



**Planning and Zoning Commission
Regular Meeting
212 Main Street
City of Lake Dallas, Texas 75065
Thursday, March 17, 2022 at 6:00 p.m.
Agenda**

1. Call to Order and Determination of Quorum

2. Pledges of Allegiance

3. Citizen Agenda & Public Comment

An opportunity for citizens to address the Planning & Zoning Commission on matters which are not scheduled for consideration by the Planning & Zoning Commission. Speakers will be limited to five (5) minutes each. The Texas Open Meeting Act prohibits deliberation by the Planning & Zoning Commission of any subject which is not on the posted agenda, therefore the Planning & Zoning Commission will not be able to discuss or take any action on items brought up during the citizen presentations that are not on the agenda.

4. Approval of the minutes of the January 20, 2022, regular meeting.

5. Receive a report and hold a discussion regarding Lake Dallas Code of Ordinances, Chapter 122 "Zoning," Article I. "In General," as it relates to definitions and allowable uses.

6. Announcements

7. Adjourn.

I certify that the above notice of this meeting was posted on the bulletin board at City Hall of the City of Lake Dallas, Texas on or before March 14, 2022 at 4:30 p.m.

Codi Delcambre, City Secretary

If you plan to attend this public meeting and you have a disability that requires special arrangements at this meeting, please contact City Secretary's Office at (940) 497-2226 ext. 102 or fax (940) 497-4485 at least two (2) working days prior to the meeting so that appropriate arrangements can be made.

**State of Texas
County of Denton
City of Lake Dallas**

The Lake Dallas Planning and Zoning Commission met in a regular meeting on January 20, 2022, at Lake Dallas City Hall, 212 Main Street, Lake Dallas, TX 75065, with notice of the meeting given as required by Title 5, Chapter 551.041 of the Texas Government Code. Vice Chairperson Annette Fuller called the meeting to order at 6:27 p.m.

1. Call to Order and Determination of Quorum: Roll Call Planning and Zoning Commission

Carol Ann Connors
Annette Fuller
Melody Parlett

Member Place 2
Vice Chairperson, Member Place 4
Member Place 5

Absent: Lester Raborn, Christian Cline

Staff present: Angie Manglaris, Director of Development Services, and Marilyn Rojas, Permit Tech/Admin Assistant.

2. Pledge of Allegiance

3. Citizen Agenda & Public Comment

An opportunity for citizens to address the Planning and Zoning Commission on matters which are not scheduled for consideration by the Planning and Zoning Commission. The Texas Open Meeting Act prohibits by the Planning and Zoning Commission of any subject which is not on the posted agenda.

No public input was received.

4. Approval of minutes for Meeting held on November 18, 2021

Motion: Member place 5 Melody Parlett motioned to approve the minutes seconded by Member place 2 Carol Anne Connors.

Ayes: Carol Ann Connors, Melody Parlett, Annette Fuller

Nays: None

Motion Passed 3-0

5. Receive a report and hold a discussion regarding the City of Lake Dallas Zoning Ordinance update project.

Angie Manglaris, Director of Development Services, led discussion and gave a review of the City of Lake Dallas' Zoning Ordinance update project. Ms. Manglaris explained the Zoning Chapter has received numerous minor updates throughout the years but has not received a comprehensive update. The way in which the Code has been amended over time has led to several inconsistencies in the Zoning Code making it unclear, inconsistent, and cumbersome at times.

Ms. Manglaris explained the process of rewriting the Zoning Ordinance will consist of the following:

- a. Evaluate the City's Zoning Districts
- b. Compare current zoning to the Comprehensive Plan
- c. Incorporate a Land Use Matrix
- d. Include a robust definitions section of the Chapter
- e. Cleanup existing language that is either inconsistent or unclear
- f. Incorporate elements of site plan design that are currently lacking, especially in crucial zoning districts such as Downtown overlay
- g. Update zoning map to reflect all zoning changes over the last few years as well as any changes made as part of this project

Followed by a Q&A discussion only and no action required.

6. Announcements and request for future agenda items.

Ms. Manglaris updated the Commission on the status of projects pending from the last Planning and Zoning Commission, which was canceled due to lack of quorum on December 16, 2021. Per State Law, all items scheduled for that meeting went directly to City Council for review. City Council met on December 13, 2021 and approved all items on that agenda including a preliminary and final plat for 440 Betchan, a site plan for a new commercial building, and a minor residential replat.

7. Adjournment 7:17 pm

Passed and approved on the _____ day of _____, 2022

Lester Raborn, Chairperson

Marilyn Rojas, Permit Tech/Admin Assistant



PLANNING AND ZONING
AGENDA MEMO

Prepared By: Angie Manglaris, AICP, Director of Development Services

March 17, 2022

Zoning Ordinance Discussion

DESCRIPTION:

Receive a report and hold a discussion regarding Lake Dallas Code of Ordinances, Chapter 122 "Zoning," Article I. as it relates to general definitions, the creation of Use Charts and allowable uses within specific Zoning Districts.

BACKGROUND INFORMATION:

Zoning can be generally described as the process of classifying land into areas and districts, such areas and districts being generally referred to as "zones" and the prescribing and application in each area and district of regulations concerning building and structure designs, building and structure placement, and uses to which land, buildings, and structures within such designated areas and districts may be put. The City of Lake Dallas is currently in the process of updating its Zoning Ordinance and associated regulations. Rewriting a Zoning Ordinance is a multi-step process. The purpose of this discussion is to focus on the following steps within the project:

Incorporate a robust definitions section of the Chapter:

The definitions which are in the Code today are not all-inclusive of the uses currently allowed in the City. The lack of clarity and somewhat vague definitions leave too much room for human error in interpretation. Attached to this Agenda Memo is an expounded upon definitions section of Chapter 122. The intent of the revisions is to better define terminology referenced throughout the Chapter.

Incorporate a Land Use Matrix into the Zoning Chapter:

A complete Land Use Matrix would make it easier on residents, developers, and staff in knowing what uses are allowed in which districts. In addition, going through the exercise of creating a Land Use Matrix provides an opportunity for staff, residents, and City Council to review what uses are/are not allowed in the City today and may assist in determining if any new uses need to be included. A draft of the City's Land Use Matrix is attached to this Agenda Memo. The draft matrix looks at uses that are currently unaddressed in the City's Zoning Code. Generally speaking, land uses not explicitly allowed in a Zoning Ordinance are implicitly prohibited. This draft of the Land Use Matrix begins to incorporate some land uses that have risen in popularity and demand over the last decade.

Evaluate the City's Zoning Districts:

The development of a Land Use Matrix is helpful in beginning to evaluate the Zoning Districts the City has. Specifically, this is an opportunity to consider if there are any Zoning Districts that could be removed or combined, and if there are there any Zoning Districts that could be added. The draft Land Use Matrix considers the following options:

- The draft Land Use Matrix does not include a C-2 Zoning District. Rather, it combines C-2 and C-3 to create one Zoning District. After reviewing the two Zoning Districts, the differences between C-2 and C-3 are relatively minor, as C-3 allows for any use permitted in C-2. To reconcile the differences between the two Zoning Districts, staff suggests the use of special use permits to address land uses allowed by right in C-3 by but not allowed in C-2. This includes the following uses:
 1. Automobile sales, rental, repair and storage.
 2. Boat sales, rental, repair and storage.
 3. Motorcycle sales, rental, repair and storage.
 4. Recreational vehicle sales, rental, repair and storage.
 5. Bus and/or rail sales.
- The draft Land Use Matrix contemplates adding a Community Facilities Zoning District. This Zoning District has been added for consideration and is intended for public and quasi-public institutions which do not fit into other zones, such as residential or commercial zoning. This category is reserved for City-owned offices and buildings, parks, public health facilities, schools, and other similar community-oriented services and buildings.
- The draft Land Use Matrix does not include the Swisher Road overlay. Staff is suggesting mimicking C-1 allowable uses for the Swisher Road Overlay. As this project progresses, the City will want to review the Swisher Road Overlay in greater detail and determine if the Overlay is actively assisting the development of the Swisher Corridor or if alternate options should be considered.

FINANCIAL IMPACT:

The purpose of this discussion item is to provide an overview of what Zoning Districts currently exist in Lake Dallas, what types of districts are envisioned as part of the Comprehensive Plan, and review opportunities for consolidation or removal of certain districts. Attached to this memo is an overview of Zoning Districts in the City of Lake Dallas.

RECOMMENDED MOTIONS:

After discussion, provide staff direction on next steps.

ATTACHMENT(S):

- Chapter 122- Draft Definitions
- Chapter 122- Draft Use Charts

Sec. 122-4. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

Agriculture means the planting, cultivating, harvesting and storage of grains, hay or plants commonly grown in the county. The raising and feeding of livestock and poultry shall be considered an agricultural use if the area in which the livestock or poultry is kept is ten acres or more in area, and if such raising of livestock and poultry is incidental or supplemental to the raising of crops.

Alley means a minor way, which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

Alteration means any addition, removal, extension or change in the location of any exterior wall of a main building or accessory building.

Apartment means a room or a suite of rooms within an apartment house arranged, intended or designed for a place of residence of a single family or group of individuals living together as a single housekeeping unit.

Automobile repair shop (major) means an establishment used for general repair or reconditioning of engines, air-conditioning systems, and transmissions for vehicles; wrecker or towing service; insurance estimating; collision services including body, frame or fender repair; customizing; painting; tire re-treading; undercoating and rust-proofing.

Automobile repair shop (minor) means an establishment used for the dispensing or sales of automobile fuels, lubricants, and accessories; the minor repair or replacement of parts; performing state inspection and making minor repairs necessary to pass state inspection; automobile detailing; and the sales and installation of automobile radios.

Bed and breakfast inn means a dwelling or private home occupied as a permanent residence by an owner, manager or renter which offers or serves breakfast to guests and which provides or offers sleeping accommodations in not more than five rooms wherein the length of stay is not more than 14 consecutive days for any one or more guest at any one facility.

Block means a piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the zoning administrator shall determine the outline of the block.

Building means a completely enclosed structure, anchored to a permanent foundation and having exterior or party walls and a roof, designed for the shelter of persons, animals or property. When divided by other than common or contiguous walls, each portion or section of such building shall be regarded as a separate building, except that two buildings connected by a breezeway shall be deemed as one building. The word "building" includes the word "structure."

Commission means the planning and zoning commission.

Court means an open, unoccupied space, other than a yard, bounded on three or more sides by exterior walls of a building, or by exterior walls of a building and lot lines on which walls are allowable.

Curb level means the mean level of the curb in front of the lot, or in case of a corner lot, along that abutting street where the mean curb level is the highest.

Disaster means fire, flood, explosion, tornado, high winds, or other cause of destruction that is not the choice of the property owner.

Dwelling means a building or portion of a building designed exclusively for residential occupancy, including a one-family, two-family, multiple-family dwelling, and a mobile home or manufactured home.

Dwelling, multifamily means a building or portion of a building arranged, intended or designed for occupancy by three or more families.

Dwelling, one-family means a building arranged, intended or designed for occupancy by one family only.

Dwelling, two-family means a building arranged, intended or designed for occupancy by two families.

Family means one or more persons living together as a single housekeeping unit in which not more than two persons are unrelated by blood, marriage or adoption, foster children excepted.

Garage, private means an accessory building for storage only of motor vehicles.

Height of building means the vertical distance measured from the average finished ground level adjoining the building if it sits back from the street line to the level of the highest point of the roof beams of flat roofs or roofs inclining not more than one inch to the foot, or to the mean height level of the top of the mainplates and highest ridge for other roofs.

Height of yard or height of court means the vertical distance from the lowest level of a yard or court to the highest point of any boundary wall.

Home occupation means any business, occupation or profession conducted by a resident that is clearly incidental and secondary to the use of the premises for dwelling purposes and is not detrimental to the enjoyment of adjoining or nearby property.

Hotel or motel means a building or facility occupied, used or offering temporary lodging accommodations for not less than 30 consecutive days or guest rooms on a daily or weekly rate to the general public and providing additional services such as restaurants, meeting rooms, maid service, and recreational facilities. A guest room is a room designed, intended or used for the overnight lodging of hotel or motel guests for an established rate or fee.

HUD-code manufactured home means a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development; built on a permanent chassis; designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; transportable in one or more sections; and in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet; includes the plumbing, heating, air conditioning, and electrical systems of the home; and does not include a recreational vehicle as defined by 24 C.F.R. Section 3282.8(g).

Living area means the air-conditioned space in a residential dwelling unit, exclusive of garages, porches, breezeways, or other nonliving space.

Lot means a parcel of land occupied or to be occupied by one main building, or unit group of buildings, and the incident accessory buildings or uses, including such open spaces as are required under this article, and having its principal frontage upon a public street or approved place.

Lot, corner means a lot abutting upon two or more streets at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension unless otherwise specified by the zoning administrator.

Lot depth means the mean horizontal distance from the front street line to the rear lot line.

Lot, interior means a lot whose side lot lines do not abut upon any street.

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

Lot line, side means any lot boundary line not a front or rear line. A side lot line may be a party lot line, a line bordering on an alley or place, or a side street line.

Lot lines means the lines bounding a lot.

Lot, reverse corner means a corner lot whose front lot line faces at right angles to the front lot lines of the interior lots or whose rear lot line abuts the side lot lines of interior lots.

Lot, through means an interior lot having frontage on two streets.

Lot width means the horizontal distance between side lot lines, measured at the front building line.

Lots in separate ownership at the time of the passage of the ordinance codified in this chapter means lots whose boundary lines, along their entire length, touched lands under other ownership as shown by plat or deed recorded in the office of the county clerk on or before the date of adoption of the ordinance codified in this chapter.

Manufactured housing or manufactured home means a HUD-code manufactured home or a mobile home and collectively means and refers to both.

Masonry means materials allowed under this chapter as exterior facade, including fired clay brick, stone, finished stucco, aggregate concrete, or other brick and materials as determined by the commission.

Mobile home means a structure: constructed before June 15, 1976; built on a permanent chassis; designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; transportable in one or more sections; and in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet; and includes the plumbing, heating, air conditioning, and electrical systems of the home.

Model home means a dwelling in a developing subdivision located on a legal lot of record that is limited to temporary use as a sales office for the subdivision, and to provide an example of the dwellings in the same subdivision.

Must means mandatory.

Nonconforming use or structure means a use or structure that does not conform to the requirements of this chapter but which, at the time of the commencement of the use or construction of the structure, was in conformance with the zoning regulations of the district in which situated.

Parking lot means an off-street area surfaced and improved for the temporary parking of motor vehicles.

Parking lot, commercial means an off-street area surfaced with asphalt or concrete for the temporary parking of motor vehicles for a fee.

Retirement/assisted living housing means a dwelling unit specifically designed to provide lodging, meals, and assisted living services for elderly persons.

Service floor area means the total floor area of a building, exclusive of stairways, restrooms, storage rooms, hallways or other areas, which are not regularly used by inhabitants, visitors, employees, clients, customers, patients or patrons in their normal everyday use of the building.

Shall means mandatory.

Sign means that which attracts or directs attention by visual means to any object, product, service, place, activity, person, institution or business. A sign includes any fasteners, fixtures, methods, or structures by or upon which a sign is erected, attached, displayed, placed or mounted.

Stable, private means an accessory building designed and intended for the housing and maintenance of horses and/or livestock that are owned by the occupant of the premises, and which accessory building is not used for commercial purposes and is used for the personal use of the owner or occupant of the property where situated.

Story means that part of a building included between the surface of one finished floor and the surface of the finished floor next above, or if there is no floor above, that part of the building which is above the surface of the highest floor. A top story attic is a half-story when the main line of the eaves is not above the middle of the interior height of such story.

Street means an area for vehicular traffic whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or otherwise.

Structural alteration means any alteration involving a change in or addition to the supporting members of a building, such as load bearing walls, columns, beams or girders.

Structure means anything constructed or erected which requires location on the ground, or attached to something having a location on the ground, including but not limited to signs, and excepting utility poles, fences and retaining walls.

Used for includes the meaning "designed for" or "intended for."

Yard means 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 may otherwise be provided in this chapter.

Yard, front means a yard across the full width of the lot from the front line of the main building to the front line of the lot.

Yard, rear means a yard measured between the rear lot line and the rear line of the main building and located between the side lot lines.

Yard, side means a yard between the main building and the adjacent side lot line of the lot, and extending from the front yard to the rear yard.

Zoning Administrator means the person designated by the City with the duties of administering and enforcing this chapter, or such person's duly appointed designee.

Table 122-A

Use Category	Definition	Specific Use Type	Zoning Districts													
			R-1-10000	R-1-7200	R-1-6000	R-2	R-3	MHD	MHP	CF	C-1	C-2	IH-35E	M-1	MA	Downtown
Group Home	As defined and regulated by state and federal law		P	P	P	P	P									
Convalescent Home	Any structure used for or occupied by persons recovering from illness or suffering from the infirmities of old age						S				P	P	P	P	P	P
Accessory Dwelling	Accessory building to be used as a secondary dwelling on the same property, provided there is a primary residence		P	S	S											
Institutional and Civic			P= Permitted Use; S = SUP Required; Blank = Not Permitted													
College	Colleges and institutions of higher learning									P	P	P	P		P	
Community Service	Public, nonprofit, or charitable uses generally									S	P	P	P	P	P	P

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Use Category	Definition	Specific Use Type	Zoning Districts														
			R-1-10000	R-1-7200	R-1-6000	R-2	R-3	MHD	MHP	CF	C-1	C-2	IH-35E	M-1	MA	Downtown	
	providing a local service to the community																
Day Care	Care, protection and supervision for adults on a regular basis away from their residence for less than 24 hours per day	12 Children or less	S	S	S	S	S			S	P	P	P	P	P		S
		Kindergarten or Nursery						S	S	S				P			S
Government Installations	Installations owned and operated by the City of Lake Dallas, Denton County, or the State of Texas which are necessary for governmental services		S	S	S	S	S	S	S	P	S	S	S	S	S		S
Health Care Facility	Medical or surgical care to patients, with overnight care									S	P	P	P	P	P		P
Parks and Open Areas	Natural areas consisting mostly of vegetative		S	S	S	S	S	S	S	S	P	P	P	P	P		P

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Use Category	Definition	Specific Use Type	Zoning Districts														
			R-1-10000	R-1-7200	R-1-6000	R-2	R-3	MHD	MHP	CF	C-1	C-2	IH-35E	M-1	MA	Downtown	
	landscaping or outdoor recreation, community gardens, etc.																P
Religious Institution	Worship and other related religious activities		S	S	S	S	S	S	P	P	P	P	P	P	P	P	S
Safety Services	Public safety & emergency response services		S	S	S	S	S	S	P	P	P	P	P	P	P	P	P
Schools	Schools at the primary, elementary, middle, junior high, or high school level		S	S	S	S	S	S	S	P	P	P	P	P	P	P	S
Utilities, basic	Installations which are necessary for the furnishing of public utility services	Minor expansions of existing facilities	S	S	S	S	S	S	S	P	P	P	P	P	P	P	S
		New or major expansions	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Commercial			P= Permitted Use; S = SUP Required; Blank = Not Permitted														

Table 122-A

Use Category	Definition	Specific Use Type	Zoning Districts													
			R-1-10000	R-1-7200	R-1-6000	R-2	R-3	MHD	MHP	CF	C-1	C-2	IH-35E	M-1	MA	Downtown
Amusement Arcade, Indoors	51% of the gross floor area of a tenant space used for pinball machines, video games, amusement machines, or other similar player-operated amusement devices												S	S		
Auto Sales and Rental	Automobile, motorcycle, truck, boats, and trailer sales or rental													P		
Batting Cages, Outdoor	An area for baseball, softball, or tee-ball batting practice that is enclosed by fencing or netting									S	S	S	P	P	P	S
Crematory	A place where a deceased person's body is cremated									S	S	S	P			

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Use Category	Definition	Specific Use Type	Zoning Districts													
			R-1-10000	R-1-7200	R-1-6000	R-2	R-3	MHD	MHP	CF	C-1	C-2	IH-35E	M-1	MA	Downtown
Farm Implement Sales and Service	Sale and service of farming tools and equipment										S	S	S	P		
Food Truck Park	A location at which more than one food truck operates on a regular basis									S	P	P	S	S	S	S
Golf Driving Range, Outdoor	An area where persons can practice or learn to play golf, typically practicing "driving;" swinging a golf club to hit a golf ball									S	P	P	P	P	P	
Miniature Golf, Outdoor	A version of golf played on a series of short constructed obstacle courses; also commonly known as mini-golf or putt-putt										S	S	P	P	P	S

Table 122-A

Use Category	Definition	Specific Use Type	Zoning Districts														
			R-1-10000	R-1-7200	R-1-6000	R-2	R-3	MHD	MHP	CF	C-1	C-2	IH-35E	M-1	MA	Downtown	
Office	Activities conducted in an office setting and generally focusing on business, professional, medical, or financial services						S			S	P	P	P	P	P	P	
Office, Temporary Residential Sales Office	Temporary real estate office for the sale of property located within its related subdivision		P	P	P	P	P										S
Parking, Commercial	Parking that is not accessory to a principal use; fees may or may not be charged									S	P	P	P	P	P		S
Printing Services	Duplicating service, printing, lithographing, multi-graphing and offset printing, blueprinting, and photo-stating	Duplicating and electronic printing where floor area does not exceed 3000 SF								S	P	P	P	P	P		P
		Offset printing, web press											P	P			

Table 122-A

Use Category	Definition	Specific Use Type	Zoning Districts													
			R-1-10000	R-1-7200	R-1-6000	R-2	R-3	MHD	MHP	CF	C-1	C-2	IH-35E	M-1	MA	Downtown
Recreation and Entertainment, Outdoor	Large, generally commercial uses that provide continuous recreation or entertainment-oriented activities										S	S	S	S	P	S
Retail Sales and Service	Firms involved in the sale, lease, or rental of new or used products to the general public; they may also provide personal services or entertainment, or provide product repair or services for consumer and business goods									S	P	P	P	P	P	P
RV Camping Area	Any development, site, parcel or tract of land designed, maintained or intended to be used for the purpose of providing short term (14 days or					S			S	S	S	S	S	P		

Table 122-A

Use Category	Definition	Specific Use Type	Zoning Districts														
			R-1-10000	R-1-7200	R-1-6000	R-2	R-3	MHD	MHP	CF	C-1	C-2	IH-35E	M-1	MA	Downtown	
	less) occupancy of camper vehicles, recreational vehicles, tents or trailers																
RV Storage	Parking lot used for the storage of recreational vehicles									S	S	S	S	P	S		
Sexually Oriented Business	An adult arcade, adult bookstore, adult video store, adult motel, adult motion picture theater, adult theater, nude model studio, or adult entertainment facility (see Chapter 26, Art. III, Code of Ordinances)										S	S		S			
Skating rinks	Ice skating or roller-skating rinks									S	P	P	P	P			

Table 122-A

Use Category	Definition	Specific Use Type	Zoning Districts													
			R-1-10000	R-1-7200	R-1-6000	R-2	R-3	MHD	MHP	CF	C-1	C-2	IH-35E	M-1	MA	Downtown
Self-Service Storage	Uses providing separate storage areas for individual or business uses										S	S	S	S	S	
Vehicle Repair	Service to passenger vehicles, light & medium trucks, & other consumer motor vehicles, generally, the customer does not wait at the service site while the service or repair is being performed										S	P	P	P	P	
Vehicle Service, Limited	Direct services to motor vehicles where the driver or passengers generally wait in the car or nearby while the service is performed										S	P	P	P	P	

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Use Category	Definition	Specific Use Type	Zoning Districts													
			R-1-10000	R-1-7200	R-1-6000	R-2	R-3	MHD	MHP	CF	C-1	C-2	IH-35E	M-1	MA	Downtown
Warehouse and Freight Movement	Firms involved in the storage, or movement of goods										S	S	P	P		
Wholesale Sales	Firms involved in the sale, lease, or rental of products primarily intended for industrial, institutional, or commercial businesses												S	P		
Industrial			P= Permitted Use; S = SUP Required; Blank = Not Permitted													
Industrial Service	Firms engaged in the repair or servicing of industrial, business, or consumer machinery equipment, products or by-products												P	P		
Manufacturing and Production	Firms involved in the manufacturing, processing, fabrication,													P		

Table 122-A

Use Category	Definition	Specific Use Type	Zoning Districts															
			R-1-10000	R-1-7200	R-1-6000	R-2	R-3	MHD	MHP	CF	C-1	C-2	IH-35E	M-1	MA	Downtown		
	packaging, or assembly of goods																	
	Tiny Home Manufacturing											S		P				
Other			P= Permitted Use; S = SUP Required; Blank = Not Permitted															
Agriculture	Raising, producing or keeping plants or animals	Animal Confinements - Commercial											S		S			
		Animal Pasturing greater than 10 acres	P										S		S			
		Animal Pasturing less than 10 Acres																
		Private Stable (Accessory Use)	P					P	P		S	S	S	S	S			
		Private Stable (Primary Use)	S	S	S	S	S	S	S	S	S	S	P	P	S			

Use Category	Definition	Specific Use Type	Zoning Districts													
			R-1-10000	R-1-7200	R-1-6000	R-2	R-3	MHD	MHP	CF	C-1	C-2	IH-35E	M-1	MA	Downtown
			Telecommunications Facilities	A facility used for the transmission of signs, signals, messages, words, writings, images and sounds or information of any nature by wire, radio, optical or electromagnetic systems	Not exceeding the max building height of district	P	P	P	P	P	P	P	P	P	P	P
		Greater than the max building height of district	S	S	S	S	S	S	S	S	S	S	S	S	S	S

- A. Basis for Classifications. Use categories classify land uses and activities into use categories based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. The use categories provide a systematic basis for assigning present and future land uses into appropriate zoning districts.
1. Principal Uses. Principal uses are assigned to the category that most closely describes the nature of the principal use. The "characteristics" subsection of each use category describes the common characteristic of each principal use.
 - a. Development with Multiple Principal Uses. When all principal uses of a development fall within one use category, the entire development is assigned to that use category. A development that contains a coffee shop, bookstore, and bakery, for example, would be classified in the retail sales and services category because all of the development's principal uses are in that category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable category and each use is subject to all applicable regulations for that category.

- b. **Accessory Uses.** Accessory uses are allowed by-right in conjunction with a principle use, unless otherwise stated in the regulations. Also, unless otherwise stated, accessory uses are subject to the same regulations as the principal use. Common accessory uses are listed as examples in the use category descriptions.
 - c. **Use of Examples.** The "examples" subsection of each use category lists common examples of uses included in the respective use category. The names of these sample uses are generic. They are based on common meanings and not on what a specific use may call itself. For example, a use that calls itself "wholesale warehouse," but that sells mostly to consumers, is included in the retail sales and services category rather than the wholesale sales category. This is because the actual activity on the site matched the description of the retail sales and services category.
- B. **Restricted Uses.** The city council may identify unique uses to be regulated separately from their related general use categories. The following uses are identified separately from the general use categories and listed within the use charts:
1. Auto sales and rental; retail sales and service—Commercial uses.
 2. Batting cages, outdoor; recreation and entertainment, outdoor—Commercial uses.
 3. Convalescent home; group living—Residential uses.
 4. Carwash; vehicle, service limited—Commercial uses.
 5. Crematories; retail sales and service—Commercial uses.
 6. Driving range, outdoor; recreation and entertainment, outdoor—Commercial uses.
 7. Farm implement sales and service; retail sales and service—Commercial uses.
 8. Food truck park; retail sales and services—Commercial uses.
 9. Frozen food lockers; warehouse and freight movement—Commerce uses.
 10. Government installations; office or safety services or community services—Institutional uses.
 11. Landfill; waste-related—Industrial uses.
 12. Miniature golf, outdoor; recreation and entertainment, outdoor—Commercial uses.
 13. Office, temporary residential sales; office—Commercial uses.
 14. Printing services; manufacturing and production—Industrial uses.
 15. RV camping; retail sales and services—Commercial uses.
 16. RV storage; retail sales and services—Commercial uses.
 17. Sexually oriented business; retail sales and services—Commercial uses.
 18. Skating rinks, outdoor; recreation and entertainment, outdoor—Commercial uses.
- C. **Similar Use Interpretation Criteria.** The following considerations shall be used in making similar use interpretations:

1. The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category;
2. The relative amount of site area or floor space and equipment devoted to the activity;
3. Relative amounts of sales from each activity;
4. The customer type for each activity (retail or wholesale);
5. The relative number of employees in each activity;
6. Hours of operation;
7. Building and site arrangement;
8. Vehicles used with the activity;
9. The relative number of vehicle trips generated by the use; and
10. How the use advertises itself.

D. Residential Use Categories.

1. Group Living.

- a. Characteristics. Group living is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of household living. The size of the group may be larger than the average size of a household. Tenancy is arranged on a monthly or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see retail sales and service and community service categories). Generally, group living structures have a common eating area for residents. The residents may receive care, training, or treatment, as long as the care givers also reside at the site.

2. Household Living.

- a. Characteristics. Household living is characterized by the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the retail sales and service and community service categories).
- b. Accessory Uses. Accessory uses commonly associated with household living are recreational activities, raising of pets, hobbies, and parking of the occupants' vehicles. Home occupations are accessory uses but are subject to additional regulations.
- c. Examples. Uses include living in single, two, three, and four family dwelling units, or other multi-dwelling structures, retirement center apartments, and manufactured housing.
- d. Exceptions.
 - (1) Hotels, motels.
 - (2) Nursing homes, etc., are classified as convalescent homes.

E. Commercial Use Categories.

1. Amusement arcade, indoor.
 - a. Characteristics. Indoor amusement arcade is a building or part of a building in which pinball machines, video games, amusement machines, or other similar player-operated amusement devices are present and maintained as a primary use. For the purpose of this definition, "primary use" means fifty-one percent or more of the gross floor area of the portion of the tenant space being used.
 - b. Accessory Uses. Accessory uses include retail sales of food and beverage, offices and parking.
 - c. Examples. Examples include video game arcades, billiard halls and other amusement centers with coin-operated amusement machines, which means any machine or device of any kind or character that is operated by or with coins, metal slugs, tokens, monetary bills, or checks when such machine dispenses or is used or is capable of being used or operated for amusement or pleasure, or when such machine is operated for the purpose of dispensing or affording skill or pleasure. An amusement machine pursuant to this definition is the same as a skill or pleasure coin-operated machine pursuant to the Texas Revised Civil Statutes, Title 132, Chapter 8, Section 8801(5), as amended. An amusement machine shall also include any billiard table operated for profit, whether operated by or with coins, metal slugs, tokens, monetary bills, or checks inserted into the machine or paid to an attendant.
 - d. Exceptions.
 - (1) Does not include a bowling alley, skating rinks, or batting cages.
 - (2) Does not include the dispensing or vending of merchandise or music, or service as defined by Texas Revised Civil Statutes, Title 132, Chapter 8 Section 8801 et seq., as amended.
2. Office.
 - a. Characteristics. Office uses are characterized by activities conducted in an office setting and generally focusing on business, professional, medical, or financial services.
 - b. Accessory Uses. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.
 - c. Examples. Examples include professional services such as lawyers, accountants, engineers, or architects; financial businesses such as lenders, brokerage firms, bank headquarters, or real estate agents; data processing; sales offices; TV and radio studios; medical and dental clinics, medical and dental labs; and blood-collection facilities.
 - d. Exceptions.
 - (1) Offices that are part of and located with a principal use in another category are considered accessory to the firm's primary activity. Headquarters offices, when in conjunction with or adjacent to a principal use in another category, are considered part of the other category.
 - (2) Contractors and others who perform services off-site are included in the office category if equipment and materials are not stored on the site and fabrication, services, or similar work is not carried on at the site.
3. Parking, Commercial.

- a. Characteristics. Commercial parking facilities provide parking that is not an accessory to a principal use. A fee may or may not be charged. A facility that provides both accessory parking for a principal use and regular fee parking for people not connected to the use is also classified as a commercial parking facility.
 - b. Accessory Use. Attendant facilities.
 - c. Examples. Examples include short-term and long-term fee parking facilities and mixed parking lots (partially accessory to a principal use, partly for rent to others).
 - d. Exceptions.
 - (1) Parking facilities that are accessory to a use, but that charge the public to park for occasional event nearby, are not considered commercial parking facilities.
 - (2) Parking facilities that are accessory to a principal use are not considered commercial parking uses, even if the operator leases the facility to the principal use or charges a fee to the individuals who park in the facility.
 - (3) Public transit park-and-ride facilities are classified as basic utilities.
4. Recreation and Entertainment, Outdoor.
- a. Characteristics. Outdoor recreation and entertainment uses are large, generally commercial, uses that provide continuous recreation or entertainment-oriented activities. They primarily take place outdoors. They may take place in a number of structures that are arranged together in an outdoor setting.
 - b. Accessory Uses. Accessory uses may include concessions, parking, and maintenance facilities.
 - c. Examples. Examples include amusement parks; theme parks; and zoos.
 - d. Exceptions.
 - (1) Golf courses are classified as parks and open space.
5. Retail Sales and Service.
- a. Characteristics. Retail sales and service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment; or provide product repair or services for consumer and business goods.
 - b. Accessory Uses. Accessory uses may include offices; storage of goods; assembly or repackaging of goods primarily for on-site retail sale; processing of food primarily for the on-site retail sale and parking.
 - c. Examples. Examples include uses from the four following groups:
 - (1) Sales-oriented. Stores selling, leasing, or renting consumer home and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, and stationary; food sales, and sales or leasing of consumer vehicles, including passenger vehicles, motorcycles, light and medium trucks and other recreational vehicles.

- (2) Personal Service-Oriented. Branch banks; emergency medical care; laundry facilities; photographic studios; photocopy and printing services; hair, tanning, and personal care services; martial arts and other trade schools; dance or music classes; taxidermist; mortuaries; veterinarians; and animal grooming.
- (3) Entertainment-Oriented. Restaurants, cafes, delicatessens, bars and taverns; indoor continuous entertainment activities such as bowling alleys, ice rinks and game arcades; pool halls; dance halls; indoor shooting ranges; theaters, health clubs, gyms, membership clubs and lodges; hotels, motels, recreational vehicle parks and other temporary lodging with the length of stay being less than thirty days.
- (4) Repair-Oriented. Repair of electronics, bicycles, clocks, watches, shoes, guns, appliances and office equipment; tailor; locksmith; and upholsterer.

d. Exceptions.

- (1) Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as Wholesale Sales.
- (2) Repair and service of consumer motor vehicles, motorcycles and light and medium trucks is classified as vehicle repair. Repair and service of industrial vehicles and equipment and heavy trucks is classified as industrial service.
- (3) Sales, rental or leasing of heavy trucks and equipment or manufactured housing units are classified as wholesale sales.
- (4) Hotels, restaurants and other services that are part of a truck stop are considered accessory to the truck stop which is classified as industrial service.
- (5) In certain situations, hotels and motels may be classified as a community service use, such as short-term housing or mass shelter. See "community services."

7. Self-Service Storage.

- a. Characteristics. Self-service storage uses provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property.
- b. Accessory Uses. Accessory uses may include living quarters for a resident manager or security and leasing offices. Uses of the storage areas for sales, service and repair operations, or manufacturing is not considered accessory to the self-service storage use. The rental of trucks or equipment is also not considered accessory to a self-service storage use.
- c. Examples. Examples include facilities that provide individual storage areas for rent. These uses are also called mini-warehouses.
- d. Exceptions.
 - (1) A transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred is in the warehouse and freight movement category.

8. Vehicle Repair.

- a. Characteristics. Vehicle repair firms service passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Generally, the customer does not wait at the site while the service or repair is being performed.
- b. Accessory Uses. Accessory uses may include offices, sales of parts for on-site installation, and vehicle storage.
- c. Examples. Examples include vehicle repair; transmission, engine, auto body, alignment, or auto upholstery shops.
- d. Exceptions. Repair and service of industrial vehicles and equipment and of heavy trucks; towing and vehicle storage; and vehicle wrecking and salvage are classified as industrial service.

9. Vehicle Service, Limited.

- a. Characteristics. Limited vehicle service uses provide direct services to motor vehicles where the driver or passengers generally wait in the car or nearby while the service is performed.

- b. Accessory Uses. Accessory uses may include auto repair and tire sales.
- c. Examples. Examples include full-service, mini-service and self-service gas stations; car washes; quick lubrication services; muffler shop; and tire sales and mounting
- d. Exceptions.
 - (1) Truck stops are classified as industrial service.
 - (2) Refueling facilities for vehicles that belong to a specific use (fleet vehicles) are considered accessory uses if they are located on the site of a principal use.

F. Commerce Use Categories.

1. Warehouse and freight movement.

- a. Characteristics. Warehouse and freight movement firms are involved in the storage, or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.
- b. Accessory Uses. Accessory uses may include offices, truck fleet parking or storage and maintenance areas.
- c. Examples. Examples include separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; major wholesale distribution centers; truck, or air freight terminals; bus barns; parcel services; major post offices; and grain terminals.
- d. Exceptions.
 - (1) Uses that involve the transfer or storage of solid or liquid wastes are classified as waste-related uses.
 - (2) Mini-warehouses are classified as self-service storage uses.

2. Wholesale Sales.

- a. Characteristics. Wholesale sales firms are involved in the sale of products directly to retail businesses. The uses emphasize on-site sales or order taking and often include display areas. Business may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer.
- b. Accessory Uses. Accessory uses may include offices, product repair, warehouses, parking, minor assembly services and repackaging of goods.
- c. Examples. Examples include sale of machinery, equipment, heavy trucks, building materials, special trade tools; welding supplies; machine parts; electrical supplies; janitorial supplies; restaurant equipment and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, and building hardware.
- d. Exceptions.
 - (1) Firms that engage primarily in sales to the general public or on a membership basis are classified as retail sales and service.

(2) Firms that are primarily storing goods with little on-site sales are classified as warehouse and freight movement.

G. Industrial Use Categories.

1. Industrial Service.

- a. Characteristics. Industrial service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractor and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.
- b. Accessory Uses. Accessory activities may include offices, parking and storage.
- c. Examples. Examples include welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; sales, repair, storage, salvage or wrecking of heavy machinery, metal and building material; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire retreading or recapping; operations; janitorial and building maintenance services; fuel oil distributors; solid fuel yards; above ground tanks used for the storage or dispensing of petroleum products; research and development laboratories; and photo finishing laboratories; and the stockpiling of sand, gravel, or other aggregate materials.
- d. Exceptions.
 - (1) Contractors and others who perform services off-site are included in the Office category, if major equipment and materials are not stored at the site and fabrication, or similar work is not performed at the site.
 - (2) Hotels, restaurants and other services that are part of a truck stop are considered accessory to the truck stop.

2. Manufacturing and Production.

- a. Characteristics. Manufacturing and production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be uses. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.
- b. Accessory Uses. Accessory activities may include offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, and truck fleets.
- c. Examples. Examples include processing of food and related products for wholesale; slaughter houses and meat packing; weaving or production of textiles or apparel; lumber mills, pulp and paper mills and other wood products manufacturing; woodworking, including cabinet makers; production of chemicals, rubber, leather, clay, bone, plastic, stone, or glass materials or products; printing, publishing and lithography; movie production facilities; production of fabrication of metals or metal products, instruments (including musical instruments), vehicles, appliances, precision items and other electrical items; production of artwork and toys; sign making; and production of prefabricated structures, including mobile homes.
- d. Exceptions.

- (1) Manufacturing of goods to be sold primarily on-site and to the general public are classified as retail sales and service.
- (2) Processing of food primarily for on-site retail sales, such as a bakery or butcher within a retail store, is classified as retail sales and services.
- (3) Manufacturing and production of goods from composting organic material is classified as waste-related uses.

3. Waste-Related.

- a. Characteristics. Characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material.

H. Institutional and civic use categories.

1. Colleges.

- a. Characteristics. This category includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree. Colleges tend to be in campus-like setting or on multiple blocks.
- b. Accessory Uses. Accessory uses include offices, housing for students, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities and supporting commercial activities.
- c. Examples. Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to health care facilities and seminaries.
- d. Exceptions. Trade schools are classified as retail sales and service.

2. Community Services.

- a. Characteristics. Community services are uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, they provide the service on-site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the general public to join at any time, (for instance, any senior citizen could join a senior center). The use may provide special counseling, education, or training of a public, nonprofit or charitable nature.
- b. Accessory Uses. Accessory uses may include offices; meeting areas; food preparation areas; parking; health and therapy areas; and athletic facilities.
- c. Examples. Examples include libraries, museums, senior centers, community centers, publicly owned swimming pools, youth club facilities, hospices, social services facilities, temporary shelters, vocational training for persons with physical or mental disabilities, park-and-ride facilities for mass transit, cemeteries and mausoleums.
- d. Exceptions.
 - (1) Private lodges, clubs and private or commercial athletic or health clubs are classified as retail sales and service. Commercial museums are classified as retail sales and service.

- (2) Parks are classified as parks and open areas.
 - (3) Uses where tenancy is arranged on a month-to month basis or for a longer period are residential and are classified as household or group living.
 - (4) Bus barns are classified as warehouse and freight movement.
3. Day Care.
- a. Characteristics. Day care uses provide care, protection and supervision for children or adults on a regular basis away from their primary residence for less than twenty-four hours per day.
 - b. Accessory Uses. Accessory uses include offices, recreation areas, and parking.
 - c. Examples. Examples include preschools, child-care centers, nursery schools, latch key programs and adult day-care programs.
 - d. Exceptions.
 - (1) Day care does not include public or private schools or facilities operation in connection with an employment use, shopping center or other principal use, where children are cared for while parents or guardians are occupied on the premises or in the immediate vicinity.
4. Health Care Facilities.
- a. Characteristics. Health care facilities include uses providing medical or surgical care to patients and offering overnight care.
 - b. Accessory Uses. Accessory uses include out-patient clinics, offices, and laboratories, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities and housing facilities for staff or trainees.
 - c. Examples. Examples include medical centers and hospitals.
 - d. Exceptions.
 - (1) Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of the program, are classified in the group living category
 - (2) Medical clinics or offices that provide care where patients are generally not kept overnight are classified as offices.
5. Parks and Open Areas.
- a. Characteristics. Parks and open areas are uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures.
 - b. Accessory Uses. Accessory uses may include club houses; maintenance facilities and caretaker's quarters; concessions; and parking.
 - c. Examples. Examples include parks, golf courses, public squares, plazas, recreational trails, botanical gardens, nature preserves, and land used for grazing that is not part of a farm or ranch.
 - d. Exceptions.

- (1) Outdoor driving ranges and outdoor miniature golf courses are classified in the golf driving range, outdoor and miniature golf, outdoor categories.

6. Religious Institutions.

- a. Characteristics. Religious institutions primarily provide meeting areas for religious worship services and activities.
- b. Accessory Uses. Accessory uses include Sunday school facilities; preschools and day cares for children or adults while parents or guardians are occupied on the premises or in the immediate vicinity, parking, caretaker's housing, and group living facilities such as convents.
- c. Examples. Examples include churches, temples, synagogues and mosques.
- d. Exceptions. Schools are classified as schools.

7. Safety Services.

- a. Characteristics. Safety services are uses that provide public safety and emergency response services. They often need to be located in or near the area where the service is provided. Employees are regularly present on-site.
- b. Accessory Uses. Accessory uses include offices and parking.
- c. Examples. Examples include fire station, police stations and emergency medical and ambulance stations.

8. Schools.

- a. Characteristics. This category includes public and private schools at the primary, elementary, middle, junior high, or high school level that provide state-mandated basic education.
- b. Accessory Uses. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums and before or after-school day care.
- c. Examples. Examples include public and private daytime schools, boarding schools and military academics.
- d. Exceptions.
 - (1) Preschools are classified as day care uses.
 - (2) Trade schools are classified as retail sales and service.

9. Utilities, Basic.

- a. Characteristics. Basic utilities are infrastructure services that need to be located in or near the area where the service is provided. These uses generally do not regularly have employees at the site. Services may be public or privately provided.
- b. Accessory Uses. Accessory uses may include parking and control, monitoring, data or transmission equipment.
- c. Examples. Examples include water and sewage pump stations; electrical substations; water towers and reservoirs; stormwater retention and detention facilities; and recycling collection centers.

d. Exceptions.

- (1) Services where people are generally present are classified as community services.
- (2) Utility offices where employees or customers are generally present are classified as offices.

e. Additional Regulations.

- (1) Concerning minor and major expansions of public utility facilities: Existing public utility facilities in place on the effective date of the ordinance from which this section derives shall be deemed a conforming principle use and will allow for minor expansions only. Minor expansions shall be defined as increases or additions to the size of buildings, structures, driveways, parking areas, or other impervious area, cumulatively, up to thirty percent of the original construction. A new accessory building at an existing public utility facility that does not increase the total existing building footprint of the site by more than thirty percent, cumulatively, shall be allowed, subject to the development requirements of this chapter. Major expansions to installations which are necessary for the furnishing of public utility services shall be considered expansions of existing public utility facilities by more than thirty percent, cumulatively.

I. Other Use Categories.

1. Agriculture.

- a. Characteristics. Agriculture includes activities that primarily involve the raising, producing or keeping plants or animals. See Section _____ for performance standards concerning animal lots and stables.
- b. Accessory Uses. Accessory uses include dwellings for proprietors and employees of the use and animal training.
- c. Examples. Examples include breeding or raising of fish, fowl or other animals; dairy farms; stables; riding academies; farming, forestry, tree farming; and wholesale plant nurseries.
- d. Exceptions.
 - (1) Uses involved in the processing of animal or plant products are classified as manufacturing and production.
 - (2) Livestock auctions are classified as wholesale sales.
 - (3) Plant nurseries that are oriented to retail sales are classified as retail sales and service.
- e. Additional Primary and Accessory Use Regulations.
 - (1) Animal lots for pasturing of horses, mules, cattle, sheep, goats, poultry, or rabbits: when more than ten acres are available. Not more than one horse may be kept per acre available for grazing for the first two acres, and one horse per five acres thereafter. No more than one animal unit other than horses may be kept per five acres available for grazing. In calculating the number of animals allowed, horses and other animals shall not be double-counted, i.e. one horse or one cow per five acres. Ratites (emus, ostriches) are prohibited. (See also the requirements in Section _____.)
 - (2) Animal lots for pasturing of horses, mules, cattle, sheep, goats, poultry or rabbits, when less than ten acres are available. No more than one horse may be kept per acre, nor one animal unit other than horses per five acres. Ratites (emus, ostriches) are prohibited. (See also the requirements in Section _____.)

- (3) Farms, orchards, truck gardens, nurseries for the growing of plants and similar agrarian activities, involving the growing of plants, provided that no operation shall be conducted which will be obnoxious or offensive.
- (4) Farms, truck gardens, orchards or nurseries for the growing of plants, shrubs and trees, provided no retail or wholesale business sales offices are maintained on the premises, and provided that no obnoxious fertilizer is stored upon the premises, and no obnoxious soil or fertilizer processing is conducted thereon.
- (5) Commercial barn or stable or riding arena, subject to the requirements of Section _____.
- (6) Private barn or stable, subject to the requirements of Section _____.
- (7) Private barn or stable, in accordance with the requirements of Section _____ when more than ten acres are available and the barn/stable is located no closer than one hundred fifty feet from a property line.

2. Detention Facilities.

- a. Characteristics. Detention facilities includes facilities for the judicially required detention or incarceration of people. Inmates and detainees are under twenty-four-hour supervision by sworn officers.

3. Telecommunication Facilities.

- a. Characteristics. Telecommunications facilities includes all devices, equipment, machinery, structures or supporting elements necessary for the transmission of signs, signals, messages, words, writings, images and sounds or information of any nature by wire, radio, optical or electromagnetic systems. Facilities may be self-supporting, guyed, mounted on poles or other structures, light posts, power poles, or buildings. Facilities may also include interconnection translators, connections for over-the-air to cable, fiber optic, or other landline transmission system. See Section _____ for performance standards and other regulations.
- b. Accessory Uses. Accessory uses may include transmitter facility buildings.
- c. Examples. Examples include broadcast towers, attached telecommunications facilities.
- d. Exceptions.
 - (1) Radio and television studios are classified in the office category.
 - (2) Radio and television broadcast facilities that are public safety facilities are classified as basic utilities.
 - (3) Amateur radio facilities that are owned and operation by a federally licensed amateur radio station operator are not included in this category.
- e. Additional Regulations.
 - (1) Antennae and towers not exceeding the maximum height allowed in the district, antennae attached to existing structures and not increasing the overall height of the existing structure by more than ten feet, and dish antennae not exceeding one meter in diameter. Except for satellite dish antennae, no antennae or support structure shall be located within the required front, side or rear yard setback. To protect traffic safety and community appearance, no satellite dish antennae or support structure shall be located within the required front or second front yard setback, unless the zoning board of adjustment finds that such an

encroachment is necessary to prevent impairment of installation, maintenance or reception and that a traffic sight restriction is not created.

- (2) Antennae and towers exceeding the maximum height in the district and dish antennae exceeding one meter in diameter, in order to protect community appearance from the negative visual effects of proliferation of large antennae. Conditional use permits shall be acted upon within ninety days of receipt of application. Persons aggrieved by a decision on a satellite dish antenna application may appeal to the Federal Communications Commission. Any new towers must also comply with the conditions of Section _____.