AN AMENDED COMPREHENSIVE PLANNING AND ZONING ORDINANCE FOR THE CITY OF GARDEN RIDGE, TEXAS; ESTABLISHES A PLANNING AND ZONING COMMISSION; ESTABLISHES A BOARD OF ADJUSTMENT; REGULATES AND RESTRICTS THE USE AND LOCATION OF BUILDINGS AND OUTBUILDINGS, EXTERIOR LIGHTING, FENCING AND LANDSCAPING; INCLUDES DEFINITIONS, DIVIDES THE CITY INTO ZONING DISTRICTS WITH REGULATIONS FOR EACH; SETS SPECIAL USE PERMIT REQUIREMENTS; SETS BROADCAST AND RECEPTION ANTENNA RULES; ADOPTS A MAP OF THE CITY SHOWING THE BOUNDARIES AND CLASSIFICATIONS OF ZONING DISTRICTS; PRESCRIBES A PENALTY OF NOT LESS THAN $10.00 NOR MORE THAN $2000.00 FOR VIOLATION OF THIS ORDINANCE; AND REPEALS ORDINANCE 13-102008 ADOPTED ON October 1, 2008

A. BE IT ORDAINED BY THE CITY COUNCIL OF GARDEN RIDGE, TEXAS.

A.1. The City of Garden Ridge, Texas, Ordinance 13-102008 dated, October 1, 2008 and all amendments thereto, are hereby superseded.

A.2. The zoning regulations and districts herein are according to the City of Garden Ridge (City) Master Plan for health, morale, and the general welfare of the community. The requirements for the districts derive from consideration of the desired character for each and their particular suitability for the allowed uses. There is also intent to conserve property values and to encourage the most appropriate land use throughout the community.

A.3. No interpretation of this Ordinance by any person shall be binding upon the City unless given in response to written inquiry and approved by the City Council of the City of Garden Ridge, hereinafter referred to as Council or City Council, in session.

A.4. The provisions of this Ordinance shall not apply to property belonging to the City, or to the property used to provide public utilities except as set out in the Municipal Use District regulations.

B. COMPLIANCE AND EFFECT. No person shall erect any building nor use any building or land for any purposes other than those specified in this Ordinance for the Zoning District containing such land or building. No person shall erect, reconstruct, or structurally alter any building to exceed the height or bulk limit set for the district in which the building exists. No person shall reduce or diminish any lot such that the yards or other open spaces are smaller than prescribed by this ordinance. For the purpose of complying with the provisions of this Ordinance, no yard or open space about any building shall serve as a yard or open space for any other building. Every building hereafter shall be located on a lot and in no case shall there be more than one building on one lot except as provided in this Ordinance. Should this Ordinance specify different requirements when applied to a specific case, the more restrictive requirement shall govern. Specific requirements shall apply over general requirements.

C. GRANT OF POWER. The provisions of this Ordinance are adopted in the exercise of power granted to municipalities by Sections 21.001, et seq., and 212.001, et seq., of the Texas Local Government Code, as amended, and pursuant to any and all other applicable laws.

D. VALIDITY. If any section, paragraph, subdivision, clause, phrase or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

E. PENALTY CLAUSE.

E.1. Any person, firm, or corporation who shall violate any of the provisions of this Ordinance, or who shall fail to comply therewith, or who shall violate or fail to comply with any order or regulations made thereunder, or who shall build in violation of any detailed statement of specification of plans submitted and approved thereunder, or who shall violate any certificate of or permit issued thereunder, shall for each and every violation and noncompliance respectively, be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined a sum not less than ten dollars ($10.00) nor more than two thousand dollars ($2,000.00). Each and every day that such violation and noncompliance shall exist shall be deemed a separate offense.

E.2. In case any person, firm or corporation violates any of the provisions of this Ordinance or fails to comply therewith, the City in addition to imposing the penalties above, may institute any appropriate action or proceedings in court to prevent, restrain, correct, or abate or to prevent any illegal act, conduct, business or use in, or about, any land, and the definition of any violation of the terms of this ordinance as a misdemeanor, shall not preclude the City from invoking civil remedies given it by law in such cases, but same shall be cumulative of and in addition to the penalties prescribed for such violation.

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SECTION 1
ADMINISTRATION

1.1. PLANNING AND ZONING COMMISSION.

1.1.1. Creation and Purpose. Council hereby establishes a Planning and Zoning Commission for the following purposes:

1.1.1.1. To identify community needs and to advise City Council of the short-range and long-range implications of those needs on City development;

1.1.1.2. To recommend achievable goals for the City as a basis for long-range planning and development procedures;

1.1.1.3. To recommend policies, programs, and plans that will aid the City to achieve its defined planning and development goals; and

1.1.1.4. To interpret the adopted growth and development plans and programs to concerned citizens.

1.1.2. Membership and Appointment. The Planning and Zoning Commission shall consist of seven (7) qualified electors of the City. The City Council will consider the civic interest, general knowledge of the community, independent judgment, interest in planning and zoning, and time to plan for, and attend, meetings in choosing members for the Commission. It is the intent of the City Council that members shall, by reason of diversity of their individual occupations, constitute a Commission that is broadly representative of the community.

1.1.3. Terms of Office. The terms of four (4) members shall expire on 1 October of the odd-numbered year and the terms of three (3) members shall expire on 1 October of each even-numbered year. Place numbers one (1) through (7) shall identify Commission members for determining office terms. The odd numbered places shall expire on odd-numbered years; the even-numbered places shall expire on even-numbered years. Council may appoint Commission members for multiple terms. Appointments of new members to fill vacancies shall take effect with the first regular Commission meeting after their appointment. No member's term of appointment shall exceed two (2) years.

1.1.4. Organization. The Commission shall hold an organizational meeting in October of each year to elect a Chairperson and Vice Chairperson from among its members. Elections shall precede any other matters of business. The Commission shall elect a secretary and such other officers, as it deems necessary either from its membership or from staff representatives assigned by the chief executive of the City to work with the Commission. The Commission shall meet regularly and shall adopt its own rules of procedure and keep a record of its proceedings consistent with the provisions of this ordinance and the requirements of law.

1.1.5. Duties and Powers. Council hereby gives the Planning and Zoning Commission the following duties and authority.

1.1.5.1. Inspect property and premises at reasonable hours where required to meet its responsibilities under the laws of the State of Texas and the City.

1.1.5.2. Formulate and recommend to City Council plans for the City's orderly growth and development. Also, to periodically review the plans and recommend changes that will facilitate movement of people and goods, and community health, recreation, safety, and general welfare.

1.1.5.3. Formulate a zoning plan as may be deemed best to carry out the goals of the City Comprehensive (Master) Plan. Hold public hearings, make recommendations, and report to City Council relating

to the creation, amendment, and implementation of zoning districts and regulations as provided in Section 211.001 et seq., of the Texas Local government Code, as amended. This Code authorizes governing bodies of municipalities to pass zoning regulations; all powers under said Code are specifically adopted and made a part hereof.

1.1.5.4. Exercise all Commission powers set out in Section 212.001, et seq., of the Texas Local Government Code to recommend City Council approval or disapproval of plans, plats, or re-plats and vacating of plans, plats, or re-plats.

1.1.5.5. Study and make recommendations to City Council on the location, extension and planning of public rights-of-way, parks or other public places, and on the vacating or closing thereof.

1.1.5.6. Study and make recommendations to City Council on the general design and location of public buildings, bridges, viaducts, street fixtures, and other structures and appurtenances. Study and make recommendations to City Council on the design or alteration and on the location or relocation of works of art that are, or may become, the property of the City.

1.1.5.7. Initiate public hearings for consideration of all proposals for original zoning of annexed area and change of zoning district boundaries on an area-wide basis. There shall be no fee for filing any such proposal in the name of the City.

1.1.5.8. Formulate and recommend to City Council policies and regulations, consistent with the adopted City Master Plan, governing the location of utilities, public facilities and services, owned or controlled by the City.

1.1.5.9. Provide initial review of petitions for exceptions or variances to this Ordinance and make recommendations to City Council for approval or disapproval thereof.

1.1.5.10. Stay current on the progress of city planning in the United States and recommend improvements in the adopted plans of the City.

1.1.6. Meeting and Quorum. A quorum for the conduct of business shall consist of four (4) members of the Commission. Members of the Commission shall regularly attend Commission meetings and public hearings. They shall receive no compensation other than reimbursement of authorized expenses incurred in performance of their duties.

1.1.7. Commission Actions.

1.1.7.1. Any member, other than the presiding officer, may make a motion.

1.1.7.2. A motion to approve any matter before the Commission or to recommend approval of any request requiring City Council action shall require four (4) YES votes of the members present. Any motion to recommend approval that fails to carry by four (4) YES votes, when all Commission members are not present at the time of voting, shall carry to the next regular meeting upon a motion carried by a majority of those present. The motion may carry to a called meeting prior to the next regular meeting if deemed in the community's best interest. Further, no motion for approval shall continue under this rule beyond the Commission's next regular meeting. Failure of the Commission to secure four (4) YES votes to approve, or recommend approval, by the second regular meeting shall show in Commission minutes as a denial of the proposal under this rule.

1.1.7.3. Disqualification from Voting.

1.1.7.3.1. A member shall disqualify himself from voting whenever he finds that he has personal or monetary interest in property under appeal, or that the Commission decision directly affects him.

1.1.7.3.2. A member may disqualify himself from voting whenever any applicant, or his agent, has sought to influence the vote of the member, on his application or other than in the public hearing.

1.2. BOARD OF ADJUSTMENT.

1.2.1. Creation and Purpose. The City Council shall be the Board of Adjustment as prescribed by Section 211.008(g) of the Texas Local Government Code (The Code). The Board of Adjustment shall:

1.2.1.1. Hear and decide appeals on alleged error of any order, requirement, decision, or determination by an administrative official in the enforcement of The Code or of any ordinance adopted thereunder;

1.2.1.2. Hear and decide special exceptions to the terms of a zoning ordinance when the ordinance requires the Board to do so; and

1.2.1.3. Authorize in specific cases a variance from the terms of a zoning ordinance if, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done. The Board may approve, approve with conditions, or deny each variance request. Variances approved shall not be contrary to the public interest. The Board shall include the following requirements for any favorable consideration of a variance request.

1.2.1.3.1. Demonstrated or obvious, property use limitations resulting from unusual physical, topographic or geographic features;

1.2.1.3.2. Property owner will not obtain any special privilege as a result of granting a variance;

1.2.1.3.3. The property has no reasonable use without a variance;

1.2.1.3.4. Economics is not the only basis for any variance; and

1.2.1.3.5. Need for variance not being a result of property owner action.

1.3. CHANGES AND AMENDMENTS.

1.3.1. For the purpose of establishing and maintaining sound, stable, and desirable development within the territorial limits of the City, the City Council may, from time to time, amend the boundaries of the districts herein established.

1.3.2. Amendments to this Ordinance may start from City Council motion, recommendation from Planning and Zoning Commission, or citizen petition using procedures given herein. Amendments to the Zoning Ordinance shall not be subject to the initiative and referendum process.

1.3.3. All petitions for amendments to this Ordinance shall be in writing, signed and filed with the City Secretary for presentation to the Planning and Zoning Commission for official processing. Petitions for zoning changes shall be in writing, signed and filed with the City Secretary for presentation to the Planning and Zoning Commission for official processing using Planning and Zoning Form 1, Application for Change of Zoning. Petitions for variances shall be in writing, signed and filed with the City Secretary for presentation to the Planning and Zoning Commission for official processing using Planning and Zoning Form 2, Application for Variance. The Planning and Zoning Commission shall have a minimum of thirty (30) days for processing.

1.3.4. All petitions shall contain at least the following information:

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

1.3.4.2. The nature and effect of the proposed amendment;

1.3.4.3. A legal description of the land covered by the petition, and all public and private rights-of-ways and easements bounding and intersecting the land under consideration; and

1.3.4.4. A fully dimensioned map drawn to scale by a registered engineer or land surveyor showing the land that the proposed amendment will affect.

1.3.5. At the time the petition is filed, the petitioner shall pay a non-refundable fee set by City Ordinance. Petitioner shall also agree to pay any additional expenditure incurred by the City in processing the petition. Each time a petition is resubmitted an additional payment of the fee is required.

1.3.6. City shall send written notice of each public hearing before the Planning and Zoning Commission on a proposed property zoning classification change. Notice is to each owner (as given on the current approved City tax roll) of real property within two hundred (200) feet of the property on which the change in classification is proposed. The City shall send such notice before the tenth (10th) date before the hearing date. Except where otherwise allowed by Section 211.007 of the Texas Local Government Code, as amended, the Notice may be served by depositing the same, properly addressed and postage paid, with the United States Postal Service.

1.3.7. City Council shall hold a public hearing before adopting any proposed amendment, supplement or change to a zoning regulation or boundary. A Notice stating the time, date, and place of the hearing shall be published in an official newspaper or newspaper of general circulation in the City before the fifteenth (15th) day before the date of the hearing.

1.3.8. If the Planning and Zoning Commission recommends that the proposed amendment or change be denied or; if a protest - duly written and signed by the owners of at least twenty (20) percent of the area of the lots or land covered by such proposed change or the area of the lots or land immediately adjoining the area covered by the proposed change and extending two hundred (200) feet from that area including the area of streets and alleys - against such amendment or change has been filed with the City Secretary, then such amendment shall not become effective except by the affirmative vote of at least three-fourths (3/4) vote of all members of the City Council.

SECTION 2
DEFINITIONS

2.1. GENERAL.

2.1.1. Words, phrases and terms of this Ordinance shall have meaning as defined in this chapter. Where a specific definition is not in this chapter and the applicable building or mechanical codes define the terms, definitions in those codes shall apply. Where the preceding does not define terms, they shall have ordinarily accepted meanings such as the context imply. Words in the present tense include the future. Singular words include the plural, and the plural includes the singular. Use of masculine gender includes the feminine and neuter. The word, "shall", is mandatory.

2.2. SPECIFIC.

2.2.1. Abutting Property. Property abutting upon a street also, by definition, abuts property on the other side of the street.

2.2.2. Accessory Building. In a residential zoned district, a subordinate building, detached from the main building, not used for commercial purposes and not rented or containing servants or other living quarters, a storage room for domestic storage only or space for one or more automobiles. In other districts, a subordinate building, the use of which is incidental to and used only in conjunction with the main building.

2.2.3. Accessory Living Quarters. An accessory building used solely as the temporary dwelling of guests of the occupants of the premises; such dwelling having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.

2.2.4. Accessory Use. A use conducted on the same lot as the primary use of the structure to which it is related and which use is clearly incidental to and customarily found in connection with, such primary use.

2.2.5. Administrator. City of Garden Ridge Administrator.

2.2.6. Agent. Person authorized by another to act for him, one entrusted with another's business.

2.2.7. Agriculture. The tilling of soil, raising of crops, animal, horticulture, gardening, bee keeping and aquaculture.

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

2.2.9. Alteration. Any change, addition or modification in construction, occupancy or use.

2.2.10. Amusement Center. An establishment offering five (5) or more amusement devices, including, but not limited to, coin operated electronic games, shooting gallery, table games and similar recreational diversions within an enclosed building.

2.2.11. Automobile and Motor Vehicle Sales Area. An open area, other than a street or required automobile parking space used for the display or sale of new or used automobiles or trailers, and where no repair work is done except minor incidental repair of automobiles or trailers to be displayed and sold on the premises.

2.2.12. Automotive Repair, Major. An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers and similar large mechanical equipment, including paint, vehicle body,

fender and major engine and engine part overhaul, which is conducted within a completely enclosed building.

2.2.13. Automotive Repair, Minor. An establishment primarily engaged in the repair or maintenance of motor vehicle, trailers and similar mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune ups and transmission work, which is conducted within a completely enclosed building.

2.2.14. Automotive Service Station. That portion of property where flammable or combustible liquids or gases used as fuel are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. Accessory activities shall be permitted to include automotive repair and maintenance, car wash service, and food sales.

2.2.15. Bed and Breakfast Facility. A limited commercial activity conducted within a structure, which includes dining and bathroom facilities with sleeping rooms for short-term guest lodging.

2.2.16. Billboard. Any sign of advertisement used as an outdoor display for the purpose of making anything known, the origin or point of sale of which is remote from said display.

2.2.17. Block. Land, or a group of lots, surrounded by streets or other rights-of-way, other than an alley, or land which is designated as a block on any recorded subdivision tract.

2.2.18. Board. The Board of Adjustment of the City of Garden Ridge.

2.2.19. Boat. A vessel propelled by oars, paddles, sail, or gasoline/diesel power, and capable of floating on water.

2.2.20. Breezeway. A covered passageway that is one story in height connecting two buildings.

2.2.21. Buffer Zone. That portion of open space that separates residential districts from industrial and commercial districts.

2.2.22. Building. Any structure used or intended for supporting or sheltering any use or occupancy.

2.2.23. Building Inspector. The legally designated inspection authority of the City or the authorized representative.

2.2.24. Building Line. A building limit fixed at a specific distance from the front or side boundaries of a lot beyond which a structure (excluding open steps, terraces, cornices, and other ornamental features projecting from the walls of the building or structure) cannot lawfully extend.

2.2.25. Building Setback Line. The line within a property defining the minimum horizontal distance between a building and the adjacent street line.

2.2.26. Building, Main. A building in which the principal use of the site is conducted.

2.2.27. Building, Temporary. A building used temporarily for the storage of construction materials and equipment incidental and necessary to on-site permit construction of utilities, or other community facilities, or used temporarily for sale of property within subdivisions still under construction.

2.2.28. Business or Financial Services. An establishment intended for the conduct or service or administration by a commercial enterprise, or offices for the conduct of professional or business service.

2.2.29. Carport. A roofed structure open on at least two sides and used for the storage of private or pleasure-type vehicles.

2.2.30. Certificate of Occupancy. Certificate issued by the Building Inspector for the use of a building, structure, and/or land complying with provisions of all applicable City codes, ordinances, and regulations.

2.2.31. City. City of Garden Ridge, Texas.

2.2.32. Clinic. An establishment of offices in which a group of physicians, dentists, or other practitioners of the healing arts, and allied professional assistants are associated for the purpose of diagnosing and treating ill or injured persons. Clinic includes a medical or dental laboratory, but does not include facilities for providing room or board for patients, nor does a clinic include offices or facilities for veterinarians.

2.2.33. City Official. The legally designated head of a City department or the authorized representative when acting in an official capacity.

2.2.34. Commercial Motor Vehicle. Any motor vehicle other than a motorcycle designed or used for the transportation of property, including every vehicle used for delivery purposes.

2.2.35. Commission. The Planning and Zoning Commission of the City of Garden Ridge, Texas.

2.2.36. Common Access Route. A private way that affords the principal means of access to individual home lots or auxiliary buildings.

2.2.37. Common Property. A parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the individual building sites in a Planned Unit.

2.2.38. Comprehensive (Master) Plan. The declaration of purposes, policies, and programs for the development of the jurisdiction.

2.2.39. Conditional Use. A use that would become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions.

2.2.40. Convalescent Center. A facility which is publicly or privately operated and intended for long-term patient care due to human illness or infirmity, including the elderly and developmentally disable, normally employing the services of skilled and licensed practitioners, excluding hospitals.

2.2.41. Cul-de-sac. A street having but one outlet to another street, and terminated on the opposite end by a vehicular turn-around.

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

2.2.43. Day Care Nursery. A commercial enterprise where ten (10) or more children are left for care between the hours of 7:00 a.m. and 11:30 p.m.

2.2.44. Dead-end Street. A street, other than a cul-de-sac, with only one outlet.

2.2.45. District. A section of the City of Garden Ridge for which regulations governing the zoning area, height, and use of buildings are uniform.

2.2.46. Driveway. A private access road, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel in which it is located.

2.2.47. Dwelling, Single Family. A detached dwelling unit with kitchen and sleeping facilities designed for occupancy by one family.

2.2.48. Easement. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on, or above said lot or lots. Private instruments, plat or law creates easements.

2.2.49. Engineer. A person duly authorized and properly registered under the provisions of the Texas Engineering Registration Act, as heretofore or hereafter amended, to practice the profession of engineering.

2.2.50. Exterior Side Yard. Occurring only on corner lots, specifically on the corner bordered by a street, a side yard which begins perpendicular to the front house line and extends in width (depending on specific plat) to the rear lot line (see Figure 1).

2.2.51. Face of Building, Primary. The wall of a building fronting on a street or right-of-way, excluding any appurtenances which project such as fins, columns, pilaster, canopies, marquees, showcases or decorations.

2.2.52. Family. An individual or two or more persons related by blood, marriage or adoption, living together as a single housekeeping unit. This is the basic occupancy intended for "single-family residence" district.

2.2.53. Farm. An area of ten (10) acres, or more, which is used for the usual farm products, such as vegetables, fruits, trees, and grain and their storage on the area, as well as, the raising thereon of the usual farm poultry and farm animals such as, horses, cattle, and sheep 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.

2.2.54. Farm Animals. Animals other than household pets kept and maintained for commercial production and sale or family food production, education, or recreation where allowed by Residential-Agriculture District zoning. Farm animals are identified by these categories: large animals, e.g., horses and cattle; medium animals, e.g., sheep, goats; or small animals, e.g., rabbits, chinchillas, chickens, turkeys, pheasants, geese, ducks, and pigeons.

2.2.55. Fence. A barrier intended to prevent escape, intrusion, or to mark a boundary.

2.2.56. Floodway. Those flood lands, including the channel, required to carry and discharge the one hundred (100) year recurrence internal flood, as defined by the regulations of the Federal Emergency Management Agency (FEMA).

2.2.57. Floor Area, Gross. The sum of the horizontal areas of floors of a building measured form the exterior face of exterior walls, or, if appropriate, from the centerline of dividing walls; this includes courts, decks, or porches when covered by a roof.

2.2.58. Floor Area, Net. The gross floor area exclusive of utility vents, service shafts, courts, elevators, stairways, exterior walls, and similar facilities.

2.2.59. Floor Area, Ratio. The numerical value obtained by dividing the gross floor area of a building by the area of the lot on which the building is constructed.

2.2.60. Fraternal Club or Lodge. A membership organization, excepting one whose chief activity is a service customarily carried on as a business and excluding on-premises sale and/or consumption of alcoholic beverages. Such clubs or lodges are limited to the Neighborhood Service (B-1) and Office and Professional (B-2) districts.

2.2.61. Frontage. The width of a lot or parcel abutting a public right-of-way measured at the front property line.

2.2.62. Front Yard. An open unoccupied space on a lot facing a street and extending across the front of a lot between the side yard lines and being the minimum horizontal distance between the street line and the main building or other projection thereof, other than the projection of the usual steps or eaves overhang.

2.2.63. Garage, Commercial. A commercial garage is a premise and structure used for housing more than five (5) motor vehicles or where any vehicles are repaired for operation or kept for remuneration, hire, or sale.

2.2.64. Garage, Private. An enclosed accessory building designed or used for the storage of not more than four (4) motor-driven vehicles owned and used by the occupants of the building to which it is necessary. Not more than one (1) of the vehicles may be a commercial vehicle not to exceed two-ton capacity.

2.2.65. Garage, Public. A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing motor-driven vehicles.

2.2.66. Grade. (Adjacent Ground Elevation). The lowest point of elevation of the existing surface of the ground, within the area between the building and a line five (5) feet from the building.

2.2.67. Gross Leasable Area (GLA). The total floor area of a commercial building designed for tenant occupancy and exclusive use, including basements, mezzanines and upper floors, expressed in square feet (m2) as measured from the center line of joint partitions and from outside wall faces.

2.2.68. Height, Building. The vertical dimension measured from the average elevation of the finished lot grade at the front of the building, to the highest point of ceiling of the top story in the case of a flat roof; to the decline of a mansard roof; and to the average height between the plate and ridge of a gable, hip or gambrel roof.

2.2.69. Home Occupations. Any occupation that is customarily performed at home that does not involve a structural change in the building, that does not require the employment of help, the installation of equipment, and shall not include beauty culture schools, beauty parlors, barber shops, electrician shops, radio shops, plumber's shops, tin shops, auto repair or painting, furniture repair, or other similar uses.

2.2.70. Household Pets. Dogs, cats, rabbits, or birds kept by family for noncommercial use.

2.2.71. Interior Side Yard. A side yard that is located directly adjacent to another interior side yard (see Figure 1).

2.2.72. Landscaping. The finishing and adornment of unpaved yard areas. Materials and treatment generally include naturally growing elements such as grass, trees, shrubs and flowers. This treatment shall be permitted also to include the use of logs, rocks, fountains, water features and contouring of the earth.

2.2.73. Livestock. Includes, but is not limited to, horse, bovine animals, sheep, goats, swine, reindeer, donkeys, mules, and any other hoofed animals.

2.2.74. Loading Space. A space within the main building or on the same lot therewith providing for the standing, loading or unloading of trucks, and having a minimum dimension of 12 by 35 feet and a vertical clearance of at least 14 feet.

2.2.75. Lot. A single parcel of land.

2.2.76. Lot Area. The area of a lot between lot lines, including any portion of an easement that may exist within such lot lines.

2.2.77. Lot, Corner. A lot that has an interior angle of less than 135 degrees at the intersection of two streets lines. A lot abutting upon a curved street shall be considered a corner lot if the tangents of the curve at the points of the intersection of the side lot lines intersect at an interior angle of less than 135°.

2.2.78. Lot, Double Frontage. A lot having a frontage on two non-intersecting streets as distinguished from a corner lot.

2.2.79. Lot, Flag. A lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip connecting the main building site with the frontage street.

2.2.80. Lot, Interior: A lot other than a corner lot.

2.2.81. Lot, Irregular. A lot whose opposing property lines are generally not parallel, such as a pie-shaped lot on a cul-de-sac, or where the side property lines are not parallel to each other.

2.2.82. Lot of Record. A lot which is part of a subdivision, the map of which has been recorded in the office of the County Clerk of Comal County; or a parcel of land, the deed of which was recorded in the office of the County Clerk of Comal County.

2.2.83. Manufactured Home. A structure, transportable in one or more sections, which in the traveling mode is eight (8) body feet (ft) or more in width, or forty (40) body feet in length, or when erected on site is 320 square feet (ft^2) or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein, as defined by the regulations of the Department of Housing and Urban Development (HUD).

2.2.84. Manufacturing, Light. The manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment, including research activities, conducted entirely within an enclosed structure, with no outside storage, serviced by a modest volume of trucks or vans and imposing a negligible impact on the surrounding environment by noise, vibration, smoke, dust or pollutants.

2.2.85. Masonry (includes masonry veneer). Natural rock or brick placed on site and bonded with mortar or cement. It is also concrete formed or applied on-site with engineered reinforcement. Cement stucco is masonry. Preformed cement board or planking is siding, not masonry, for purposes of this Ordinance.

2.2.86. Mobile Home. A movable or portable dwelling constructed to be towed by a motor vehicle on its own chassis over Texas Roads and Highways under special permit, connected to utilities, and designed without a permanent foundation, for year-round living. It may consist of one or more units than can be telescoped when towed and expanded later for additional capability or of two or more units separately towed but designed to join into one integral unit.

2.2.87. Mobile Home Park. A tract of land developed and operated as a unit with individual sites and facilities to accommodate two (2) or more mobile homes.

2.2.88. Modular Home. A factory-built home, other than a manufactured home, which meets all of the following requirements:

2.2.88.1. Is designed only for erection or installation on a site-built permanent foundation;

2.2.88.2. Is not designed for relocation once so erected or installed;

2.2.88.3. Is designed and manufactured to comply with the International Building Code or modular building code recognized as generally equivalent to the International Building Code by City Council upon recommendation of the City Architect.

2.2.88.4. To the manufacturer's knowledge, is not intended to be used other than on a site-built permanent foundation.

2.2.89. Mortuary, Funeral Home. An establishment in which the dead are prepared for burial or cremation. The facility shall be permitted to include a chapel for the conduct of funeral services and spaces for funeral services and informal gathering, and/or display of funeral equipment.

2.2.90. Motor Vehicle. Every vehicle, as herein defined, which is self-propelled.

2.2.91. Natural Waterways. Those areas, varying in width along streams, creeks, springs, gullies or washes, which are natural drainage channels as determined and identified by the jurisdiction.

2.2.92. Nonconforming Lot. A lot whose width, area or other dimension did not conform to the regulations when this code became effective.

2.2.93. Nonconforming Sign. A sign or sign structure or portion thereof lawfully existing at the time this code became effective, which does not now conform.

2.2.94. Nonconforming Structure. A building or structure or portion thereof lawfully existing at the time this code became effective, which was designed, erected or structurally altered for a use that does not conform to the zoning regulations of the zone in which it is located.

2.2.95. Non-conforming Use. See 2.2.137. Use, Nonconforming.

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

2.2.97. Open Space. Land areas that are not occupied by buildings, structures, parking areas, streets, alleys or required yards. Open space may be devoted to landscaping, preservation of natural features, patios, and recreational areas and facilities.

2.2.98. Park. A public or private area of land, with or without buildings, intended for outdoor active or passive recreation uses.

2.2.99. Parking Lot. An open area, other than a street, used for the parking of automobiles.

2.2.100. Parking Space. Minimum area required for the placing of a common full size automobile with sufficient room to enable the vehicle access in and out of the space.

2.2.101. Permit. An official document or certificate issued by the authority having jurisdiction authorizing performance of a specified activity.

2.2.102. Person. A natural person, heirs, executors, administrators or assigns and includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

2.2.103. Planned Unit. A land area of individual building sites and common property such as a park, and is designed to be capable of satisfactory use and operation as a separate entity without necessarily having the participation of other building sites or other common property. The ownership of a common property may be either public or private.

2.2.104. Planned Residential Unit Development. A single planned unit as initially designed; or such a unit as expanded by annexation of additional land area; or a group of continuous planned units, as separate entities or merged into a single consolidated entity.

2.2.105. Plot Plan. A plat of a lot, drawn to scale, showing the use of the land, to include locations of buildings, drives, sidewalks, parking areas, drainage facilities and other structures to be constructed. It shall show actual measurements, size and location of all existing buildings or any buildings to be erected, the location of the lot in relation to abutting streets, and other such information.

2.2.106. Plat. A complete and exact plan for the subdivision of a tract of land into lots for building purposes, which, if approved, shall be submitted to the County Clerk for recording.

2.2.107. Premises. A parcel of land or real estate, or a building or structure.

2.2.108. Public Improvement. Any drainage ditch, storm sewer or drainage facility, sanitary sewer, water main, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement or other facility for which the local government may ultimately assume the responsibility for maintenance and operation or for which the local government responsibility is established.

2.2.109. Public Services. Uses operated by a unit of government to serve public needs, such as police (with or without jail), fire services, ambulance, judicial court or government offices, but not including public utility stations or maintenance facilities.

2.2.110. Public Utility Station. A structure or facility used by the City or City franchised utility agency to store, distribute, generate electricity, gas, telecommunications, and related equipment, or to pump or chemically treat water. This does not include storage or treatment of sewage, solid waste or hazardous waste.

2.2.111. Recreational Vehicle. A vehicular type unit primarily designed as temporary living quarters for recreational camping, or travel use, that either has its own motive power or is mounted on or towed by another motor vehicle. The basic entities are travel trailers, camping trailers, truck-mounted campers and motor homes that are capable of self-contained operation.

2.2.112. Recreation, Indoor. An establishment providing completely enclosed recreation activities. Accessory uses shall be permitted to include the preparation and serving of food and/or the sale of equipment related to the enclosed uses. Included in this definition shall be bowling, roller-skating or ice skating, billiards, pool, motion picture theaters, and related amusements.

2.2.113. Recreation, Outdoor. An area free of buildings except for restrooms, dressing rooms, equipment storage, maintenance buildings, open-air pavilions, and similar structures used primarily for recreational activities.

2.2.114. Renovation. Interior or exterior remodeling of a structure, other than ordinary repair.

2.2.115. Residence, One (Single) Family. A detached building having accommodation for, and occupied by, one family.

2.2.116. Restaurant. An establishment that sells prepared food for consumption.

2.2.117. Retaining Wall. A structure that serves to hold back the pressure of water or sliding earth.

2.2.118. Right-of-way. The right given to the general public or groups of the general public to utilize in the future, property or rights of another without compensation of any kind at any time. Private instruments, plat or law creates rights-of-way. Utilization when such future time arrives of such

right-of-way will be by ordinance, resolution, statute, conveyance of any easement or through any act of the Planning and Zoning Commission, declaring that such right-of-way shall thereafter be utilized by the general public or groups of the general public.

2.2.119. Salvage Yard. Any location, whose primary use is where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled or handled, including, but not limited to, materials such as scrap metals, paper, rags, tires, and bottles.

2.2.120. School, Commercial. A school establishment to provide for the teaching, clerical managerial or artistic skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete educational curriculum (e.g., beauty school, modeling school).

2.2.121. Semi-Trailer. Every vehicle of the trailer type so designed or used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another motor vehicle.

2.2.122. Setback Line. A line which marks the setback distance from the property line, and establishes the minimum required front, side and rear yard space of a building plat.

2.2.123. Shopping Center. An integrated grouping of commercial activity, primarily of a retail and personal service nature, in a single building complex having the individual establishments joined by a common covered pedestrian mall.

2.2.124. Sign. Any device or surface on which figures, letters, illustrations, photographs, designs, logos, or outlines and used for such purposes as identification of individuals, partnerships or organizations; advising of products and/or location which is visible to the public. This includes lights, banners and similar devices to attract attention but excludes signs affixed to motor vehicles.

2.2.125. Site Plan. A plan which outlines and depicts the use and development of any tract of land.

2.2.126. International Building Code. The International Building Code promulgated by the International Code Council, as adopted by the City Council.

2.2.127. Specific Use. Occupancy of property or construction of any building, in any zoning district established by this Ordinance, for any purpose.

2.2.128. Story. That portion of building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than six (6) feet above grade, as defined herein, for more than 50 percent of the total perimeter or is more than twelve (12) feet above grade, as defined herein, at any point, such usable or unused under-floor space shall be considered as a story.

2.2.129. Street. Any thoroughfare or public driveway, other than an alley, and more than twenty (20) feet in width, which has been dedicated or deeded to the public for public use.

2.2.130. Street Line. A dividing line between a lot, tract, or parcel of land and a contiguous street.

2.2.131. Structure. Anything constructed or built that the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

2.2.132. Structure, Principal. The principal structure that fulfills the purpose for which the building plot is intended.

2.2.133. Structure, Alterations. Any change in the supporting member of a building, such as a bearing wall, column, beams or girders.

2.2.134. Subdivision. The division of a tract, lot or parcel of land into two or more lots, plats, sites or other divisions of land.

2.2.135. Trailer. Every vehicle without motive power designed or used for carrying property or passengers wholly on its own structure and to be drawn by a motor vehicle.

2.2.136. Use. The activity occurring on a lot or parcel, for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied, including all accessory use.

2.2.137. Use, Change of. The change within the classified use of a structure or premise.

2.2.138. Use, Nonconforming. A use which lawfully occupied a building or land at the time this code became effective, which has been lawfully continued and which does not now conform with the use regulations.

2.2.139. Use, Principal. A use which fulfills a primary function of a household, establishment, institution or other entity.

2.2.140. Use, Temporary. A use that is authorized by this code to be conducted for a fixed period of time. Temporary uses are characterized by such activities as the sale of agricultural products, contractors' offices and equipment sheds, fireworks, carnivals, flea markets, and garage sales.

2.2.141. Variance. A City Council approved deviation from a planning and zoning regulation whose strict enforcement will result in undue hardship. Pecuniary hardship to the owner, standing alone, shall not be deemed to constitute undue hardship.

2.2.142. Vehicle. Every mechanical device, in/upon, or by which any person or property is or may be transported or drawn upon a public highway, including motor vehicles, commercial motor vehicles, truck-tractors, trailers, and semi-trailers, severally, as hereinafter defined, but excepting devices moved by human power or used exclusively upon stationary rails or tracks.

2.2.143. Vision Clearance. An open, unoccupied triangular space at the street corner of a corner lot, the space being defined by a setback line extending across the street corner between points established on the street lines by measurements from the corner.

2.2.144. Wall. Masonry fence.

2.2.145. Warehouse, Wholesale or Storage. A building or premises in which goods, merchandise or equipment are stored for eventual distribution.

2.2.146. Wrecking Yard. Any place where damaged or inoperable or obsolete machinery such as cars, trucks and trailers, or parts thereof, are stored, bought, sold, accumulated, exchanged, disassembled or handled.

2.2.147. Xeriscape. A managed landscape comprised of those native and adaptive plant species that, once established, requires only normal rainfall for survival.

2.2.148. Yard. An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. 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.

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

2.2.150. Yard, Rear. A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than the projections of uncovered steps, unenclosed balconies, or unenclosed porches.

2.2.151. Yard, Side. A yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard and being the minimum horizontal distance between the side lot line and the side of the main buildings or any projections thereto.

2.2.152. Zero Lot Line Development. Single-family dwellings arranged on individual lots as detached structures with one (1) or more side walls on a side property line.

SECTION 3
USE DISTRICTS

3.1. DISTRICT CLASSIFICATIONS. The City of Garden Ridge has nine (9) districts to classify, regulate and restrict the locations of uses and locations of buildings designated for specific areas. Districts also provide means to regulate and determine the areas of yards, courts and other open spaces within or surrounding buildings. Districts, in descending order of preferred land use are:

3.1.1. Agricultural.
3.1.1.1. Residence-Agriculture (RA) District.

3.1.2. Residential.
3.1.2.1. Single Family Dwelling (R) District.
3.1.2.2. Country Club (CC) District.

3.1.3. Commercial.
3.1.3.1. Office and Professional (B-2) District.
3.1.3.2. Neighborhood Service (B-1) District.
3.1.3.3. Municipal Use (MU) District.

3.1.4. Industrial.
3.1.4.1. Light Industrial (LI) District.
3.1.4.2. Industrial Zone (Z-1) District.

3.1.5. Overlay
3.1.5.1. Aquifer Protection (AP) District

3.2. MAPS and BOUNDARIES.

3.2.1. The official zoning map, as approved by City Council, shows the district locations and boundaries. The map and subsequent amendments thereto shall be part of this Ordinance and kept as Appendix 1 to this Ordinance.

3.2.2. Copy of the official Zoning Map shall be on file with the records of the Planning and Zoning Commission and one (1) copy shall be displayed in City Council Chamber and in City Hall.

3.2.3. Upon adoption of this ordinance the City Secretary shall affix a certificate identifying the map at Appendix 1 as the official Zoning Map of the City. The City Secretary shall also officially identify the copies kept in Planning and Zoning Commission records and in the Council Chambers. City Secretary shall post all amendments to the map the first business day after their enactment and note the date of the change on the certificate.

3.3. ZONING UPON ANNEXATION. Any territory hereafter annexed to the City of Garden Ridge shall have its zoning district determined as part of the annexation process and be subject to all conditions and regulations applicable to property in such district.

3.4. CONDITIONAL USES. There may be certain uses necessary to the City because of the unusual characteristics of the service they provide. These uses may not fall within the uses specifically classified and permitted in each district. These conditional uses require specific consideration as to their proper location to adjacent, established or intended uses, or to the planned growth of the City. Sections 11 and 12 of this Ordinance set conditions controlling the locations and operation of such special uses.

SECTION 4
AGRICULTURAL

4.1. RESIDENCE-AGRICULTURE (RA) DISTRICT.

4.1.1. Use restrictions: In the RA Residential- Agriculture District, use no land and erect no building to any other use than the following:

4.1.1.1. Farm and ranch agriculture uses, together with farm dwelling and customary agricultural accessory uses and buildings, provided such uses shall not constitute a public health threat or nuisance.

4.1.1.2. A school or church conditioned on City approval of a Special Use Permit according to requirements in Section 12 of this Ordinance.

4.1.1.3. A public park.

4.1.1.4. Home business or occupation as authorized in this Ordinance.

4.2. AQUIFER PROTECTION (AP) DISTRICT.

4.2.1. Use restrictions. The AP District is an overlay district for protection of City well sites and aquifer recharge features from biological and chemical contamination. The District surrounds each City well site and geologic recharge feature, within the Edwards Aquifer recharge zone, for a radius of fifteen hundred (1500) feet. Within the AP District, no use or activity is permitted that presents a danger of bacteriologic, chemical or radiologic pollution of the ground water aquifer.

4.2.2. Specific prohibitions include: cemeteries; liquid transmission pipelines; petroleum and chemical processing, production, mixing, transmission or transfer facilities; petroleum or chemical storage tanks and vats; wood treatment facilities; sewage treatment plants, wet wells, pumping station or drainage ditch for industrial waste discharges or wastes from sewage treatment systems, sewage sludge disposal or effluent irrigation areas; livestock and animal pens, feedlots, or abandoned and improperly sealed wells

SECTION 5
RESIDENTIAL

5.1. SINGLE FAMILY DWELLING (R) DISTRICT.

5.1.1. Use Restrictions: In Single Family Dwelling (R) District no land shall be used and no building shall be erected for or converted to any use other than the following:

5.1.1.1. A one family dwelling and associated outbuildings limited to accessory use.

5.1.1.2. A school or church conditioned on City approval of a Special Use Permit according to requirements in Section 12 of this Ordinance.

5.1.1.3. A public park or private social and recreational facilities developed as an integral part of an approved subdivision designed to serve the community.

5.1.1.4. This district shall have no mobile homes, manufactured homes, and accessory living quarters or other non-permanent living structures.

5.1.2. Residential Outbuildings (Garages, Sheds, Tool Rooms, Greenhouses, Cabanas, Gazebos, and Structures other than a primary residence).

5.1.2.1. Residential outbuildings, including detached garages shall not be used as a residence or guesthouse or servant's quarters temporarily or permanently.

5.1.2.2. When a residential outbuilding attaches permanently to a main building by a slab continuous with that of the main building, it becomes part of the main building.

5.1.2.3. Residential outbuildings (not attached), together with any breezeways, shall not occupy more than thirty (30) percent of the rear yard.

5.1.2.4. Every house (main building) constructed or renovated shall have at least a two (2) car garage, either attached or detached. Attached garages shall open only to an interior lot side or to the rear of the house. Garages connected to the main structure by breezeway or gallery shall not be forward of the front plane of the house and shall not face a paved street. Detached garages shall not extend forward of the rear plane of the house and shall not face a paved street. Also, they shall be at least fifteen (15) feet from the side property line and at least seventy-five (75) feet from the front property line.

5.1.2.5. These requirements apply within subdivisions and to residential lots of less than ten (10) acres:

5.1.2.5.1. All structures shall anchor to a reinforced concrete pad or slab or shall be held by ground anchor bolts and straps installed according to manufacturer's recommendations.

5.1.2.5.2. Total impervious cover for a lot including residence, driveway, pools, outbuildings and other structures shall not exceed Thirty-five (35) percent of the lot area.

5.1.2.5.3. No more than one (1) structure of a given type or more than three (3) total structures excluding the residence shall be on a single lot. No single outbuilding or other structure shall exceed 1000 square foot (ft^2) in area.

5.1.2.5.4. Structures with a floor area less than 100 square foot (ft^2) may be of metal, wood, glass, fiberglass or masonry (brick, stone, or stucco). Structures shall not exceed fifteen (15) feet in total height. Structures shall be behind the rear plane of the residence and shall not be in any right-of-way or easement, nor block access to any right-of-way or easement. Structures shall match the exterior colors of the residence. Masonry used shall match that of the residence.

Planting of perennial plants -- which will block fifty (50) percent of the structure from view from adjoining lots or streets when fully grown -- is required within ninety (90) days of completion of the structure. Plants are not necessary when a six- (6) foot in height wall or fence blocks view of the structure from adjoining lots or streets.

5.1.2.5.5. Structures with a floor area of 100 square foot (ft^2) to 300 ft^2 may be metal, wood, glass, fiberglass or masonry (brick, stone, or stucco). Total structure height shall not exceed the height of the roofline of the residence. Structures shall be behind the rear plane of the residence and shall not be in any right-of-way or easement, nor block access to any right-of-way or easement. (Exception: Gazebos may be anywhere on a lot except in a right-of-way or easement if the responsible architectural review committee and City Planning and Zoning Commission approve the design and site.) Structures shall be on a gravel or reinforced concrete pad. Gravel pads shall be at least four (4) inches above grade and extend twelve (12) inches beyond all sides of the structure. Planting of perennial plants -- which will block fifty (50) percent of the structure from view from adjoining lots or streets when fully grown -- is required within ninety (90) days of completion of the structure. Plants are not necessary if a six- (6) foot in height wall or fence blocks view of the structure from adjoining lots or streets. Structures shall match the exterior colors of the residence. Masonry shall match that of the residence. Design and location require approval of the responsible architectural control committee before the City will issue a building permit.

5.1.2.5.6. Structures with a floor area greater than 300 ft^2 shall meet the building code requirements, architecture, materials and color of the residence. Total structure height shall not exceed the height of the roofline of the residence. Design and location -- to include a landscape plan for limiting visual impact to adjoining lots -- require approval of the responsible architectural control committee and City Council (with recommendation of the City Planning and Zoning Commission). Swimming pools are excepted from requiring City Council site approval under this paragraph when the pool and all its associated structures and components are: a) located entirely behind the rear plane of the residence and; b) built in-ground with an average deck height less than twenty-five (25) inches above grade with no elevated component (waterfall, slide, etc.) more than four (4) foot above grade. On corner lots, the pool must also be located behind the extended side plane of the house on the side facing the exterior lot line. Pools enclosed, or surrounded by, the house structure so as to not be visible from front or side streets shall be deemed as meeting the requirements of this exception.

5.1.3. Unrestricted parking of vehicles, trailers, and boats in yards adds to the deterioration of residential areas and creates a nuisance. The following may not be parked in a residential zoned area except where concealed from view in a garage or as permitted in 5.1.3.4: all types of recreational vehicles, trailers, boats, inoperable vehicles, commercial or farm vehicles (except pickup trucks) on platted residential lots.

No vehicles, trailers, boats, house trailers or any other recreational vehicles may be parked in an unpaved area of the yard outside a defined driveway or parking space except construction equipment, trucks and other vehicles and equipment necessary for delivery, construction, repairs or maintenance (e.g. roofers, tree trimmers, landscapers, etc.) may park on lawns while the project work is ongoing. Such parking may not exceed the length of the project.

Parking spaces may be constructed of concrete, pavers, bricks, crushed granite or similar materials with the same attributes and characteristics, the use of asphalt or wood is prohibited. The parking space must be of sufficient size so perimeter extends beyond the length and width of any vehicle parked in the space. If materials used do not create a clearly defined border then the space must be defined by a border of concrete, rock, brick, metal or wood. Parking spaces must be kept free of grass, weeds and other vegetation.

5.1.3.1. No travel, house, or utility trailer, recreational vehicle, tent, garage, barn, or other outbuilding erected on, or transported to a lot (tract), shall serve as a temporary or permanent residence. No temporary structure located on the lot (tract) shall serve as a residence or living quarters.

5.1.3.2. No person shall use a travel trailer, or other type of recreational vehicle, having sleeping accommodations, as temporary lodging for a period exceeding seven (7) consecutive days on any homeowner's property.

5.1.3.3. No person shall keep inoperable vehicles, vehicles with invalid registration, invalid inspection sticker, or expired license on residential zoned property unless the vehicle is out of sight from the front street view of the house either in a garage or rear yard.

5.1.3.4. No person shall store house, travel, or utility trailer of any type, semi-trailers, boats, motor homes, and campers in the front yard, any portion of driveway within the front yard, or exterior side yard (see Figure 1). Property owners and tenants may use only rear or interior side yards to store these classes of vehicles and trailers and boats.

5.1.3.5. No person shall load, unload, or park travel, or utility trailers of any type, semi-trailers, boats, motor homes, and campers in the front portion of their driveway for a period to exceed ten (10) consecutive days, nor for more than four (4) such periods in a year. No person shall use City right-of-way (streets, shoulders or ditches) as parking space for RV's, commercial vehicles, farm vehicles, camping trailers, utility trailers, or boats.

5.1.3.6. No person shall store commercial or farm vehicles exceeding 3,000 pounds of carrying capacity or truck tractors except in the rear or side yards on interior lots. On corner lots, parking or storage of these vehicles shall only be in the rear yard.

5.1.3.7. Subdivisions within the City may have deed restrictions or covenants with increased requirements for the parking or storage of vehicles, trailers or boats. These added requirements are "Neighborhood Association" issues and are not a City responsibility to enforce, except at the City's option.

5.1.4. No person shall use a lot as a dumping ground for rubbish or any other materials. Persons shall store trash, garbage, or any other waste only in sanitary containers. Owners shall keep incinerators or other equipment for the storage or disposal of wastes in a clean and sanitary condition, and all such items shall be of a neat and attractive appearance.

5.1.5. No person shall keep any animals other than household pets. Pets shall not be in such numbers as to be a nuisance or annoyance to other pet owners or residents.

5.1.6. No person shall initiate any noxious or offensive act or activity upon any lot, nor engage in anything thereon, that may be, or became, a nuisance to other owners or residents.

5.1.7. The following height and area regulations shall apply.

5.1.7.1. Height Regulations. No building shall exceed two and one-half (2 1/2) standard stories or thirty-five (35) feet in height.

5.1.7.2. Area Regulations.

5.1.7.2.1. Lot Size: Any lot or tract of land located within the City of Garden Ridge and served by a public water supply system, as defined by the Texas Water Commission, shall have a minimum area of thirty-two thousand six hundred seventy square feet (32,670 ft^2). However, if such lot or tract of land is partially or entirely over the Edward Aquifer Recharge Zone, <u>or</u> is not served by a public water supply system, then it shall have a minimum area of forty-

three thousand five hundred sixty square feet (43,560 ft^2) as provided for in the "Rules of Comal County, Texas, for Private Sewerage Facilities, 1987" and Amendments thereto.

5.1.7.2.2. Lot Width. Each lot shall front upon a public street and shall have a minimum of one hundred twenty (120) feet at the front property line as shown on the plat. On a cul-de-sac, the frontage shall be a minimum of fifty (50) feet at the front property line.

5.1.7.2.3. Front Yard. There shall be a front yard having a minimum setback of forty-five (45) feet.

5.1.7.2.4. Side Yards:

5.1.7.2.4.1. Corner Lots. The street-adjacent side yards of corner lots shall have a minimum setback of twenty-five (25) feet. The side yard not adjacent to the street shall have a minimum setback of fifteen (15) feet, or as modified for interior lots.

5.1.7.2.4.2. Interior Lots. There shall be a side yard on each side of all interior lots of not less than fifteen (15) feet.

5.1.7.2.5. Rear Yard. There shall be a rear yard having a depth of at least twenty-five (25) feet.

5.1.8. Exceptions:

5.1.8.1. Regarding new construction, builders shall construct mailboxes of the same masonry material as the house, except in those cases where the mailbox is across the street from the new house according to the United States Postal Service requirements. In such cases, the new mailbox must conform as closely as possible to the masonry of the existing house in front of which the new mailbox will be located and to the design and construction of the existing homeowner's mailbox.. Base dimension for mailboxes shall not exceed the dimensions of the mailbox by more than six (6) inches on any side above two (2) foot elevation. Positioning of mailboxes shall be in accordance with the United States Postal Service regulations

Masonry mailboxes which are replaced must conform to new construction specifications as stated herein. Non-masonry mailboxes which are replaced must conform to size, height and positioning specifications of the United Stated Postal Service regulations.

5.1.8.2 A detached garage or detached residential outbuilding shall have a side yard of not less than fifteen (15) feet. Also, such garage or residential outbuilding shall set back seventy-five (75) feet or more from the front property line.

5.1.9. House Size. The main residential structure on each lot, exclusive of basements, porches, garages, breezeways and residential outbuildings, shall contain at least two thousand (2,000) square feet of habitable space.

5.1.10. Masonry Construction. Single family dwellings shall be of no less than ninety (90) percent masonry or masonry veneer construction on the first floor level excluding openings. Fireplace chimneys exterior to the residence shall be constructed of the same masonry material as the residence.

5.1.11. Regarding new construction, roof surfaces shall be of tile, standing seam metal, concrete tile, slate, or asphalt shingles having a minimum thirty (30) year life, certified, in writing, by the manufacturer. Use of other types of roofing materials with a 30-year minimum life expectancy requires prior written approval by the City Architect. For repair of existing roofs involving less than twenty (20) percent of the roof area, or extensions to existing roofs in good condition as a result of additions to the main structure not exceeding fifty (50) percent of the ground floor area, roofing most closely matching the existing roof may be used.

5.1.12. Regarding new construction, driveways shall be constructed only of concrete, stone, or brick pavers unless City Engineer approval is given for use of an alternate masonry material. No person shall use asphalt pavement for a driveway surface.

5.1.13. Regarding new construction, location of houses, swimming pools, metal fences, metal play ground equipment and accessory or outbuildings, on any lot having an Extreme High Voltage electric transmission easement shall be at least seventy (70) feet from the center of such easement.

5.1.14. Exterior Lighting.

5.1.14.1. Light fixtures shall be below the building roofline.

5.1.14.2. Lights shall not aim beyond the owner's property line nor illuminate adjoining property to more than five (5) foot-candles measured at the point of highest intensity.

5.1.14.3. No single light fixture or cluster of fixtures shall exceed 150-watt capacity.

5.1.14.4. Any variance shall meet the criteria of not causing increased illumination off the property.

5.2. <u>COUNTRY CLUB DISTRICT (CC).</u>

5.2.1. Use Restrictions: The Country Club (CC) District is property for use by country clubs which provide member services such as: social activity (socials, dances, music, art events, legal games); on-premises food and beverage service; space for business meeting and other private functions; sports activities involving indoor or outdoor courts, swimming and fishing; non-motor powered boating.

5.2.1.1. The construction and operation of a golf course, driving range or power boating are prohibited in CC districts.

5.2.2. The Club is responsible for all on-site security. The City will provide police response for emergencies or calls for service.

5.2.3. The City is not responsible, nor liable for roads, parking lots, sidewalks, drainage or water retention structures, or any maintenance thereon within CC districts.

5.2.4. Height Regulation: No structure shall exceed two and one-half (2-1/2) stories (thirty-five feet) in height.

5.2.5. Area Regulations:

5.2.5.1. Lot Size: The minimum area for an CC lot shall be as required for sewerage and waste water treatment of the planned club activity, but in no case less than 32,670 ft^2 unless located partially or totally over the Edwards Aquifer Recharge Zone, or is not served by a public water supply system, then it shall have a minimum area of 43,560 ft^2.

5.2.5.2. Front Yard: There shall be a front yard having a minimum setback of forty-five (45) feet for buildings and twenty-five (25) feet for parking areas.

5.2.5.3. Side Yard: None, except where the use sides on a RA or R District, where a minimum side yard of twenty-five (25) feet shall be provided. At least one (1) alley right-of -way of fifteen- (15) feet width shall be provided for access to the rear alley. The City shall determine required right-of-way improvements based upon location, type and density of projected structures.

5.2.5.4. Rear Yard: An alley right of way of fifteen- (15) feet width shall run the length of the rear property line. When the rear yard backs on a RA or R District, a minimum of twenty-five (25)

feet including alley right of way shall be provided. The City shall determine required right of way improvements based upon location, type and density of projected structures.

5.2.5.5. Impervious Cover: Impervious coverage (buildings, pavements etc.) shall not be more than one-half (1/2) of the lot area and must, in any case, allow adequate open area for wastewater treatment and disposal.

5.2.6. Parking: See Table 1. Off Street Parking Requirements.

5.2.7. Construction Standards: Buildings shall be of not less than ninety (90) percent masonry or masonry veneer construction on the first floor level excluding openings.

5.2.8. Exterior Lighting:

5.2.8.1. Light fixtures shall be below the building roofline.

5.2.8.2. Lights shall not aim beyond the owner's property line nor illuminate adjoining property to more than five (5) foot-candles measured at the point of highest intensity.

5.2.8.3. No single light fixture or cluster of fixtures shall exceed 150-watt capacity.

5.2.8.4. Any variances to above shall meet the criteria of not causing increased illumination off the property.

5.3. AQUIFER PROTECTION (AP) DISTRICT.

5.3.1. Use restrictions. The AP District is an overlay district for protection of City well sites and aquifer recharge features from biological and chemical contamination. The District surrounds each City well site and geologic recharge feature, within the Edwards Aquifer recharge zone, for a radius of fifteen hundred (1500) feet. Within the AP District, no use or activity is permitted that presents a danger of bacteriologic, chemical or radioisotope pollution of the ground water aquifer.

5.3.2. Specific prohibitions include: cemeteries; liquid transmission pipelines; petroleum and chemical processing, production, mixing, transmission or transfer facilities; petroleum or chemical storage tanks and vats; wood treatment facilities; sewage treatment plants, wet wells, pumping station or drainage ditch for industrial waste discharges or wastes from sewage treatment systems, sewage sludge disposal or effluent irrigation areas; livestock and animal pens, feedlots, or abandoned and improperly sealed wells

SECTION 6
COMMERCIAL ZONES

6.1. OFFICE AND PROFESSIONAL DISTRICT (B-2).

6.1.1. Use Restrictions: In the Office and Professional (B-2) District, no person shall use, or cause to be used, land nor erect or convert a building to any use other than:

6.1.1.1. Any use permitted in the Single Family Dwelling (R) District that meets the requirements thereof.

6.1.1.2. Uses which are not noxious or offensive because of the emission of odor, smoke, dust, noise, fumes, vibrations or particulate matter that do not constitute a public health threat or nuisance including those following (provided that a specific use permit is obtained for any use of or building on any land in this district in accordance with the provisions of this Ordinance for any such use or building.): animal clinic or pet hospital; bank or savings and loan office; day care nursery; dental clinic; medical clinic; office business or professional park; other uses similar to the above; and, accessory uses as are customary in connection therewith.

6.1.2. Sewer Regulation: Provision of public sanitary sewer services shall be required in all cases where the use of septic tanks is considered inadequate in meeting normal standards for the authorization of septic tank systems. The use of septic tanks in this district shall be permitted only by specific use permit after a full technical justification. The use of holding tanks or small private sanitary sewer systems is prohibited.

6.1.3. Height Regulation: No building shall exceed two and one-half (2-1/2) stories (thirty-five feet) in height.

6.1.4. Area Regulations:

6.1.4.1. Lot Size: The minimum area for a B-2 lot shall be as required for treatment of sewerage and waste water from the planned use and activity, but in no case less than 32,670 square feet unless located partially or totally over the Edwards Aquifer Recharge Zone, or is not served by a public water supply system, then it shall have a minimum area of 43,560 square feet.

6.1.4.2. Front Yard: There shall be a front yard having a minimum setback of forty-five (45) feet.

6.1.4.3. Side Yard: Alley rights-of-way of fifteen- (15) feet width down each side property line shall provide access to the rear alley. The City shall determine required right-of-way improvements based upon location, type and density of projected structures.

6.1.4.4. Rear Yard: An alley right-of-way of fifteen- (15) feet width shall run the length of the rear property line. When the rear yard backs on a RA or R District, a minimum of twenty-five (25) feet including alley right-of-way shall be provided. The City shall determine required right-of-way improvements based upon location, type and density of projected structures.

6.1.4.5. Impervious Cover: Impervious coverage (buildings, pavements etc.) shall not be more than one-third (1/3) of the lot area and must, in any case, allow adequate open area for wastewater treatment and disposal.

6.1.5. Parking: See Table 1. Off Street Parking Requirements.

6.1.6. Construction Standards: Buildings shall be of no less than ninety (90) percent masonry or masonry veneer construction on the first floor level excluding openings.

6.1.7. Exterior Lighting:

6.1.7.1. Lights shall not aim beyond the owner's property line nor illuminate adjoining Residential District lots to more than five (5) foot-candles measured at the point of highest intensity.

6.2. NEIGHBORHOOD SERVICE DISTRICT (B-1).

6.2.1. Use Restrictions: In the B-1, Neighborhood Service District, no person shall use, or cause to be used, land nor erect or convert a building to any use other than:

6.2.1.1. Any use permitted in the Single Family Dwelling (R) District that meets the requirement thereof.

6.2.1.2. Any use permitted in the Office and Professional (B-2) District that meets the requirement thereof.

6.2.1.3. Retail neighborhood businesses which are not noxious or offensive because of the emission of odor, smoke, dust, noise, fumes, vibration or particulate matter that do not constitute a public health threat or nuisance including those following (provided that a specific use permit is obtained for any use of or building on any land in this District for any purpose in accordance with the procedures outlined in this Ordinance for any such use or building.): amusement center; retail baker; bowling alley; barbershop or beauty parlor; book or stationery store; clothes cleaning or pressing establishment; clubs, lodges and fraternal associations; confectionery store; custom dressmaking or millinery shop; drug store; dry goods or notions store; shoe store or shoe repair shop; tailor, clothing or wearing apparel shop; florist or gift shop; grocery, fruit or vegetable store; hardware or electric appliance store; jewelry store; laundry agency; meat market, fish market or delicatessen store; photographer; restaurant, tea room, or cafe (excluding dancing or entertainment); adult entertainment; shopping center; bed and breakfast facility; mortuary, funeral home; automobile service station provided that any tube and tire repairing, battery charging, minor auto repairs and storage of merchandise or supplies are conducted wholly within the building. No gasoline storage tank of any size shall be located above ground. Other uses similar to the above and accessory uses as are customary in connection with the foregoing uses.

6.2.2. Sewer Regulation: Provisions of Public Sanitary Sewer Services shall be required in all cases wherein the use of septic tanks is considered inadequate in meeting normal standards for the authorization of septic tank systems. The use of septic tanks in this District shall be permitted only by specific use permit after full technical justification. The use of holding tanks or small private sanitary sewer systems is prohibited.

6.2.3. Height Regulation: No Building shall exceed two and one half (2-1/2) stories (thirty-five feet) in height.

6.2.4. Area Regulations:

6.2.4.1. Lot Size: The minimum area for a B-1 lot shall be as required for treatment of sewerage and waste water from the planned use and activity, but in no case less than 32,670 square feet unless located partially or totally over the Edwards Aquifer Recharge Zone, or is not served by a public water supply system, then it shall have a minimum area of 43,560 square feet.

6.2.4.2. Front Yard: There shall be a front yard having a minimum setback of forty-five (45) feet.

6.2.4.3. Side Yard: Alley rights of way of fifteen (15) feet width down each side property line shall provide access to the rear alley. The City shall determine required right of way improvements based upon location, type and density of projected structures.

6.2.4.4. Rear Yard: An alley right of way of fifteen- (15) feet width shall run the length of the rear property line. When the rear yard backs on a RA or R District, a minimum of twenty-five (25) feet including alley right of way shall be provided. The City shall determine required right of way improvements based upon location, type and density of projected structures.

6.2.4.5. Impervious Cover: Impervious coverage (buildings, pavements etc.) shall not be more than one-third (1/3) of the lot area and must, in any case, allow adequate open area for wastewater treatment and disposal.

6.2.5. Parking: See Table 1. Off Street Parking Requirements.

6.2.6. Construction Standards: Buildings shall be of not less than 90% masonry or masonry veneer construction on the first floor level excluding openings.

6.2.7. Exterior Lighting:

6.2.7.1. Lights shall not aim beyond the owner's property line nor illuminate adjoining Residential District lots to more than five (5) foot-candles measured at the point of highest intensity.

6.3. MUNICIPAL USE (MU) DISTRICT.

6.3.1. Use Restrictions: The Municipal Use District is property for government, civic, public service, parks or public institution use. Site review of planned public facilities is to optimize urban services and minimize potential limitation on uses of adjoining properties.

6.3.1.1. Government owned property rented or leased to non-governmental agencies for purposes not related to providing governmental services or support functions to a primary civic or public institutional use shall not be zoned MU. Such property shall be zoned based on the proposed non-governmental use.

6.3.1.2. Property leased, rented, or otherwise modified or made available to accommodate governmental or civic uses on a long term basis may be zoned MU to reflect the actual public or civic uses of the property.

6.3.1.3. Property zoned MU shall be rezoned when justification for MU zoning no longer exists.

6.3.2. Area Regulations:

6.3.2.1. Lot Size: The minimum area for an MU lot with a structure shall be as required for treatment of sewerage and waste water from the planned municipal activity.

6.3.3. Impervious Cover: Impervious coverage (buildings, pavements etc.) shall be limited as required to provide to for proper wastewater treatment and disposal.

6.3.4. Exterior Lighting:

6.3.4.1. Lights shall not aim beyond the MU district property line nor illuminate adjoining Residential District lots to more than five (5) foot-candles measured at the point of highest intensity.

6.4. AQUIFER PROTECTION (AP) DISTRICT.

6.4.1. Use restrictions: The AP District is an overlay district for protection of City well sites and aquifer recharge features from biological and chemical contamination. The District surrounds each City well site and geologic recharge feature, within the Edwards Aquifer recharge zone, for a radius of fifteen hundred (1500) feet. Within the AP District, no use or activity is permitted that presents a danger of bacteriologic, chemical or radioisotope pollution of the ground water aquifer.

6.4.1.1. Specific prohibitions include: cemeteries; liquid transmission pipelines; petroleum and chemical processing, production, mixing, transmission or transfer facilities; petroleum or chemical storage tanks and vats; wood treatment facilities; sewage treatment plants, wet wells, pumping station or drainage ditch for industrial waste discharges or wastes from sewage treatment systems, sewage

sludge disposal or effluent irrigation areas; livestock and animal pens, feedlots, or abandoned and improperly sealed wells

SECTION 7
INDUSTRIAL ZONES

7.1. LIGHT INDUSTRIAL DISTRICT (LI).

7.1.1. Use Restrictions: The Light Industrial District is property for use for offices serving neighborhood or community needs, commercial services, major automotive repair, warehousing and manufacturing or assembly operations whose external physical effects are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts. Wrecking yards are prohibited. No person shall use, or cause to be used, land nor erect or convert a building to any use other than:

7.1.1.1. Any use permitted in the Single Family Dwelling (R) District that meets the requirement thereof.

7.1.1.2. Any use permitted in the Office and Professional (B-2) District that meets the requirement thereof.

7.1.1.3. Any use permitted in the Neighborhood Service (B-1) District that meets the requirement thereof.

7.1.1.4. Church or school conforming to the requirements of this District.

7.1.2. Structures and uses must be compatible with, and complementary in scale and appearance with a primarily residential municipality. Exterior work and storage areas shall be screened from public view.

7.1.3. Height Regulation: No structure shall exceed two and one half (2-1/2) stories (thirty-five feet) in height;

7.1.4. Area Regulations:

7.1.4.1. Lot Size: The minimum area for an LI lot shall be as required for sewerage and waste water treatment of the planned industrial activity, but in no case less than 32,670 square feet unless located partially or totally over the Edwards Aquifer Recharge Zone, or is not served by a public water supply system, then it shall have a minimum area of 43,560 square feet.

7.1.4.2. Front Yard: There shall be a front yard having a minimum setback of forty-five (45) feet.

7.1.4.3. Side Yard: Paved alley rights-of-way fifteen (15) feet width down each side property line shall provide access to the rear alley.

7.1.4.4. Rear Yard: A paved alley right-of-way fifteen (15) feet in width shall run the length of the rear property line. When the rear yard backs on a RA or R District, a minimum of twenty-five (25) feet including alley right-of-way shall be provided.

7.1.5. Impervious Cover: Impervious coverage (buildings, pavements etc.) shall not be more than one-half (1/2) of the lot area and must, in any case, allow adequate open area for wastewater treatment and disposal.

7.1.6. Parking: See Table 1. Off Street Parking Requirements.

7.1.7. Construction Standards: Buildings shall be of not less than ninety (90) percent masonry or masonry veneer construction on the first floor level fronting paved public streets, excluding openings.

7.1.8. Exterior Lighting:

7.1.8.1. Lights shall not aim beyond the owner's property line nor illuminate adjoining Residential District lots to more than five (5) foot-candles measured at the point of highest intensity.

7.2. Z-1 INDUSTRIAL ZONE DISTRICT (Z-1).

7.2.1. Use Restrictions: The Z-1 Industrial Zone District is intended primarily for mining, excavation, quarrying, processing, storage, warehousing, shipping and manufacturing of such products as cement, concrete, brick, asphalt, stone, crushed rock and similar type products and will include related activities associated with such operations. No person shall use, or cause to be used, land nor erect or convert a building to any use other than:

7.2.1.1. Any use permitted in the Office and Professional (B-2) District that meets the requirement thereof.

7.2.1.2. Any use permitted in the Neighborhood Service (B-1) District that meets the requirement thereof.

7.2.1.3. Any use permitted in the Light Industrial (LI) District that meets the requirements thereof.

7.2.2. The City shall not be responsible for, nor shall the City assume any liability or responsibility for the exercise of plant on-site security or traffic control within industrial plant sites. The City will provide police response for emergencies or calls for service.

7.2.3. The City is not responsible nor liable for roads, parking lots, sidewalks, drainage or water retention structures, or any maintenance thereon within industrial plant sites.

7.2.4. The City is not responsible for, nor shall the City assume any liability or responsibility for providing industrial water and wastewater treatment facilities. These are a responsibility of the industrial plant owner.

7.2.5. Location of the Industrial Zone: The Z-1, Industrial Zone District shall have direct access to existing and future arterial thoroughfares and railway lines and will, in all instances, be separated from areas zoned Single Family Residential by non residential districts or by natural "buffer-zone" barriers. Should any part of the area to be zoned Z-1 be adjacent to an existing area zoned Single Family Residential, a "buffer-zone" separation shall be required. The type of separation shall be determined and mandated by City Council prior to approving any area for Z-1 District zoning.

7.2.6. Structures and uses must be compatible with, and complementary in scale and appearance with, a commercial district adjacent to a primarily residential municipality. Exterior work and storage areas shall be screened from public view.

7.2.7. Height Regulation: No structure shall exceed two and one-half (2-1/2) stories (thirty-five feet) in height.

7.2.8. Area Regulations:

7.2.8.1. Lot Size: The minimum area for a Z-1 lot shall be as required for sewerage and waste water treatment of the planned industrial activity, required setbacks and buffer zone for any adjacent residential District, but in no case less than 32,670 square feet unless located partially or totally over the Edwards Aquifer Recharge Zone, or is not served by a public water supply system, then it shall have a minimum area of 43,560 square feet.

7.2.8.2. Front Yard: There shall be a front yard having a minimum setback of forty-five (45) feet.

7.2.8.3. Side Yard: Paved alley rights-of-way of fifteen- (15) feet width down each side property line shall provide access to the rear alley.

7.2.8.4. Rear Yard: A paved alley right-of-way of fifteen- (15) feet width shall run the length of the rear property line. When the rear yard backs on a RA or R District, a minimum of twenty-five (25) feet including alley right-of-way shall be provided

7.2.9. Impervious Cover: Impervious coverage (buildings, pavements etc.) shall not be more than one-half (1/2) of the lot area and must, in any case, allow adequate open area for wastewater treatment and disposal.

7.2.10. Parking: See Table 1. Off Street Parking Requirements.

7.2.11. Construction Standards: Buildings shall be of not less than ninety (90) percent masonry or masonry veneer construction on the first floor level fronting paved public streets, excluding openings.

7.2.12. Exterior Lighting:

7.2.12.1. Lights shall not aim beyond the owner's property line nor illuminate adjoining Residential District lots to more than five (5) foot-candles measured at the point of highest intensity.

7.3. AQUIFER PROTECTION (AP) DISTRICT.

7.3.1. Use restrictions: The AP District is an overlay district for protection of City well sites and aquifer recharge features from biological and chemical contamination. The District surrounds each City well site and geologic recharge feature, within the Edwards Aquifer recharge zone, for a radius of fifteen hundred (1500) feet. Within the AP District, no use or activity is permitted that presents a danger of bacteriologic, chemical or radioisotope pollution of the ground water aquifer.

7.3.1.1. Specific prohibitions include: cemeteries; liquid transmission pipelines; petroleum and chemical processing, production, mixing, transmission or transfer facilities; petroleum or chemical storage tanks and vats; wood treatment facilities; sewage treatment plants, wet wells, pumping station or drainage ditch for industrial waste discharges or wastes from sewage treatment systems, sewage sludge disposal or effluent irrigation areas; livestock and animal pens, feedlots, or abandoned and improperly sealed wells

SECTION 8
GENERAL PROVISIONS

8.1. PLATS. All land uses, other than farm and ranch agriculture uses allowed under the Residential-Agriculture District shall be platted following procedures in City Ordinance #7, as amended, at time of the rezoning application. All lots less than ten (10) acres shall be platted prior to any new construction. All applications for a building permit to construct a new building, including accessory buildings, shall be accompanied by a plot plan prepared and certified by a registered engineer or land surveyor. The plot plan shall be drawn to scale with all dimensions showing accurately size, exact location of all new construction and a drainage plan related to adjacent lots.

8.2. FLOOD HAZARD AREAS. The use and development of all properties located within designated areas as identified and depicted on the official flood hazard map of the City shall be guided by and conform to the provisions of the Garden Ridge Flood Hazard Ordinance #36, as amended.

8.3. STRUCTURE HEIGHT WITHIN CITY.

8.3.1. No tower, pole or other artificial structure (except residential chimney and utility vents and certain broadcast reception antennas) may exceed the ridgeline of the largest building on a lot unless specifically authorized by City ordinance or written authorization from City Council.

8.4. FENCES, WALLS AND PLANTS.

8.4.1. Fences immediately surrounding individual trees or shrubs for wildlife exclusion are excepted from all but the height restrictions and repair requirements of this Ordinance.

8.4.2. Height of fences shall not exceed six (6) feet. Pedestrian gates- incorporated into a fence- which are forty (40) inches, or less, wide shall not exceed seven (7) feet in height including ornamentation. The support structures for the above pedestrian gates shall not exceed eight (8) feet in height inclusive of any ornamentation or fixtures. All other fence gates and support structures shall not exceed seven and one-half (7.5) feet in height including ornamentation or fixtures.

8.4.3. Fences shall be kept in good repair.

8.4.4. Fences shall not be within or across a City owned right-of-way, drainage channel or waterway.

8.4.5. Support columns or posts for fences crossing drainage or utility easement shall be at least twelve (12) feet apart. They shall allow removal of the fence for passage through or improvement of the easement.

8.4.6. Fences in, or crossing, drainage easements shall not impede natural drainage. The property owner is responsible for keeping the drainage easement free flowing and clear of obstructing debris.

8.4.7. Barbed wire fence is prohibited in subdivisions and on lots smaller than ten (10) acres.

8.4.8. Electric fence is prohibited along lot lines within subdivisions unless used with a non-electric fence. Electrical fences must have warning signs at intervals no less than twenty (20) feet.

8.4.9. Side or rear fences facing any paved street shall be of metal (sheet metal is prohibited), rock or brick masonry, cement (fencecrete) or stucco finished cement block, wood or chain link. Masonry or cement fences must have an engineered concrete footing and be structurally bound with cement or mortar. Gates and support structures shall be of matching materials consistent with function. Metal or wood may be used for gates in masonry fences.

8.4.10. Fences equal to, or less than, two (2) foot high constructed forward of the front plane of the residence shall be of metal, brick, stone or cement masonry matching that of the main structure. Gates shall be metal.

8.4.11. Fences over two (2) foot high and forward of the front plane of the residence shall be metal (sheet metal is prohibited) with metal, brick, rock, or cement masonry, columns or support structure matching that of the main structure. Such fence, including columns, shall not obstruct more than half of the view through the fence. Property fronting Farm to Market (FM) 2252 and FM 3009 may have solid fence (sheet metal is prohibited). Gates and support structures shall be of matching materials consistent with function. Metal may be used for gates in masonry fences. Gates in metal fencing shall be of metal matching the design of the fence.

8.4.12. Perennial plants, shrubs or trees shall be placed in front of, and along the entire length of, any fence over two (2) foot high which faces a paved street and which -- exclusive of support columns or posts -- obstructs more than ten (10) percent of the view through the fence at heights over two (2) foot. Plants shall be in place within ninety (90) days of fence completion. Plants shall be at least 24 inches high when planted. Plants, at maturity, shall be capable of covering fifty (50) percent of the fence. The City may direct removal of the fence at owner's expense if plants are not in place within ninety (90) days of fence completion.

8.4.13. Fences on commercial and industrial property shall be metal (sheet metal is prohibited), rock or brick masonry, cement (fencecrete) or stucco finished cement block or chain link. Commercial and industrial property, where it adjoins residential lots, shall have a rock or brick masonry, cement (fencecrete) or stucco finished cement block fence six (6) feet high. The City may require higher fences when recommended by the city engineer for abatement of visual or physical agent impact. Masonry or cement fences must have an engineered concrete footing and be structurally bound with cement or mortar. No fence may be forward of the front plane of commercial or industrial structures when the property abuts residential lots. Gates and support structures, inclusive of ornamentation and fixtures, shall be of matching height and materials consistent with function. Metal may be used for gates in masonry fences.

8.4.14. Perimeter fencing for subdivisions shall be metal (sheet metal is prohibited), rock or brick masonry, cement (fencecrete) or stucco finished cement block. Masonry or cement fences must have an engineered concrete footing and be structurally bound with cement or mortar. Gates and support structures shall be of matching materials consistent with function. Metal may be used for gates in masonry fences.

8.4.15. Retaining walls shall be timber, concrete, concrete or brick masonry or stone. Cement block must have stucco, brick or stone facing. Retaining walls over three- (3) foot high must be structurally sound as determined by an engineer's evaluation.

8.4.16. Existing fences and walls must comply with this Ordinance at time of replacement or repair of over thirty (30) percent of the structure.

8.4.17. Subdivision entry way structures and gates shall be approved by the City as part of the subdivision plat review.

8.4.18. All automatic control gates shall have a clearly visible manual over-ride.

8.5. Landscaping is required for all areas disturbed by construction of new buildings and additions over 300 square feet. Landscaping shall be completed within one (1) year from the date of issuance of the Certificate of Occupancy, or final building approval.

8.5.1. Lawn areas must be planted with drought tolerant grasses or other drought tolerant ground cover vegetation. No more than twenty (20) percent of the landscape area can be in St. Augustine grass. On lots over 1.25 acres, ten (10) percent of the landscape area must be xeriscape. The use of

gravel, pebbles, or any type of small rock as ground cover for front yard lawn areas is restricted to no more than twenty-five (25) percent of the yard area in front of the front wall of the structure, excluding driveways. Xeriscape landscaping techniques shall be used as much as possible.

8.5.2. No person shall remove oak trees over ten (10) inch diameter or elm trees over eight (8) inch diameter from any lot except in the area approved by the City Architect for the primary structure, permanent outbuildings, driveways and recreational facilities.

8.6. LINE-OF-SIGHT (SIGHT LINE) REQUIREMENTS.

8.6.1. No fence, wall, hedge, or shrub planting which restricts sight-lines at elevations between two (2) and six (6) feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines, or in the case of a rounded corner, property lines extended (see Figure 2).

8.6.2. No fence, wall, hedge, or shrub planting which restricts sight-lines at elevations between two (2) and six (6) feet above the roadways shall be placed or permitted to remain on any lot within fifteen (15) feet from the intersection of a street property line with the edge of a driveway or alley pavement. No tree shall be permitted to remain within such distance of such intersections unless the foliage line is maintained at sufficient height to prevent obstructions of such sight lines. (see Figure 3)

SECTION 9
SPECIAL REGULATIONS

9.1. OUTDOOR ANTENNAS.

9.1.1. Direct-Broadcast System (DBS) Video Reception.

9.1.1.1. Direct-Broadcast System antennas one meter (39.37 inches) or less in diameter and other antennas are allowed in all zoning districts for the receipt of local Very High Frequency (VHF) and Ultra High Frequency (UHF) and direct-broadcast television signals.

9.1.1.1.1. In residential districts, antennas shall be mounted below the roofline and to the side or rear of the residence when reception quality allows. Where reception quality requires placement above the roof line or the front of the home, visibility of the antenna shall be minimized by painting or screening.

9.1.1.1.2. Pole or mast mounted antennas extending more than twelve (12) feet above the roofline of the building or other surface to which the pole or mast is attached shall be installed only according to instructions sealed by a licensed structural engineer. Copy of instructions shall be filed with the City building inspector prior to installation. Pole or mast mounted antennas shall not be located closer than twice their height to any adjoining property line.

9.1.1.1.3. Installations shall conform to applicable safety and electrical codes.

9.1.2. Other Video or Internet Reception Systems.

9.1.2.1. Antennas less than one meter in diameter are allowed in all zoning districts. In residential districts the antennas shall be mounted below the roofline and to the rear or side of the house.

9.1.2.2. Antennas greater than one meter in diameter are allowed in all zoning districts. Antennas located in residential districts or located on lots adjoining a residential district shall be subject to City granting a Special Use Permit for same setting forth the conditions of such use as to type, size, location, screening and the like. The City will not grant a Permit for locating this size antenna in the front yard of a residential lot. An application for such a Special Use Permit shall be considered and processed as a zoning amendment case.

9.1.2.3. Installations shall conform to applicable safety and electrical code.

9.1.3. Personal Wireless Communication Service Towers.

9.1.3.1 Towers are allowed in all zoning districts subject to the City granting a Special Use Permit. An application for such a Special Use Permit shall be considered and processed as a zoning amendment case.

9.1.3.2 Electromagnetic radiation levels produced by tower power supplies, wave guides and other power transmission components and emitters shall conform to Federal Communications Commission regulations.

9.1.3.3 The City may require operators to share space on existing towers before allowing the construction of additional wireless towers.

9.1.3.4 Towers shall not be located closer than twice their height to any adjoining property line unless worst case failure analysis demonstrates a lesser distance to be safe. In no case shall this distance be less than the height of the tower.

9.1.4. Amateur Communications.

9.1.4.4 Amateur antennas are allowed in all zoning districts. In residential districts, antennas shall be mounted below the roofline and to the side or rear of the house.

9.1.4.2 Antenna structures, such as yagi antennas, more than twelve feet long shall require a Special Use Permit for same setting forth the conditions of such use as to type, size, location, screening and the like. The City will not grant a Permit for locating this size antenna in the front yard of a residential lot. An application for such a Special Use Permit shall be considered and processed as a zoning amendment case.

9.1.4.3 Pole, mast or tower structures extending more than twelve (12) feet above the roofline of shall require a Special Use Permit and shall be installed only according to instructions sealed by a licensed structural engineer. Copy of instructions shall be filed with the City building inspector prior to installation.

9.1.4.4 Towers shall not be located closer than twice their height to any adjoining property line unless worst case failure analysis demonstrates less distance to be safe. In no case shall this distance be less than the height of the tower.

9.1.4.5 Installations shall conform to applicable safety and electrical codes.

9.1.5. Commercial and Industrial Radio Service.

9.1.5.1 Towers and antennas for commercial or industrial radio service are not allowed in residential districts.

9.1.5.2 Pole, mast or tower structures extending more than twelve (12) feet above the roofline of shall require a Special Use Permit and shall be installed only according to instructions sealed by a licensed structural engineer. Copy of instructions shall be filed with the City building inspector prior to installation.

9.1.5.3 Towers shall not be located closer than twice their height to any adjoining property line unless worst case failure analysis demonstrates a lesser distance to be safe. In no case shall this distance be less than the height of the tower.

9.2. HOME BUSINESS OR OCCUPATION. An enterprise carried on within a home that is not detrimental or injurious to adjoining property or within the area of the immediate neighborhood.

9.2.1 These businesses or occupations may include: custom dressmaking; millinery; tailoring; sewing of fabric for custom apparel and custom home furnishings; washing and ironing; any office in which chattels or goods, wares, or merchandise are not commercially created, exchanged, or sold provided that such uses are located in the dwelling used by such person as their private residence, and provided that no assistant, not a member of the family residing on the premises be employed. Such incidental uses shall never be permitted as a principal use, and cannot involve the conduct of a retail business.

9.2.2 The home business or occupation shall not utilize more than fifteen (15) percent of the gross floor area of the residence.

9.2.3 Home businesses, occupations or professions shall not include, for example, barber shops, plumber/plumbing shops, tin shops, auto sales, auto repairing shops, carpenter shops, electrician shops, auto painting shops, furniture repairing or sign painting. All home businesses and occupations must meet the following criteria:

9.2.3.1 No manufacturing shall be allowed.

9.2.3.2 No repair workshops prohibited in this ordinance shall be allowed.

9.2.3.3 No stock-in-trade shall be kept and sold on the premises.

9.2.3.4 No mechanical equipment not customarily found in the home shall be employed.

9.2.3.5 No interior or exterior alterations shall be permitted and no construction features shall be permitted which are not customarily found in a dwelling.

9.2.3.6 The entrance to the space devoted to such business or occupation shall be within the dwelling.

9.2.3.7 There shall be no exterior storage of equipment or materials used in the business or occupation; and

9.2.3.8 The home business or occupation must be conducted entirely within the dwelling except for those necessary outdoor activities related to a foster home for less than four (4) children.

9.2.4. Declaration of Home Business or Occupation. Individuals conducting a home business or occupation of the type permitted herein for RA (Residence-Agriculture District) and R (Single Family Dwelling District) shall register and declare such business or occupation with the City Secretary. Registration must be completed no later than ten (10) days following initiation of the business or occupation. Re-registration shall be accomplished annually during the month of January.

9.2.5. Registration Fee. A fee as set by City Ordinance #11, as amended, shall be charged for each registration and subsequent re-registration.

9.3. Adult Entertainment. Adult entertainment establishments are restricted to licensed activity regulated by City Ordinance 103, Adult Entertainment Establishments.

SECTION 10
SIGN REGULATIONS

10.1. Sign regulations applicable to all districts are contained in Garden Ridge Ordinance Number 55, as amended, and are hereby incorporated by reference.

SECTION 11
NONCONFORMING STRUCTURES AND USES

11.1. GENERAL. The uses of land and the uses, locations and construction characteristics of buildings that violate the intent of this Ordinance and which are in being prior to the date this Ordinance becomes effective shall be considered non-conforming uses. Such non-conforming use will not be affected provided said non-conforming use is authorized by Certificate of Occupancy or otherwise registered with the City.

11.2. NON-CONFORMING USES OF LAND. The non-conforming use of land where no building is involved at the time this Ordinance became effective, may be continued provided:

11.2.1. That no such non-conforming use of land shall in any way be expanded or extended either on the same or adjoining property, and

11.2.2. That if such non-conforming use of land or any portion thereof is discontinued or changed, any future use of such land shall be in conformity with the provisions of this ordinance.

11.3. NON-CONFORMING BUILDINGS. A non-conforming building or structure may be maintained, except as otherwise provided in this section:

11.3.1. Repairs and alterations may be made to a non-conforming building or structure, provided that in a building or structure that is non-conforming as to use regulations, no structural alterations shall be made except those permitted by law or ordinance.

11.3.2. A building or structure non-conforming as to height or area regulations shall not be added to or enlarged in any manner unless such addition and enlargement conforms to all the regulations of the district in which it is located.

11.3.3. No non-conforming building or structure shall be moved in whole or in part to any other location on the lot unless every portion of such building or structure is made to conform to all the regulations of the district in which it is located.

11.4. CHANGE OF USE. A non-conforming use may be changed to any conforming use. A non-conforming use shall not be changed to any other type of non-conforming use without the prior approval of the Board of Adjustment. The Board of adjustment may grant a change of occupancy from one non-conforming use to another, provided the use is within the same or higher classification as the original non-conforming use, that such non-conforming use and occupancy will not tend to prolong and continue non-conforming use. A non-conforming use once changed from a lower to a higher classification use shall not be changed thereafter to a lower classification use, and such lower classification use shall be considered abandoned.

11.5. CHANGE OF OWNERSHIP. Upon change of ownership nonconforming structures in commercial and industrial districts shall be brought into compliance with the applicable district regulation or approval for continuance obtained from the Board of Adjustment.

11.6. DAMAGE AND DESTRUCTION. If a non-conforming use or structure is damaged or destroyed (by whatever means) to an extent of more than fifty (50) percent of its fair market value then any restoration or new construction shall be for a permitted use, except that if the loss is greater than fifty (50) percent and less than total, the Board of Adjustment may grant a permit for replacement or repair after public hearing and having due regard for the property rights of affected abutting property owners, when considered in the light of the public welfare and the area surrounding said non-conforming use.

11.7. CONFORMANCE AND PERMITS REQUIRED. No person shall erect, reconstruct, structurally alter, enlarge, move, or maintain a building or structure, nor shall any person use any building,

structure or land, for any use other than that permitted in the district in which such building, structure, or land is located and then only after applying for and securing all permits and licenses required by all laws and ordinances.

SECTION 12
CONDITIONAL USES

12.1. SPECIFIC USE PERMITS.

12.1.1. Authority to Issue. Use shall not be made of any property in commercial or industrial districts, nor shall any buildings be constructed thereon, added to, or altered in any way (maintenance and repairs alone excepted) without the prior issuance of a specific use permit. The City Council may, upon notice to adjoining property owners and after public hearings before the Planning and Zoning Commission and City Council, authorize the issuance of a specific use permit for use allowed in the governing Zoning District. The issuance of such specific use permit shall, in each case, be deemed to constitute an amendment to this ordinance. Possession of a specific use permit for existing structures shall not be construed as meeting this requirement. Significant changes in use activity resulting in increased emissions (air, water, waste etc.), physical agent (noise, light, heat vibration etc.) levels at the property line, or increase in commercial vehicle traffic by more than twenty percent, shall require a new specific use permit. Upon application, Council may approve transfer of an existing Permit expiring solely because of a change in property or business ownership to a new owner without hearings provided that there shall be no change in the kind and level of permitted activity.

12.1.2. Purpose of Hearing. The purpose of such hearings by the Planning and Zoning Commission and by the City Council shall be to determine that the granting of the Specific Use Permit will not adversely affect the character and appropriate use of the adjoining area or neighborhood; will not substantially depreciate the value of adjacent and nearby properties for the use in accordance with the regulations in the zoning district in which they are located; will be in keeping with the spirit and intent of this Ordinance; will not adversely affect the implementation of the Comprehensive Plan; will comply with the applicable standards of the district in which located; and will not adversely affect traffic, public health, public utilities, public safety, and the general welfare.

12.1.3. Application for Specific Use Permit.

12.1.3.1. All applications for Specific Use Permits shall be submitted with site plans drawn to scale and showing the general arrangement of essential the project, together with essential requirements such as off-street parking facilities, locations of buildings and uses to be permitted, means of ingress and egress to public streets, and type of visual screening such as walls, planting and fences, the location of adjacent residences and buildings and the location and area coverage of all outside lighting.

12.1.3.2. No Specific Use Permit shall be granted unless the applicant, owner and the grantee of the Specific Use Permit shall in writing accept to be bound by and comply with the terms of the Specific Use Permit, in such form as may be approved and provided by the City Council. Specific Use Permits expire upon change in property ownership.

12.1.3.3. All applications for Specific Use Permits shall be in writing, signed and filed with the City Secretary for presentation to the Planning and Zoning Commission for official processing using Planning and Zoning Form 3. The Planning and Zoning Commission shall have a minimum of thirty (30) days for processing.

12.2. CERTIFICATES OF OCCUPANCY.

12.2.1. In granting a Specific Use Permit, the City Council may impose conditions which shall be complied with by the grantee before a certificate of occupancy may be issued by the Council for the use of such buildings on such property pursuant to such permit. Such conditions shall not be construed as conditions precedent to the granting of the Specific Use Permit or the change in zoning of such property, but shall be construed as conditions precedent to the granting of a Certificate of Occupancy.

12.2.2. No person shall use, occupy or change the use of a building hereafter erected or structurally altered in **any district**, until a Certificate of Occupancy shall have been issued by the City Council, stating that such building complies with all applicable provisions and regulations of the City.

12.3. CHURCHES AND SCHOOLS.

12.3.1. Churches and schools are subject to the above requirements for Special Use Permits regardless of the District in which they are located. The following applies as minimum requirements for granting a Special Use Permit for churches and schools located in the Residence-Agriculture District, the Single Family Dwelling District, the Office and Professional District and the Neighborhood Service District.

12.3.2. The land area of churches and schools located within residential districts shall not exceed three (3) percent of the residential district area.

12.3.3. Height Regulation: No structure shall exceed two and one-half (2-1/2) stories (thirty-five feet) in height.

12.3.4. Area Regulations:

12.3.4.1. Lot Size. The minimum lot size shall be as required for sewerage and waste water treatment of the maximum level of church or school activity, but in no case less than 32,670 square feet (ft^2) unless located partially or totally over the Edwards Aquifer Recharge Zone, or is not served by a public water supply system, then it shall have a minimum area of 43,560 ft^2.

12.3.4.2. Front Yard: There shall be a front yard having a minimum setback of forty-five (45) feet for buildings and twenty-five (25) feet for parking areas.

12.3.4.3. Side Yard: None, except where the use sides on a RA or R District, where a minimum side yard of fifteen (15) feet shall be provided. At least one (1) alley right-of-way of fifteen- (15) feet width shall be provided for access to the rear alley. The City shall determine required right-of-way improvements based upon location, type and density of projected structures.

12.3.4.4. Rear Yard: An alley right-of-way of fifteen- (15) feet width shall run the length of the rear property line. When the rear yard backs on a RA or R District, a minimum of twenty-five (25) feet including alley right-of-way shall be provided. The City shall determine required right of way improvements based upon location, type and density of projected structures.

12.3.5. Impervious Cover: Impervious coverage (buildings, pavements etc.) shall not be more than one-half (1/2) of the lot area and must, in any case, allow adequate open area for wastewater treatment and disposal.

12.3.6. Parking: See Table 1. Off Street Parking Requirements.

12.3.7. Construction Standards: Buildings shall be of not less than ninety (90) percent masonry or masonry veneer construction on the first floor level excluding openings.

12.3.8. Exterior Lighting:

12.3.8.1. Light fixtures shall be below the building roofline.

12.3.8.2. Lights shall not aim beyond the owner's property line nor illuminate adjoining property to more than five (5) foot-candles measured at the point of highest intensity.

12.3.8.3. No single light fixture or cluster of fixtures shall exceed 150-watt capacity.

12.3.8.4. Any variance shall meet the criteria of not causing increased illumination off the property.

TABLE 1
TABLE OF OFF STREET PARKING REQUIREMENTS

1. Current Americans with Disabilities Act requirements with regard to allocation of spaces and building access apply.

2. Professional offices and studios. One (1) paved space per 300 square foot of gross floor area.

3. Libraries, museums, art galleries, clubs, lodges. One (1) paved space per 300 square foot of gross floor area.

4. General business, retail, clinics, and personal service establishment. One (1) paved space per 200 square foot of gross retail/sales service area and one (1) paved space per 800 square foot gross storage, processing or display area, or one (1) paved space per 400 square foot of combined retail sales/service area and display area.

5. Restaurants, cafeterias, delicatessens, and other food serving facilities, except drive-ins. One (1) paved space per 100 square foot of gross area.

6. Drive-in food service facilities where customers are served in their vehicles. Two (2) paved spaces per 100 square foot of gross area with a minimum of twenty (20) paved spaces for on-premise consumption

7. Automotive, lumber, plant nursery, and affiliated activities. One (1) paved space per 200 square foot of gross retail sales/service floor area, and one (1) paved space per 800 square foot of enclosed storage and/or display area, and one (1) paved space per 200 square foot of open sales/storage/display area.

8. Commercial recreation and amusement, dance hall, nightclub, tavern. One (1) paved space per 800 square foot of outdoors recreational area, and one (1) paved space per 200 square foot of indoors recreational area exceeding 20,000 square foot, and one (1) paved space per 100 square foot of associated indoor use.

9. Hotel and motel establishments. One (1) paved space per guest room and one (1) paved space per two (2) employees (associated independent general commercial and/or recreational areas open to public require additional spaces as given elsewhere in this table.

10. Shopping malls, exceeding 200,000 square foot gross leasable area (excluding theatres). Five (5) spaces per 1,000 square foot gross leasable area

11. Theatres, clubs, gymnasiums, convention halls, assembly halls, stadiums, funeral homes, church. One (1) paved space per four (4) seats, or (a) one (1) space per 800 square foot of outdoor recreational area, (b) one (1) paved space per 200 square foot of indoor recreational area exceeding 20,000 square foot <u>and</u> (c) one (1) space per 100 square foot of associated indoor use, whichever is greater.

12. Hospitals. One (1) paved space for each two (2) beds plus one paved space for each hospital or staff doctor plus one (1) paved space for each five (5) employees; parking for each group to be physically separate from other users and identified by user group.

13. Neighborhood services and facilities. Two (2) paved spaces per classroom and two (2) paved spaces per office.

14. Child-care facilities. One (1) paved space per ten (10) children and one paved space per office.

15. Elementary or primary schools. Two (2) paved spaces per classroom and two (2) paved spaces per office.

16. Middle or junior schools. Three (3) paved spaces per classroom and three (3) paved spaces per office.

17. Senior or secondary schools. Six (6) paved spaces per classroom and six (6) paved spaces per office.

18. College or trade school. Ten (10) paved spaces per classroom and ten (10) paved spaces per office.

19. Research and development activities. One (1) paved space per 800 square foot gross floor area.

20. Manufacturing, wholesaling, and processing establishments. One (1) paved space per 800 square foot gross floor area.

21. Warehousing. One (1) paved space per 2,000 square foot gross area.

22. Miniwarehouses. Three (3) paved spaces per office area.

23. Institutions and homes for children, elderly, convalescent, and sanitariums. One (1) paved space per four beds.

24. Housing for elderly and/or handicapped. One (1) paved space per dwelling unit.

25. College fraternities and sororities. One (1) paved space per bed.

Planning and Zoning Form 1

APPLICATION FOR CHANGE OF ZONING

(Type or Print)

1. Date: _____ Case #: _____

2. Applicant Name: _____
(First) (Middle) (Last)

3. Mailing Address: _____
(Street)
_____
(City) (State) (Zip)

Phone: ( )-

4. Applicant's relationship to property to be rezoned:
Sole owner ( ) Part owner ( ) Other; _____
(Specify)
(If not sole owner, furnish a notarized letter of authorization from all owners as attachment 1.)

5. Property location: _____
(Street address or street property front)

6. Legal description:

Plat: Lot(s) _____ Block(s) _____

Subdivision; _____

Acreage: _____ (If acreage, provide separate metes and bounds description as attachment 2.)

Property Deed recorded in Comal County Volume # _____ Page # _____

7. Existing use of property: _____
_____
_____

8. Proposed use of property: _____
_____
_____

9. Give dimensioned map with north orientation, scaled 100 or 200 feet per inch, of the property to be rezoned showing all streets and parcels of land within 300 feet of the property as attachment 3. Key each adjoining land parcel to a list of current owners and addresses as attachment 4.

10. Give site plan showing location, dimensions and uses of existing or proposed structures, easements, water sources, fences, curb cuts, street and alley right-of-way lines within one foot of property to be rezoned, on another map of larger scale, as attachment 5.

11. Identify any deed restrictions on agriculture, residential, business or other use. If none, so state: ___
_____
_____
_____
_____

12. Reason for requesting zoning change (attach additional sheet if needed): _____

_____
_____
_____
_____
_____

13. The undersigned hereby requests that the property identified in this application be reclassified from: _____ district to: _____ district, in accordance with Garden Ridge City Ordinance 13. I consent to the posting of hearing notices on the said property. I understand that the information provided herein will be used by the City of Garden Ridge for sending required notices to adjacent property owners. I bear full responsibility and liability for any losses or costs incurred by the City, or others, caused by errors or omissions in this application.

14. Applicant Signature: _____

____ Attachments:
1. Owner(s) letters of authorization, if applicable
2. Metes and Bounds description of property, if applicable
3. Map of property
4. List of adjacent property owners
5. Site plan
6. Check for zoning change fee per Garden Ridge City Ordinance 11.

--------- CITY USE ONLY ---------
CHANGE OF ZONING

		Date
City Admin.:	Application received	_____
	Application verified	_____
	Fee received $_____ Check #_____	_____
	Application sent to P&Z	_____
P&Z:	Owners' acceptance of application	_____
	Notice to adjoining property owners'	_____
	Notice of public hearing	_____
	Public hearing conducted	_____
	P&Z decision on rezoning	_____
	P&Z recommendation to City Council	_____
City Council:	Notice to adjoining property owners'	_____
	Notice of public hearing	_____
	Public hearing conducted	_____
City Admin.:	Applicant notified of Council Decision	_____
	Zoning ordinance change published	_____

Planning and Zoning Form 2
APPLICATION FOR VARIANCE
(Type or Print)

1. Date: _____ Case #:_____

2. Applicant Name: _____
(First) (Middle) (Last)

3. Mailing Address: _____
(Street)
_____
(City) (State) (Zip)

Phone: ( )-

4. Applicant's relationship to property:
Sole owner ( ) Part owner ( ) Other; _____
(Specify)
(If not sole owner, furnish a notarized letter of authorization from all owners as attachment 1.)

5. Property location: _____
(Street address or street property front)

6. Legal description:

Plat: Lot(s) _____ Block(s) _____

Subdivision; _____

Acreage: _____ (If acreage, provide separate metes and bounds description as attachment 2.)

Property Deed recorded in Comal County Volume # _____ Page # _____

7. Cite City Ordinance number, page and paragraph from which variance is needed: _____
_____
_____

8. State what you want to do instead: _____
_____
_____

9. Give reason why a variance should be granted (cost alone is not acceptable): _____
_____
_____
_____

10. If you are requesting a variance from City Ordinance 13 requirements, give a dimensioned map with north orientation, scaled 100 or 200 feet per inch, of the property to be rezoned showing all streets and parcels of land within 300 feet of the property as attachment 3. Key each adjoining land parcel to a list of current owners and addresses as attachment 4.

11. Give site plan showing location, dimensions and uses of existing or proposed structures, easements, water sources, fences, curb cuts, street and alley right-of-way lines within one foot of property for which variance is requested, on another map of larger scale, as attachment 5.

12. Identify any deed restrictions on agriculture, residential, business or other use. If none, so state: ___

_____

_____

_____

_____

13. The undersigned hereby requests that the variance identified in this application are granted, in accordance with Garden Ridge City Ordinance 13. I consent to the posting of hearing notices on the said property. I understand that the information provided herein might be used by the City of Garden Ridge for sending required notices to adjacent property owners, if required. I bear full responsibility and liability for any losses or costs incurred by the City, or others, caused by errors or omissions in this application.

14. Applicant Signature: _____

____ Attachments:

1. Owner(s) letters of authorization, if applicable
2. Metes and Bounds description of property, if applicable
3. Map of property
4. List of adjacent property owners
5. Site plan
6. Check for variance fee per Garden Ridge City Ordinance 11.

--------- CITY USE ONLY ---------

VARIANCE REQUEST

		Date
City Admin.:	Application received	_____
	Application verified	_____
	Fee received $_____ Check #_____	_____
	Application sent to P&Z	_____
P&Z:	Owners' acceptance of application	_____
	Notice to adjoining property owners, if required	_____
	Notice of public hearing, if required	_____
	Public hearing conducted, if required	_____
	P&Z decision on variance	_____
	P&Z recommendation to City Council	_____
City Council:	Notice to adjoining property owners, if required	_____
	Notice of public hearing, if required	_____
	Public hearing conducted, if required	_____
City Admin.:	Applicant notified of Council Decision	_____
	Zoning ordinance change published, if required	_____

Planning and Zoning Form 3

APPLICATION FOR SPECIAL USE PERMIT

(Type or Print)

1. Date: _____ Case #: _____

2. Applicant Name: _____
(First) (Middle) (Last)

Doing Business as: _____
(First) (Middle) (Last)

Texas Sales & Use Tax Permit Number: _____

3. Mailing Address: _____
(Street)

_____
(City) (State) (Zip)

Phone: ( )-

4. Physical Address of Business: _____
(Street)

_____
(City) (State) (Zip)

Phone: ( )-

5. Applicant's relationship to property or business:
Sole owner ( ) Part owner ( ) Other; _____
(Specify)
(If not sole owner, furnish a notarized letter of authorization from all owners as attachment 1.)

6. Legal description of property on which business is to be located:

Plat: Lot(s) _____ Block(s) _____

Subdivision _____

Acreage: _____ (If acreage, provide separate metes and bounds description as attachment 2.)

Property Deed recorded in Comal County Volume # _____ Page # _____

7. Existing use of property; _____
_____
_____

8. Use of property being requested (Be specific and give details - attach additional sheets as needed):
_____
_____
_____

9. Give dimensioned map with north orientation, scaled 100 or 200 feet per inch, of the property showing all streets and parcels of land within 300 feet of the property as attachment 3. Key each adjoining land parcel to a list of current owners and addresses as attachment 4.

10. Give site plan showing location, dimensions and uses of existing or proposed structures, easements, water sources, fences, curb cuts, street and alley right-of-way lines within one foot of property for which variance is requested, on another map of larger scale, as attachment 5.

11. Identify any deed restrictions on agriculture, residential, business or other use. If none, so state: ___

_____

_____

_____

_____

12. The undersigned hereby requests that the property identified in this application be approved for the Special Use(s) requested above in accordance with in accordance with Garden Ridge City Ordinance 13, section 12. I consent to the posting of hearing notices on the said property. I understand that the information provided herein might be used by the City of Garden Ridge for sending required notices to adjacent property owners, if required. I bear full responsibility and liability for any losses or costs incurred by the City, or others, caused by errors or omissions in this application.

13. Applicant Signature: _____

____ Attachments:

1. Owner(s) letters of authorization, if applicable
2. Metes and Bounds description of property, if applicable
3. Map of property
4. List of adjacent property owners
5. Site plan
6. Check for Special Use Permit fee per Garden Ridge City Ordinance 11.

--------- CITY USE ONLY ---------

Special Use Permit

		Date
City Admin.:	Application received	_____
	Application verified	_____
	Fee received $_____ Check #_____	_____
	Application sent to P&Z	_____
P&Z:	Owners' acceptance of application	_____
	Notice to adjoining property owners, if required	_____
	Notice of public hearing, if required	_____
	Public hearing conducted, if required	_____
	P&Z decision on Special use Permit	_____
	P&Z recommendation to City Council	_____
City Council:	Notice to adjoining property owners, if required	_____
	Notice of public hearing, if required	_____
	Public hearing conducted, if required	_____
City Admin.:	Applicant notified of Council Decision	_____

FIGURE 1
VEHICULAR STORAGE AREAS

RECREATIONAL VEHICLE STORAGE AREAS LIMITED TO SHADED AREAS ON DIAGRAM.

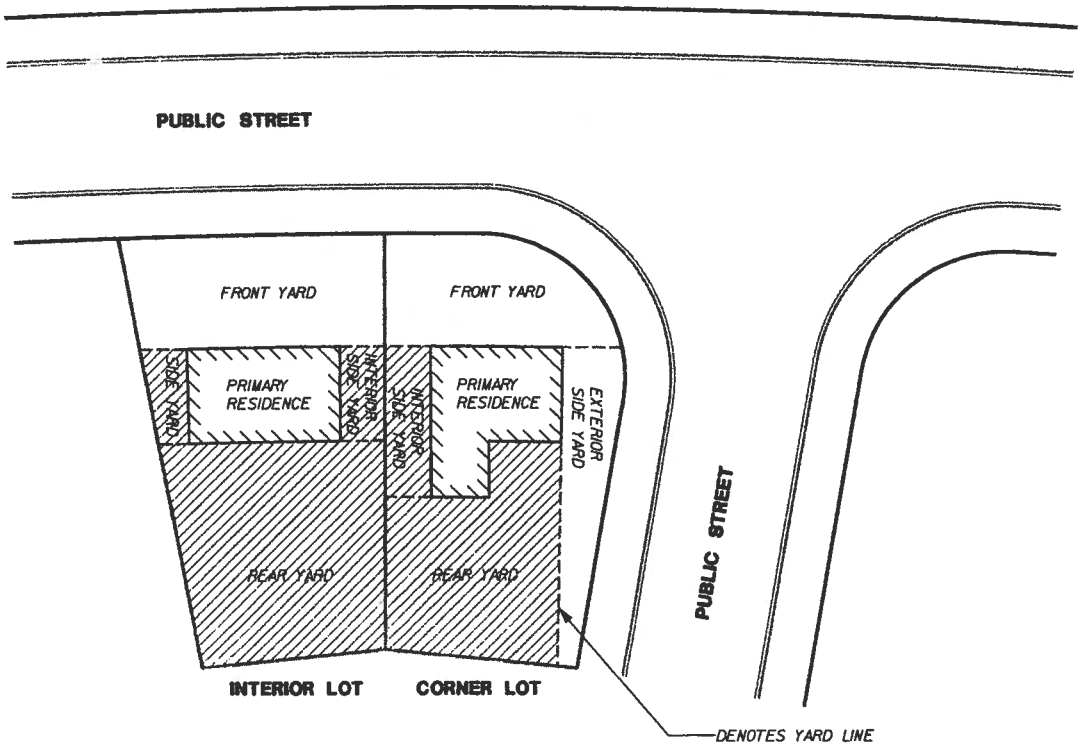

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FIGURE 2
SIGHT LINE RESTRICTIONS
CORNER LOTS

THE ILLUSTRATED SHADED AREAS OF ALL CORNER LOTS MUST HAVE CLEAR SIGHT LINES BETWEEN THE 2' AND 6' ELEVATIONS.

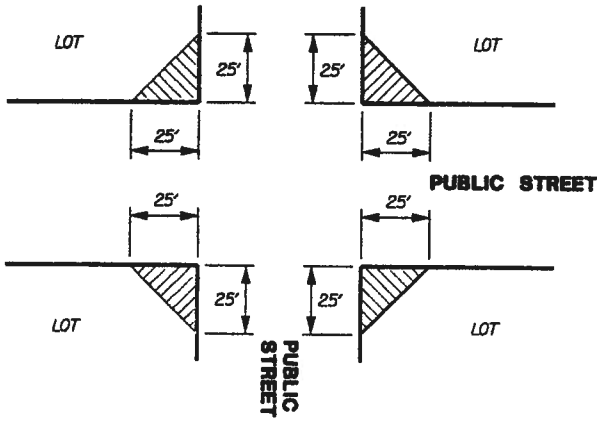
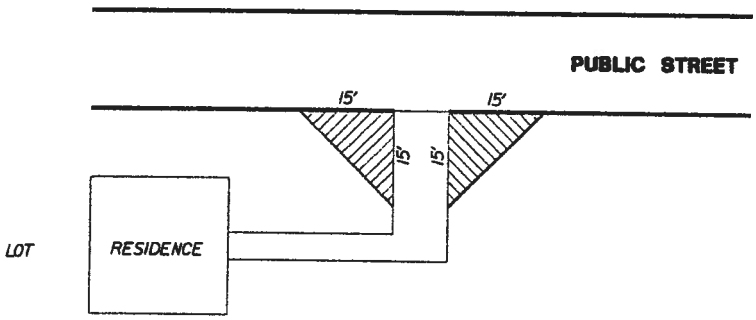


FIGURE 3
SIGHT LINE RESTRICTIONS
DRIVEWAY-STREET INTERSECTIONS



THE ILLUSTRATED SHADED AREAS OF ALL INTERSECTIONS OF DRIVEWAYS MUST HAVE CLEAR SIGHT LINES BETWEEN THE 2' AND 6' ELEVATIONS.

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PUBLICATION OF THIS ORDINANCE. This ordinance shall take effect immediately upon its passage, approval and publication according to law.

PASSED AND APPROVED THIS 3rd DAY OF DECEMBER 2008.

Jay E. Feibelman,
Mayor

ATTEST:

Linda Knowlson
City Secretary

APPENDIX 1

City of Garden Ridge Current Zoning Map