which does not require the display of a sign.

**Hospital.** An institution or place where sick or injured patients are given medical or surgical care either at public (charity) or private expense.

**Hotel and motel.** A building or arrangement of buildings designed and occupied as a temporary abiding place of individuals who are lodged with or without meals, in which the rooms are usually occupied singularly for hire, and in which there are more than eight (8) sleeping rooms, and which may have a public dining room accommodating more than eight (8) guests, and a central kitchen.

**Industrialized housing.** A residential structure that is designed for the occupancy of single-family or duplex use; which bears an approved decal or insignia, clearly visible, under rules promulgated by the State of Texas signifying the dwelling as "industrialized"; that is intended to be installed on a permanent foundation system approved by the locally adopted building codes; that meet all other locally adopted building codes; and that meet all other State and local requirements for industrialized housing.

**Industry, light.** Manufacturing of finished products or parts, predominantly from previously prepared materials, including fabrication, assembly, and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing.

**Industry, heavy.** Establishments engaged in the manufacturing or transformation of materials into new products. These establishments are usually described as plants and factories, and

characteristically use power driven machines and materials handling equipment. Manufacturing production is usually carried on for the wholesale market, rather than for direct sale to the domestic consumer.

**Kindergarten.** A school for children of pre-public school age.

**Landscape Area.** An area devoted to plant materials adaptable to this region, including, but not limited to, trees, shrubs, grasses, ground covers, mulch and other landscape features, i.e. berm.

**Levee** means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

**Levee System** means a flood protection system which consists of a levee, or levees, and associated structures, such as a closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

**Limited Use Permit.** An administrative use permit granted by the Director of Planning after specified conditions have been met.

**Live Entertainment.** A use which includes any or all of the following activities: Performances by musicians or dancers; live bands or musical acts; or the amplification of recorded music/entertainment by disc jockeys, in conjunction with a tavern or night club operation.

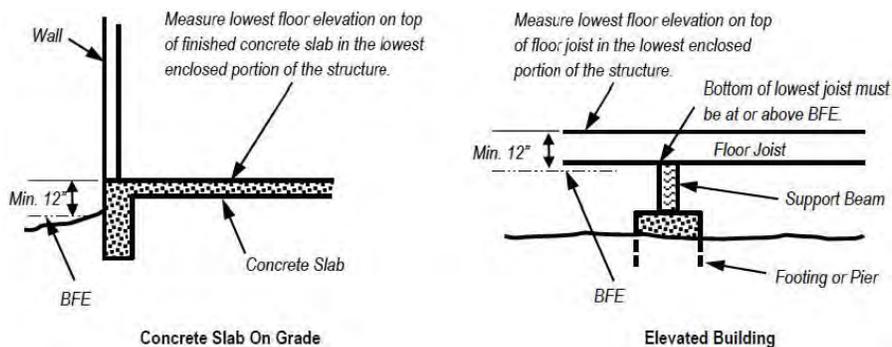
**Lot of record.** A parcel of land which is part of a subdivision, the map or plat of which has been recorded in the office of the county clerk of "the appropriate county;" a parcel which existed in its current configuration and was created by a metes and bounds legal description recorded in a deed of transfer or sale at the office of the Hidalgo County Clerk prior to June 26, 1987; excluding those tax parcels which are identified as being created for tax purposes or deed of trust for borrowing money against a tract of parcel;

- a. Lot area. The area of the lot shall be the net area of the lot and shall not include portions of streets and alleys. Utility easements are to be considered part of the net lot area.
- b. Lot depth. The length of a line connecting the midpoints of the front and rear lot lines.
- c. Lot, double-frontage. Any lot, not a corner lot, with frontage on two streets which are parallel to each other or within 45 degrees of being parallel to each other.
- d. Lot frontage. The length of street frontage between property lines.
- e. Lot, irregular. Any lot not having equal front and rear lot lines, or equal side lot lines; a lot, the opposite lot lines of which vary in dimension and the corners of which have an angle of either more or less than 90 degrees.
- f. Lot width. That distance measured along a line connecting two (2) side lot lines along the front building line.
- g. Lot, corner. A lot situated at the junction of two (2) or more streets.
- h. Lot, Interior. A lot other than a corner lot.
- i. Lot lines. The lines bounding a lot as defined herein:
  - 1) Front lot line: The property line between the front yard and the contiguous street right-of-way boundary.

- 2) Rear lot line: The property line between the rear yard and the adjacent property or right-of-way, and contiguous with the legal boundary of such use.
- 3) Side lot line: The property line between two (2) adjacent lots or between the side yard and the contiguous street right-of-way boundary on corner lots.

**Lowest Floor** means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirement of 44 CFR, § 60.3 of the National Flood Insurance Program regulations.

**Lowest Finished Floor Elevation, or Lowest Floor Elevation**, is the elevation above mean sea level at the point where the lowest floor within a structure is found. For buildings constructed on concrete slab on grade, the lowest floor elevation is the minimum building slab elevation. For elevated buildings, the lowest finished floor elevation is measured at the top of the lowest floor joist.



**Maneuvering space.** The space entirely on private property required for maneuvering vehicles in such a manner as to preclude the backing of any vehicle into any street right-of-way.

**Manufactured home.** A single-family dwelling unit fabricated in an off-site manufacturing facility; is transportable in one or more sections, is attached to a permanent chassis but is not equipped with a permanent hitch, axle, wheels or other device allowing for transport other than to a permanent site. All manufactured homes bear a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards.

**Manufactured home park.** A unified development of a minimum of three (3) acres and ten (10) approved manufactured home spaces for rent or lease, arranged on a tract of land, in which the tenant of the manufactured home are not the owners of the land.

**Manufactured home space.** An area within a Manufactured Home Park which is designed for and designated as the location for a single manufactured home and the exclusive use of its occupants. Also may be referred to as a manufactured home lot in a manufactured home park.

**Manufactured home subdivision.** The division of land as the term "subdivision" is defined in this ordinance for the purpose of manufactured home occupancy. A manufactured home

subdivision shall consist of not less than three (3) acres and ten (10) approved manufactured home sites.

**Mean Sea Level** means, for purposes of the National Flood Insurance Program, North American Vertical Datum of 1988 (NAVD 88) or other datum to which base flood elevations shown on a community's flood insurance rate map are referenced.

**Mobile home.** A structure that was constructed prior to 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 unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems. The following shall not be included in this definition: travel trailers, pickup coaches, motor homes, camping trailers, or other recreational vehicles, Manufactured modular housing which is designed to set on a permanent foundation, and which uses standard sheathing, roofing, siding, and electrical, plumbing and heating systems which comply with the adopted building code.

**Mobile home subdivision.** The division of land as the term "subdivision" is defined in this ordinance for the purpose of mobile home occupancy. A mobile home subdivision shall consist of not less than three acres and 20 approved mobile home lots.

**New Construction** means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**New Manufactured Home Park or Subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after November 9, 2010.

**Nightclub or dance hall.** An establishment whose primary activity is the provision of facilities for dancing, including a dance floor and live entertainment or amplified music. Such establishment may or may not provide on-premises consumption of alcoholic beverages. Schools of dance are exempted from this definition.

**Nonconforming use (legal).** A building, structure or use of land lawfully occupied at the time of the effective date of this ordinance or amendments thereto, and which does not conform to the use regulations of the district in which it is situated.

**Nursing Home or Long Term Care Facility.** Any structure or collection of structures located on one site used or occupied by persons recovering from illness or suffering from infirmities of old age.

**Oak Wilt.** A disease caused by the fungus *Ophiostoma fagacearum* or *ceratocystis fagacearum*.

**Office.** A room, studio, suite, or building or any part thereof in which a person transacts his business or carries on his stated occupation. For the purposes of the ordinance, an office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair or storage of materials, goods and products, or the sale and delivery of any materials, goods or products which are physically located on the premises. An office shall not be deemed to include a veterinary clinic.

**Open space.** Private property under common ownership designated for recreational area, private park (for use of property owners, within the subdivision), play lot area, plaza area, building setbacks (other than those normally required), and ornamental areas open to the general view within the subdivision. Open space does not include streets, alleys, utility easements, public parks or required setbacks.

**Park/Parkland.** Land dedicated to, or purchased by, the City for the purpose of providing public recreational and/or open areas. This may include land designated for golf courses, parks, approved greenbelts and nature preserves, which are readily accessible to the intended users. Land designated for parkland shall not include streets, alleys, drainageways not improved for recreational or other approved uses, parking lots, or storage areas.

**Parkland, Private.** Parkland or open space not dedicated to the City, but designated as an easement or reserve for private open space or private recreational use.

**Parks and Recreation Advisory Board (AKA Parks Board).** The parks and recreation board of the City of Alton, a citizens advisory board appointed by the Alton City Commission.

**Parking Area.** A paved or improved surface designed and ordinarily used for the parking of motor vehicles. Parking area does not include outdoor display area for equipment.

**Pavement width.** The portion of a street available for vehicular traffic; where curbs are laid, it is the portion between the face of curbs.

**Perimeter Control.** A barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

**Person.** Any individual, association, firm, corporation, governmental agency or political subdivision.

**Phasing.** Clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next.

**Planned unit development.** A subdivision that consists of a variety of land use types, incorporating a single or a variety of types of residential dwelling units, and/or compatible commercial and industrial land uses, public land uses, and common open space and recreational areas, adequate to service the needs of the tract when fully developed and populated, and which is to be developed as a single entity, under unified control. The development is guided by a general land use plan where certain zoning or subdivision regulations, other than use regulations, may be waived or varied to allow flexibility and creativity in site and building design and location, in conformance to general guidelines.

**Planning Commission.** The city Planning and Zoning Commission of the City of Alton, Texas.

**Planting Material.** Means trees, shrubs, grasses, ground covers and other landscape features specifically designed and installed as site improvements and approved by City of Alton staff and in accordance with this code ordinance.

**Plat.** A map, drawing, chart or plan showing the exact layout and proposed construction of a proposed subdivision into lots, blocks, streets, parks, school sites, commercial or industrial sites, drainageways, easements, alleys and/or any other elements as required by this ordinance, and which a subdivider shall submit for approval in accordance with this ordinance.

**Plat, final.** The plat submitted for final approval, and which shall be prepared and submitted in accordance with this code.

**Plat, minor.** A plat involving four or fewer lots fronting on an existing street and not requiring the creation of any new streets or the extension of municipal facilities.

**Plat, preliminary.** A plat that is submitted to the commission for its review of the concept and performance of the subdivision as related to the provisions of this ordinance. The preliminary plan and the review thereof are intended to produce a subdivision design in which all planning factors are recognized and reconciled, prior to submission of the final plat.

**Plat revision, replat, resubdivide.** A plat vacating an existing subdivision in lieu of a new pattern of development; the subdivision of an existing or duly recorded lot or lots, the combining of two or more lots to create one lot, or the subdividing of an existing platted but undeveloped subdivision into a new pattern of lots and blocks.

**Plat amendment.** A minor change of an existing subdivision to a lot line or setback contained within. No new lots are created, existing lots are combined or the size of any one lot substantially increased.

**Portable building.** A temporary building that does not have a foundation and is transportable.

**Porte cochere.** A roofed space, open on two (2) or three (3) sides, covered with a flat or hipped roof and ordinarily used as a shelter under which vehicles are driven or temporarily parked.

**Private sewage facilities.** Septic tanks, pit privies, cesspools, sewage holding tanks, injection wells used to dispose of sewage, chemical toilets, treatment tanks and all other facilities, systems and methods used for the disposal of sewage other than disposal systems operated under a waste discharge permit issued by the State of Texas.

**Private, parochial or charter school.** An institution of learning having a curriculum equivalent to public schools, providing care, training, education, custody or supervision for four (4) or more children who are not related by blood, marriage or adoption to the owner or operator of the facility, for all or part of the twenty-four-hour day, whether or not the facility makes a charge for the service offered by it; provided however, that this does not include specialty schools, such as dancing, music, beauty, mechanical, trade, swimming, or commercial schools

**Protected Tree.** Any tree not classified as "not protected", listed in the Unified Development Code Technical Manual, and meeting the following criteria:

- a. 6" diameter or larger for canopy or large maturing trees measured 4.5 feet above natural grade.
- b. 4" diameter or larger for small maturing trees measured 4.5 feet above natural grade.

- c. 4" for multi-trunk trees, calculated by measuring the largest trunk and ½ the diameter of the sum of all other trunks.
- d. A tree having a diameter greater than 24", measured 4.5 feet above natural grade.
- e. Historical tree: Any tree recognized as historically significant by a bona fide local, state, or national organization is considered a protected tree.

**Public right-of-way.** A strip of land used or intended to be used, wholly or in part, as a public street, alley, crosswalk way, sidewalk or drainageway.

**Public stable.** A stable with a capacity for more than four (4) horses or mules.

**Public Utility.** Any person, company, corporation, cooperative, cooperative corporation, partnership, or any combination thereof, that is subject to both a municipal franchise agreement and the comprehensive regulatory system established by and defined in the Texas Public Utility Regulatory Act, that owns or operates for compensation equipment or facilities for: producing, generating, transmitting, distributing, selling, or furnishing electricity; or the conveyance, transmission, or reception of communications over a telephone system as a dominant carrier. The term "public utility" shall not include, as is defined in the Public Utility Regulatory Act, telegraph services, television services, television stations, radio stations, community antenna television services, general radio-telephone services, or radio-telephone services authorized under the Public Mobile Radio Services rules of the Federal Communications Commission or private water companies.

**Recreational vehicle park.** Any lot, tract or parcel of land upon which accommodation is provided for two or more recreational vehicles used as living or sleeping quarters by the day, week or month where a charge is or is not made.

**Recreational vehicle or travel trailer.** A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified as a travel trailer or recreational vehicle by the manufacturer of the trailer and, when factory-equipped for the road, it shall have a body width not exceeding eight (8) feet and a body length not exceeding state maximums.

**Recycling centers.**

- a. Recycling center (inside): A collection operation for reusable materials including, but not limited to, aluminum cans, glass bottles and office paper goods. All storage must be located inside of a building.
- b. Recycling center (outside): A collection operation for reusable materials including, but not limited to, aluminum cans, glass bottles, and office paper goods; which are broken, separated and/or compressed and may be stored within shipping containers and/or transportation vehicles on site.
- c. Recycling scrap processing: A collection operation for reusable materials including, but not limited to, glass, aluminum cans, paper, including the storage and separation of various recyclable materials such as residential scrap metals, scrap appliances and other scrap; but not including scrap automobiles.

**Residential use.** The term "residential use" shall be construed to include single-family residential uses, two-family uses, and multifamily (apartment, townhouse or condominium) uses.

**Restaurant.** A building or portion of a building, where the primary business is the on-premises sale of prepared food in full compliance with all state and City health and sanitary laws and regulations, with adequate kitchen facilities for the preparation of the food to be sold, the adequacy of said kitchen facilities to be based upon the seating capacity of the restaurant and the type of menu offered, and where alcoholic beverages may be sold.

**Retail.** The sale of goods directly to a consumer; engaged in, pertaining to, or relating to the sale of merchandise at retail; to sell individual items or by the piece, directly to a consumer.

**Riverine** means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**Salvage yard.** A tract of land used for the purpose of dismantling, disassembling or otherwise destroying automobiles or other vehicles in accordance with all state and local laws, for the purpose of dealing in said parts so dismantled. All such operations shall be completely enclosed by a fence meeting the requirements set forth in this Code.

**Sediment Control.** Measures that prevent eroded sediment from leaving the site.

**Shall/may.** The word "shall" is always mandatory, while the word "may" is merely permissive.

**Shopping center.** A group of architecturally unified commercial establishments built on a site which is planned, developed, owned and managed as an operating unit related in its location, size and type of shops to the trade area that the unit serves. The unit provides on-site parking in definite relationship to the types and total size of the stores.

**Sidewalk.** A paved pedestrian way generally located within public street right-of-way, but outside the roadway, and built in accordance with City specifications.

**Sign.** A name, identification, image, description, display or illustration which is affixed to, painted or represented directly or indirectly upon a building, structure or piece of land, and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization or business and which is visible from any street, right-of-way, sidewalk, alley, park or other public property.

**Sign Measurement.** The area of a wall sign or other sign with only one face shall be computed by means of the smallest square or rectangle that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral section of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. The cumulative area of all sign elements of a sign structure shall constitute the total square footage. Attachments on the sign structure shall be measured by using the smallest rectangle encompassing the sign. The cumulative total of individual sign faces or elements shall constitute the square footage of the sign structure.

**Site.** A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.

**Site Development Permit** A permit issued by the municipality for the construction or alteration of ground improvements and structures for the control of erosion, runoff, and grading.

**Small Wind Energy System.** A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics, which has a rated capacity that does not exceed 10kw, and is installed to reduce the on-site energy consumption.

**Specific use.** A use which may be suitable in certain locations in a zoning district if developed and operated under specific conditions and/or for a limited period of time.

**Stabilization.** The use of practices that prevent exposed soil from eroding.

**Start of Construction** (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Steep slope.** Areas that contain slopes over 15 percent grade and are characterized by increased runoff, erosion and sediment hazards.

**Storage building.** Any building either portable or constructed on-site, utilized for storage purposes, and not requiring plumbing and electrical wiring, and not used for residential purposes.

**Story.** The vertical distance between the floor and ceiling not to exceed fifteen (15) feet.

**Story, half.** A story under a gable, hip, gambrel roof, the floor area of which does not exceed more than seventy-five (75) percent of the area of the floor immediately below the half story.

**Street.** A public right-of-way which provides primary vehicular access to adjacent land, whether designated as a street, highway, thoroughfare, parkway, throughway, avenue, lane, boulevard, road, place, drive or however otherwise designated.

- a. Street, arterial. A thoroughfare designated as a freeway, expressway, major arterial or minor arterial in the most recently adopted City thoroughfare plan. The primary function of an arterial is to carry traffic through the City, and (an arterial) is designed for as high a speed as possible, to carry as much traffic as possible. Also known as a major thoroughfare.
- b. Street, collector. A street that primarily carries traffic from local or residential streets to major thoroughfares and highways, including the principal entrance streets for circulation to schools, parks and other community facilities within such a development, and also including all streets which carry traffic through or adjacent to commercial or industrial areas.
- c. Street, local or residential. A street that is used primarily for access to abutting residential property and circulation of traffic within residential neighborhoods. It is of a width and design to discourage through traffic, thereby protecting the residential area. A local street serves the same purpose in a commercial or industrial district.

- d. Street, frontage. A local street lying parallel to and adjoining a major street right-of-way, which provides access to abutting properties.
- e. Street, marginal access. A street which is parallel and adjacent to an arterial street and which primarily provides vehicular access to abutting properties and protection from through traffic.
- f. Street, private or service drive. A vehicular accessway under private ownership and maintenance that has not been dedicated to the City and accepted by the City.
- g. Cul-de-sac. A short public street having but one opening or access to another public street and which is terminated by a permanent vehicular turnaround.
- h. Dead-end. That portion of a public street that initially has only one opening or access to another public street, and which will be extended at a later date.

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

**Structural alterations.** Any change in supporting members of a building such as load-bearing walls, columns, girders, beams or the entire roof.

**Subdivider.** Any person or any agent thereof dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. In any event, the term "subdivider" shall be restricted to include only the owner, equitable owner, or authorized agent of such owner or equitable owner, of land to be subdivided.

**Subdivision.** The division of any tract or parcel of land into two or more parcels or lots, and the assembly of parcels or lots into one parcel or lot for the purpose, whether immediate or future, of sale or building development, expressly excluding parcels or lots divided or combined for the production of agricultural products not to be produced within a building. "Subdivision" shall also mean resubdivision and any change of lot size or lot lines or the relocation of any street.

**Subdivision, cluster.** A subdivision in which a portion of the land is set aside for one or more permanent usable open space tracts through reductions in lot sizes, as may be allowed by the provisions of the adopted ordinances of the City of Alton.

**Substantial Damage** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

**Substantial Improvement** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**Surveyor.** A licensed state land surveyor or a registered public surveyor, as authorized by the state statutes to practice the profession of surveying.

**Tattoo studio.** A facility for the act or practice of marking the skin, with indelible patterns, pictures, legends or words, by making punctures in the skin and inserting pigments.

**Thoroughfare plan.** Also known as the Hidalgo County Thoroughfare Plan is a street plan which is adopted by the City of Alton and/or Hidalgo County.

**Townhouse or row house.** One of a group of no less than three nor more than eight adjoining single-family dwelling units sharing a common wall with one or more of said adjoining dwelling units, each dwelling unit located on a separate lot.

**Used car lot.** A lot or portion thereof to be used only for the display and sale of automobiles that are in condition to be driven on or off the lot. A used car lot shall not be used for the storage of wrecked automobiles, or the dismantling of automobiles, or the storage of automobile parts.

**Variance** is a grant of relief to a person from the requirements of this Chapter when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this Chapter. (For full requirements, see 44 CFR § 60.6 of the National Flood Insurance Program Regulations.)

**Violation** means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR § 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

**Wastewater service.** The collection of waste-bearing water that requires treatment prior to its return to nature and the system of pipes and equipment used to collect and transmit this water to treatment facilities; also called sanitary sewer service.

- a. Sewerage system, public. A system designed for the wastewater collection, treatment and disposal that is wholly owned and operated by the City of Alton or any other legally incorporated town or City.
- b. Sewerage disposal system, individual private. Any system designed to provide onsite treatment and disposal of sewage flows from individual residences, duplexes, businesses or any other buildings. The system may be anaerobic, e.g., a septic transpiration bed, or other. The system must not require a permit from the Texas Department of Water Resources.

**Watercourse.** Any body of water, including, but not limited to lakes, ponds, rivers, streams, and bodies of water delineated by the City of Alton.

**Water Surface Elevation** means the height, in relation to the North American Vertical Datum of 1988 (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**Waterway.** A channel that directs surface runoff to a watercourse or to the public storm drain.

**Yard.** An open space between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise herein provided. In measuring a yard for the purpose of determining the width of a side yard, the depth

of a front yard, or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used. The minimum size of the yard shall be determined by the location of the Building Setback Line.

**APPENDIX “A”**

**TABLE A**

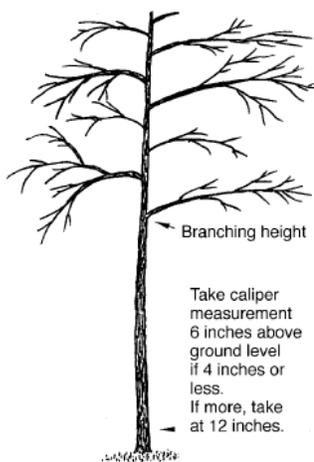
**PREFERRED LANDSCAPE MATERIALS**

Preferred trees and shrubs to be used to meet the city landscaping standards include, but are not specifically restricted to:

<b>Plant Type</b>	<b>Botanical Name</b>	<b>Common Name</b>
<b>Shade Trees</b>		
	Quercus Virginiana	Live Oak; Encino
	Celtis Laevigata	Sugar Hackberry; Palo Blanco
	Ulmus Crassifolia	Cedar Elm; Olmo
	Pithecellobium Ebano	Texas Ebony; Ebano
	Leucaena Pulverulenta	Tepeguaje; Lead Tree
	Prosopis Glandulosa	Honey Mesquite
	Fraxinum Berlandieriana	Rio Grande Ash; Fresno
	Ehretia Anacua	Anacua; Sugarberry
<b>Ornamental Trees</b>		
	Lagerstroemia Indica	Crepe Myrtle
	Celtis Pallida	Granjeno, Spiny Hackberry
	Pithecellobium Pallens	Tenaza
	Acacia Smallii	Texas Huisache
	Acacia Berlandieri	Guajillo
	Parkinsonia Aculeata	Retama; Lluvia de Oro
	Cercidium Texanum	Texas Paloverde
	Guaiacum Angustifolium	Soapbush; Guayacan
	Esenbeckia Runyonii	Jopoy
	Sapindus Drummondii	Western Soapberry; Jaboncillo
	Condalia Hookeri	Brasil, Bluewood
	Bumelia Celastrina	Coma Del Sur;Saffron-plum
	Diospyros Texana	Chapote; Persimmon
	Cordia Boissieri	Mexican Olive; Anacahuita
	Sophora Secundiflora	Mountain Laurel
<b>Shrubs for Screening</b>		
	Photinia Fraseri	Oleander
	Leucophyllum Frutescens	Purple Sage; Cenizo
		Bouganvillea
	Xylosma Flexuosa	Holly; Coronillo
	Acacia Rigidula	Black Brush
	Citherexylum Berlandieri	Tamaulipan Fiddlewood
	Tecoma stans var. angustata	Yellowbells; Esperanza
<b>Shrubs for Mass Plantings</b>		
	Viguiera Stenoloba	Skeletonbush
	Schaefferia Cuneifolia	Desert Yaupon; Capul

	Coursetia Axillaris	Texas Baby-Bonnets
	Sophora Tomentosa	Yellow Sophora; Tambalisa
	Salvia Ballotiflora	Blue Sage; Mejorana
	Malpighia Glabra	Manzanita
	Croton Humilis	Low Croton
	Rusellia Equisetiforma	Firecracker Plant
	Hesperaloe Parviflora	Red Yucca
	Hamelia Patens	Firebush
<b>Groundcover Plantings</b>		
	Lantana Horrida	Texas Lantana
	Buchloe Dactyloides	Buffalo Grass
		Verbena
	Ruellia Corzoi	Ruellia
<b>Vines</b>		
	Passiflora Foetida	Blue Passion Vine
	Passiflora Filipes	Yellow Passion Vine

**FIGURE 1**



**FIGURE 2**

