



City of Garden Ridge

"A way of life, not just a place to live"

AGENDA PLANNING AND ZONING COMMISSION REGULAR MEETING TUESDAY, MARCH 8, 2022, 6:00 P.M.

The Planning and Zoning Commission will meet in a regular session on Tuesday, March 8, 2022, at 6:00 p.m. in the City Council Chambers, 9400 Municipal Parkway, Garden Ridge, Texas. This is an open meeting, open to the public, subject to the Open Meetings Law of the State of Texas, and as required by law, notice is hereby posted providing time, place, date, and agenda thereof. The meeting facility is wheelchair accessible and accessible parking spaces are provided. Requests for accommodations or interpretative services must be made to the City Secretary 48 hours prior to this meeting.

1. Call to Order

2. Roll Call

3. Pledge of Allegiance

4. Citizen Comment Period – limited to 30 minutes total

Rules for Citizens' Participation: The Commission welcomes citizen participation and comments at all Commission Meetings. The Commission offers citizens the opportunity to address them by signing up to speak prior to the meeting. If you speak, you must follow these guidelines:

a) Respect and courtesy:

1. Direct your comments to the entire Commission, not to an individual member, nor to the audience.
2. Show the Commission the same respect that you would like to be shown.
3. End your speaking at the time allotted below.

b) Speaking:

1. First citizen comment period.
 - i. You are required to sign up to speak and you are limited to one 3-minute period.
2. Second citizen comment period.
 - i. You are not required to sign up and you are limited to one 2-minute period.
3. State your name and address before your comments begin.
4. You are only allowed to speak once per topic, unless also speaking during a posted Public Hearing.

NOTE: The Texas Open Meetings Act permits a member of the public or a member of the governmental body to raise a subject that has not been included in the notice for the meeting. However, any discussion of the subject must be limited to a proposal to place the subject on the agenda for a future meeting and any response to a question posed to the Commission is limited to either a statement of specific factual information or a recitation of existing policy. TEX. GOV'T CODE § 551.042.

5. Business Items

The following items are for discussion, consideration, and action.

- a) Approval of Minutes for February 8, 2021, Planning and Zoning Commission Regular Meeting.
- b) Items applicable to the Planning and Zoning Commission discussed at March City Council Meeting, including possible update on FM 2252 Sewer Project and TxDOT FM 2252 Expansion.
- c) Petition by Shawn M. Willis on behalf of Pensionmark – San Antonio, for the issuance of a Special Use Permit for Phase 1, for construction and operation of a one (1) story 11,725 square foot office and retail building, with associated sidewalks, parking spaces, driveways, and detention pond on property zoned Neighborhood Services (B-1), located at 19243 FM 2252, Garden Ridge, Texas, further described as a 4.23 acre tract of land lying in Section 96, Abstract 120, of the George M. Dolson Survey, Comal County, Texas, being all of a remaining portion of a 4.402 acre tract of land described to Vaquero Grande, LLC, a Texas Limited Liability Company, recorded in Document 201906028430 of the Official Public Records

9400 Municipal Parkway * Garden Ridge, Texas 78266-2600

Phone (210) 651-6632 * Fax (210) 651-9638 * www.ci.garden-ridge.tx.us

of Comal County, Texas. The property is further located on the east side of FM 2252 across from Hickory Bend in Garden Ridge, Texas.

1. Hold a public hearing.
 2. Discuss and make a recommendation regarding the petition.
- d) Ordinance No. 210-112021 An Ordinance of the City Council of the City of Garden Ridge, Texas, adopting board and commission policies and procedures; providing a cumulative and savings clause; providing for severability; and declaring an effective date.
1. Interview possible candidates for Planning and Zoning Commission Place 7 Vacancy.
 2. Make a recommendation to City Council for appointment of Commissioner.
- e) Draft Zoning Ordinance.
1. Hold a public hearing.
 2. Discuss comments and questions from public hearing.
 3. Discuss and make possible recommendations related to the Draft Zoning Ordinance.
- f) Future Agenda Items.
1. Commissioners input on agenda items.
 2. Announce date, time, and location for next meeting (April 12, 2022, at 6:00 p.m. at City Hall).
6. **Citizen Comment Period** – limited to 20 minutes total
See “Rules for Citizens’ Participation” under Item 4.
7. **Adjournment**

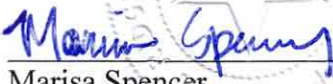
AGENDA NOTICES:

Decorum Required: Any disruptive behavior, including shouting or derogatory statements or comments may be ruled out of order by the Presiding Officer. Continuation of this type of behavior could result in a request by the Presiding Officer that the individual leave the meeting, and if refused, an order of removal.

Action by Commission Authorized: The Commission may vote or act upon any item within this agenda.

Attendance by Other Elected or Appointed Officials: It is anticipated that members of the City Council, other city boards, commissions, and/or committees may attend the meeting in numbers that may constitute a quorum of the City Council, other city boards, commissions, and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the City Council, other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the boards, commissions, and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.

This is to certify that I, Marisa Spencer, posted this Agenda at 10:00 a.m. on March 2, 2022, on the bulletin board located at the entrance to the Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, Texas.


Marisa Spencer
City Secretary



City of Garden Ridge

"A way of life, not just a place to live"

MINUTES PLANNING AND ZONING COMMISSION REGULAR MEETING TUESDAY, FEBRUARY 8, 2022, 6:00 P.M.

Commissioners Present:

Chair Karen Diaz
Commissioner Dr. Jim Miller
Commissioner Todd Hill
Commissioner Roy Leatherberry

Commissioners Absent:

Vice-Chair Kerim Jacaman
Vacant Position
Vacant Position

City Staff and City Councilmembers Present:

Nancy Cain, City Administrator
Marisa Spencer, City Secretary
Kat Balbi, Assistant City Secretary/Communications Specialist
Mayor Robb Erickson
Councilmember Jesse Valdez
Councilmember Kay Bower

A quorum of the City Council was in attendance at the meeting to listen and receive information, but did not consider or take action on any item posted on the agenda.

1. Call to Order

With a quorum of the Planning and Zoning Commissioners present, Chair Diaz called the regular meeting of the Garden Ridge Planning and Zoning Commission to order at 6:00 p.m. on Tuesday, February 8, 2022, in the City Council Chambers of Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, Texas 78266.

2. Roll Call: See above.

3. Pledge of Allegiance: Chair Diaz led the Pledge of Allegiance.

4. Citizen Comment Period: No one signed up to speak.

5. Business Items

The following items are for discussion, consideration, and action.

a) Approval of Minutes for January 11, 2022, Planning and Zoning Commission Regular Meeting.

Motion: A motion was made by Commissioner Dr. Miller, seconded by Commissioner Leatherberry, to approve the minutes for January 11, 2022, Planning and Zoning Commission Regular Meeting. The Commission voted three (3) for and none (0) opposed. The motion carried unanimously.

b) Items applicable to the Planning and Zoning Commission discussed at February City Council Meeting, including possible update on FM 2252 Sewer Project and TxDOT FM 2252 Expansion.

Chair Diaz provided the Commission with an update on items applicable to the Planning and Zoning Commission discussed at the February City Council Meeting.

- c) **Petition by Michael Domgard for a variance to Ordinance No. 13-122018, Section 5, Residential, 5.1.2.5.2. to allow a fifty-four (54) percent impervious cover limit on property located at 9620 Trophy Oaks Dr. for the construction of a pool with outdoor kitchen, pool house, and garage/shop. The 0.8180 acre property is further known as Lot 38, Block 2, Trophy Oaks Subdivision, Garden Ridge, Texas. Impervious cover limit in Single Family Dwelling (R) District is thirty-five (35) percent of the lot area.**

Michael Domgard presented his petition for a variance to Ordinance No. 13-122018, Section 5, Residential, 5.1.2.5.2. to allow a fifty-four (54) percent impervious cover limit on property located at 9620 Trophy Oaks Dr. for the construction of a pool with outdoor kitchen, pool house, and garage/shop.

1. Hold a public hearing.

Chair Diaz opened the public hearing at 6:07 p.m.

One (1) citizen spoke regarding the petition and City Secretary Marisa Spencer stated no written comments were submitted.

Chair Diaz closed the public hearing at 6:08 p.m.

2. Discuss and make a recommendation regarding the petition.

The Commission discussed the variance request and the findings necessary to grant a variance. Commissioner Dr. Miller expressed his desire to consider circumstances on a case-by-case basis when considering variances.

Motion: A motion was made by Commissioner Leatherberry, seconded by Commissioner Hill, to recommend to City Council denial of the petition by Michael Domgard for a variance to Ordinance No. 13-122018, Section 5, Residential, 5.1.2.5.2. to allow a fifty-four (54) percent impervious cover limit on property located at 9620 Trophy Oaks Dr. for the construction of a pool with outdoor kitchen, pool house, and garage/shop. The Commission voted two (2) for and one (1) opposed (Commissioner Dr. Miller). The motion passed by a vote of 2-1.

- d) **Ordinance No. 210-112021 An Ordinance of the City Council of the City of Garden Ridge, Texas, adopting board and commission policies and procedures; providing a cumulative and savings clause; providing for severability; and declaring an effective date.**

1. Interview possible candidates for Planning and Zoning Commission Place 5/Place 7 Vacancies.

The Commission conducted interviews for the Planning and Zoning Commission Vacancies.

2. Make a recommendation to City Council for appointment of Commissioner.

Motion: A motion was made by Commissioner Dr. Miller, seconded by Commissioner Hill, to recommend to City Council appointment of Michael Crow to the Planning and Zoning Commission Place 5 with term expiring September 30, 2023. The Commission voted three (3) for and none (0) opposed. The motion carried unanimously.

- e) **Draft Zoning Ordinance / Master Land Use Plan.**

1. Discuss and make possible recommendations related to the Draft Zoning Ordinance.

Bryce Cox, Planner, reviewed the Technical Committee's changes to the Draft Zoning Ordinance and addressed questions from the Commission.

The Commission discussed impervious cover for Residential Estate (RE) District and Section 2.06.07. Storage and Use of Vehicles and Equipment in Residential Zoning Districts. The Commission agreed by consensus to increase the maximum impervious cover percentage for Residential Estate (RE) District to fifty percent (50%). The Commission agreed by consensus to clarify Section 2.06.07. regarding the parking and storage of recreational vehicles, travel trailers, house trailers, trailers, boats, commercial or farm vehicles (excluding one-ton or less pickup trucks), or similar equipment.

City Administrator Nancy Cain spoke regarding wording from Ordinance No. 13-122018 regarding acceptable materials for parking spaces. The Commission agreed by consensus to include this wording in the Draft Zoning Ordinance under Section 2.06.07. Storage and Use of Vehicles and Equipment in Residential Zoning Districts.

2. Discuss and make possible recommendations related to the Master Land Use Plan and Map.

The Commission had nothing additional at this time.

f) Future Agenda Items

1. Commissioners input on agenda items.

Commissioner Dr. Miller requested to discuss the laws governing variances related to Planning and Zoning.

2. Announce date, time, and location for next meeting (March 8, 2022, at 6:00 p.m. at City Hall).

Chair Diaz stated the next Planning and Zoning Commission Regular Meeting is scheduled for Tuesday, March 8, 2022, at 6:00 p.m. at City Hall.

6. Citizen Comment Period

Kay Bower, 8947 Garden Ridge Drive, spoke regarding impervious cover and parking regulations.

7. Adjournment

Motion: A motion was made by Commissioner Hill, seconded by Commissioner Dr. Miller, to adjourn. The Commission voted three (3) for and none (0) opposed. The motion carried unanimously. There being no further business, the Tuesday, February 8, 2022, Planning and Zoning Commission Regular Meeting was adjourned at 9:04 p.m. by Chair Diaz.

ATTEST:

Karen Diaz
Chair

Marisa Spencer
City Secretary



memorandum

To: Garden Ridge City Council
From: Trihydro Corporation
cc: Ms. Nancy Cain, City Administrator, City of Garden Ridge
Date: February 23, 2022
Re: Engineering Report for March 2022 Council Meeting

1. FM 2252 TxDOT Project

- Trihydro has started the design of the water line relocation along FM 2252.
- TxDOT provided the updated schematic for the extended project limits (through the intersection of FM 2252 and FM 3009) and the updated drainage design. Trihydro is in the process of designing the water line relocation at the intersection of FM 2252 and FM 3009.

2. Land Development Projects

- Kleckly – WMMT Ventures: The master development plan has been approved by City Council.
- Bat Cave Road Master Development Plan: The master development plan has been reviewed by the City Engineer and comments have been provided to the developer's engineer.



LEGAL NOTICE
NOTICE OF PUBLIC HEARING
CITY OF GARDEN RIDGE
PLANNING AND ZONING COMMISSION

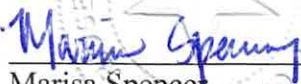
The Planning and Zoning Commission of the City of Garden Ridge, Texas, will conduct a public hearing on Tuesday, March 8, 2022, at 6:00 p.m. in the City Council Chambers of the Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, Texas.

The purpose of the public hearing will be to consider a petition by Shawn M. Willis on behalf of Pensionmark – San Antonio, for the issuance of a Special Use Permit for Phase 1, for construction and operation of a one (1) story 11,725 square foot office and retail building, with associated sidewalks, parking spaces, driveways, and detention pond on property zoned Neighborhood Services (B-1), located at 19243 FM 2252, Garden Ridge, Texas, further described as a 4.23 acre tract of land lying in Section 96, Abstract 120, of the George M. Dolson Survey, Comal County, Texas, being all of a remaining portion of a 4.402 acre tract of land described to Vaquero Grande, LLC, a Texas Limited Liability Company, recorded in Document 201906028430 of the Official Public Records of Comal County, Texas. The property is further located on the east side of FM 2252 across from Hickory Bend in Garden Ridge, Texas.

The public is invited and welcome to attend the public hearing in person and may submit oral comments on this matter. Alternatively, written comments on this matter may be submitted in accordance with the ***City of Garden Ridge Notice of Procedures for Written Comments during Public Hearings*** posted on the City's Website.

The meeting can be viewed live on the City's YouTube Channel and will be archived on the City's Website for on demand viewing. Please feel free to contact City Hall at 210-651-6632 if you need additional information on this matter.

This is to certify that I, Marisa Spencer, posted this Legal Notice at 1:00 p.m. on February 16, 2022, on the bulletin board located at the entrance to the Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, Texas.



Marisa Spencer
City Secretary



City of Garden Ridge

"A way of life, not just a place to live"

NOTICE OF PROCEDURES WRITTEN COMMENTS DURING PUBLIC HEARINGS

In an effort to protect public health and limit the potential spread of COVID-19, the City of Garden Ridge is offering an additional option to submit comments for a posted public hearing.

The public is invited and welcome to attend the public hearing in person and may submit oral comments on the matter. Alternatively, written comments on a matter contained in a posted **Notice of Public Hearing** may be submitted *up to two (2) hours before the meeting in which the public hearing will be held* via email to citysecretary@ci.garden-ridge.tx.us.

If citizens submit a written comment but choose to attend the public hearing and speak in person then be advised the written comment will not be read aloud.

When submitting written comments to be included as an official record during a public hearing, the following guidelines must be strictly adhered to and **any comments that fail to adequately meet these guidelines will not be read aloud:**

1. Comments must be received by the City Secretary before the deadline stated above.
2. Each citizen is limited to one 3-minute period, which also applies when the City Secretary is reading comments. Therefore, written comments should be limited to approximately 350 words or less.
3. State your name and address before your comments begin.
4. Direct your comments to the entire Commission/City Council, not to an individual member, nor to the audience.
5. Show the Commission/City Council the same respect that you would like to be shown.

As a reminder, all City Council and Commission meetings can be viewed live on the City's YouTube Channel or the City's Website. Additionally, these videos are bookmarked and archived on the City's Website for convenient on demand viewing.

Please feel free to contact City Hall at 210-651-6632 if you need additional information.

Respectfully,

Marisa Spencer
City Secretary

DRAFT 2/15/2022

**CITY OF GARDEN RIDGE
SPECIAL USE PERMIT**

Permit Number:01-042022

Amendment No:

Council Approval Date:

Council Approval Date:

Issued to: WD Pensionmark, Phase 1
Owned by Vaquero Grande, LLC

Mailing Address: 19243 FM 2252
Garden Ridge, Texas 78266

Use Location/Address: 19243 FM 2252
Garden Ridge, Texas 78266

Zoning District of Use Location: Neighborhood Service District (B-1)

Authorized Use: Construction of a one story 11,725 SF office/retail building, with associated sidewalks, parking spaces, and driveway in accordance with Ordinance No. 13-122018, Section 6, Commercial Zones, 6.2 Neighborhood Services District (B-1) and site plan C3.1 and C3.2 as attached.

Conditions:

1. Permittee shall comply with all requirements of City Zoning Ordinance 13-122018.
2. Construction of a detention pond on property that meets all requirements of the City of Garden Ridge and final approval of the City Engineer.
3. Permittee's activities shall be in accordance with the Application for Special Use Permit dated February 7, 2022, and with the Master Plan approved by the City of Garden Ridge City Council on September 1, 2021.
4. Prior to construction on the property the following will be required:
 - a. Submission of construction plans and any other associated plans or documents deemed necessary to provide the required review by the City Engineer and City Building Inspector for issuance of a Building Permit.

- b. Issuance of a Building Permit by the City of Garden Ridge.
- 5. Utility Easements shall be in accordance with the plat approved by the City of Garden Ridge City Council, February 2, 2022, and filed in the Comal County Clerk's Office.
- 6. This permit may not be amended nor transferred without prior approval of the City of Garden Ridge City Council in accordance with Ordinance 13-122018, Section 12. Conditional Uses, 12.1. Specific Use Permits, 12.1.1. Authority to Issue.
- 7. This permit shall terminate automatically upon:
 - a. Permittee failing to comply with any condition listed above, or
 - b. Change in property ownership.

Nancy Cain
City Administrator

Effective Date

I hereby acknowledge receipt of this Special Use Permit and agree to be bound by the terms and conditions thereof.

XXXXXXXXXXXX
Permittee

Date

Planning and Zoning Form 3
APPLICATION FOR SPECIAL USE PERMIT
(Type or Print)

1. Date: 02/07/2022 Case #: _____
2. Applicant Name: Shawn Willis
(First) (Middle) (Last)
- Doing Business as: Pensionmark - San Antonio
(First) (Middle) (Last)
- Texas Sales & Use Tax Permit Number: _____

3. Mailing Address: 19243 FM 2252
(Street)
Garden Ridge, TX 78266
(City) (State) (Zip)
- Phone: (210)444-9272

4. Physical Address of Business: 19243 FM 2252
(Street)
Garden Ridge, TX 78266
(City) (State) (Zip)
- Phone: (210)444-9272

5. Applicant's relationship to property or business:
Sole owner () Part owner () Other; Architect
(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) 1 Block(s) 1

Subdivision Pensionmark Office Center

Acreage: 4.223 (If acreage, provide separate metes and bounds description as attachment 2.)

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

Instrument 201906028430 and 202006018060

7. Existing use of property; vacant tract of land

8. Use of property being requested (Be specific and give details - attach additional sheets as needed):
New 11,725 SF office/retail building. 5,340 square feet will be occupied by the applicant for the use of a professional office for financial advisors. The remaining 6,385 square feet will remain empty shell space for future commercial or retail leasing. There are no prospect leases at this time.

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: No deed restrictions are applicable.

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: Shirley Willis

____ 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	_____
City Council:	P&Z recommendation to City Council	_____
	Notice to adjoining property owners, if required	_____
	Notice of public hearing, if required	_____
City Admin.:	Public hearing conducted, if required	_____
	Applicant notified of Council Decision	_____

OWNER AGENT AUTHORIZATION

10223 McAllister Hwy, Ste 205
San Antonio, Texas 78216

210 829 1600 P
210 829 1603 F

September 16, 2020



Nancy Cain, City Administrator
City of Garden Ridge
9400 Municipal Parkway
Garden Ridge, Texas 78266

Re: Vaquero Grande, LLC
19243 FM 2252, Ste. 300,
Garden Ridge, TX 78266
4.23 Acre Tract on FM 2252, Garden Ridge, Texas 78266

Dear Ms. Cain:

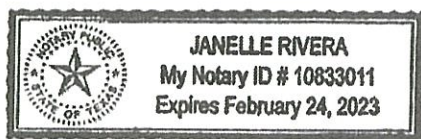
Please be advised that Shawn Willis of Acuform Architecture is hereby authorized to act as my agent in matters pertaining zoning, platting, and building regulatory efforts for the above referenced project. Please don't hesitate to contact me should you have any further questions or concerns.

Respectfully,

Dean Salyer
Vaquero Grande, LLC

STATE OF TEXAS §
COUNTY OF BEXAR §

On this the 16th day of September, 2020, Dean Salyer of Vaquero Grande, LLC, personally appeared before me and executed this document.



Notary Public in and for the State of Texas

Notary Public Printed or Typed Name



Attachment 2



4.23 ACRES
184,386 SQUARE FEET

EXHIBIT "A"

BEING a 4.23 acres (184,386 square feet) tract of land lying in Section 96, Abstract 120, of the George M. Dolson Survey, Comal County, Texas, being all of a remaining portion of a 4.402 acre tract of land described to Vaquero Grande, LLC, a Texas Limited Liability Company, recorded in Document 201906028430, of the Official Public Records of Comal County, Texas, same being described by a drawing (120110_V_PLAT.DWG, dated September 11, 2020) attached to and made part hereof and more particularly described as follows:

BEGINNING at a found 1/2" iron rod with blue cap stamped "KFW SURVEYING", lying in the existing South right-of-way line of F.M. Road 2252 (Nacogdoches Road-variable width right-of-way), for the Northeast corner of the aforementioned remaining portion of a 4.402 acre tract, the Northwest corner of a 2.080 acre tract of land described to Sahota Holdings, LLC, a Texas Limited Liability Company, recorded in Document 201506045605, of the Official Public Records of Comal County, Texas, and the Northeast corner of the herein described 4.23 acre tract of land;

THENCE South 30°38'15" East (Record – S30°37'49"E), a distance of 430.09 feet, leaving the existing South right-of-way line of the aforementioned F.M. Road 2252, along the East line of the aforementioned remaining portion of a 4.402 acre tract and the West line of the aforementioned 2.080 acre tract, to a found 1/2" iron rod, lying in the existing North right-of-way line of Old F.M. road 2252 (Old Nacogdoches Road-variable width right-of-way), for the Southeast corner of said remaining portion of a 4.402 acre tract, the Southwest corner of said 2.080 acre tract, and the Southeast corner of the herein described 4.23 acre tract of land;

THENCE South 61°21'53" West, (Record – S61°22'08"W), a distance of 154.26 feet, along the existing North right-of-way line of the aforementioned Old F.M. Road 2252, to a found 1/2" iron rod, for a point of curvature of the herein described 4.402 acre tract of land;

THENCE Southwesterly along a curve to the left having a radius of 1,945.09 feet, an arc length of 251.78 feet, a delta angle 07°25'00", and a chord which bears South 57°14'53" West (Record – S57°15'09"W), a distance of 251.60 feet, continuing along the existing North right-of-way line of the aforementioned Old F.M. Road 2252 and the South line of the aforementioned remaining portion of a 4.402 acre tract, to a 1/2" iron rod set with plastic cap stamped "CDS/MUERY S.A. TX.", for the Southwest corner of said 4.402 acre tract, the Southeast corner of a 2.672 acre tract of land described to B.R.C.E. Properties, recorded in Document 201706054702, of the Official Public Records of Comal County, Texas, and for the Southwest corner of the herein described 4.23 acre tract of land;

4.23 ACRES
184,386 SQUARE FEET

South 74°55'18" East (Record – S74°55'15"E), a distance of 111.88 feet, to the **PLACE OF BEGINNING** and containing 4.23 acre tract of land.

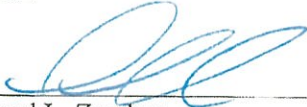
The bearing basis for this survey is Grid North, Texas State Plane Coordinate System, NAD83(2011), EPOCH: 2010, Texas South Central Zone (4204).

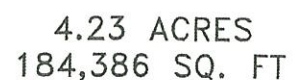
THE STATE OF TEXAS X
 X **KNOWN TO ALL MEN BY THESE PRESENTS:**
COUNTY OF BEXAR X

I, Darryl L. Zercher, a Registered Professional Land Surveyor, do hereby certify that the above field notes were prepared using information obtained by an on the ground survey made under my direction and supervision in June 2020

Date 11 day of SEPTEMBER 2020 A.D.




Darryl L. Zercher
Registered Professional Land Surveyor
No. 5609 - State of Texas

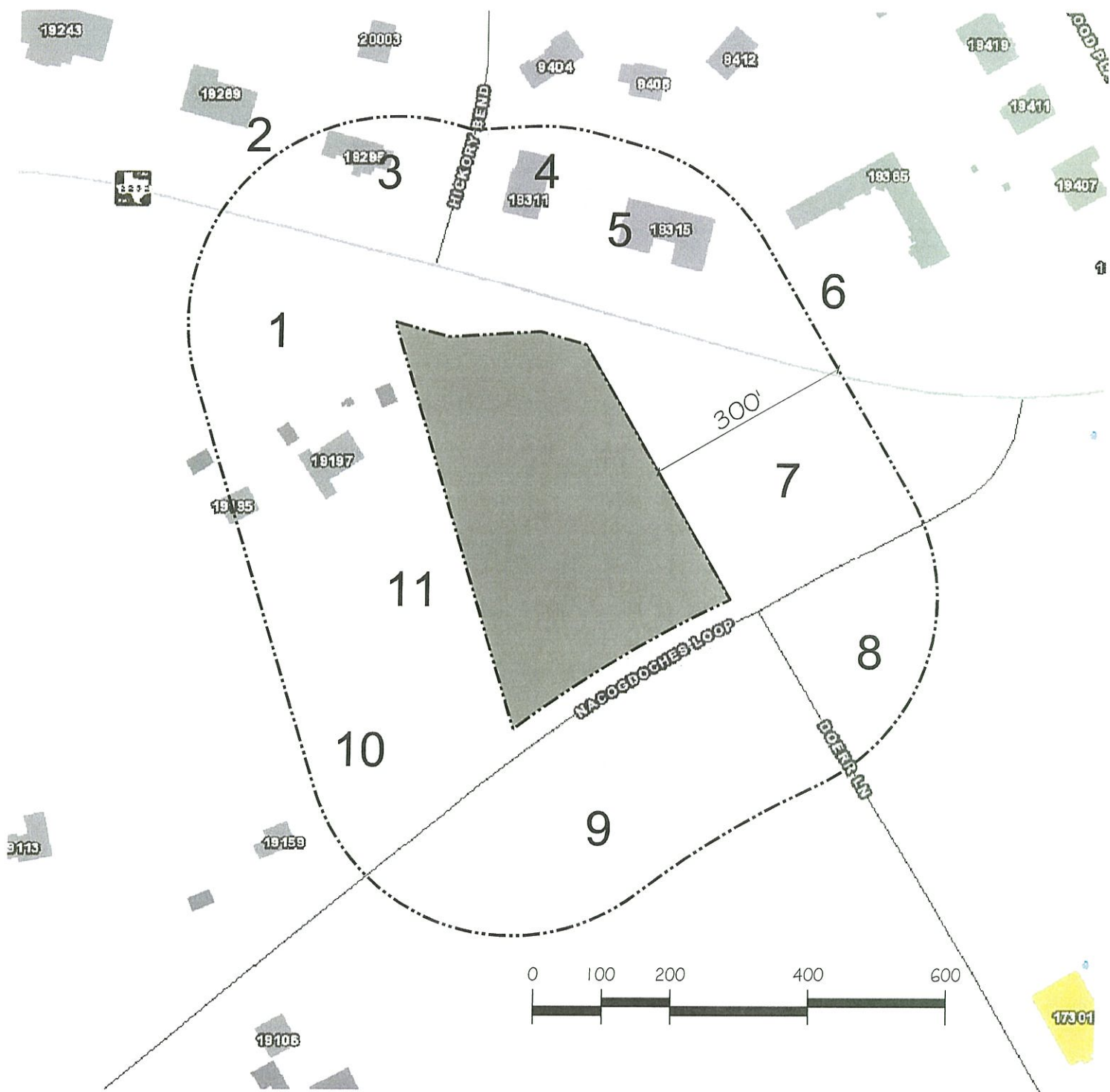




Area Map

NOT TO SCALE

Attachment 3



Attachment 4

NAME & ADDRESS OF OWNERS WITHIN 300' OF SUBJECT PARCEL

The names, addresses and zip codes listed below are those listed on the latest adopted ad valorem tax rolls as reflected by Comal Appraisal District for the current tax year.

1	NAME AND ADDRESS OF OWNER		PROPERTY IDENTIFICATION #
	NAME:	GONZO PROPERTIES LLC	74426
	ADDRESS:	2310 N LOOP 1604 W # 4	A-120 SUR- 96 G M DOLSON, ACRES 1.734
	CITY, STATE:	SAN ANTONIO, TX	ZIP: 78248-4512

2	NAME AND ADDRESS OF OWNER		PROPERTY IDENTIFICATION #
	NAME:	WMMT VENTURES LLC	101075
	ADDRESS:	19269 FM 2252 STE 200	HOWELL PARK, BLOCK 1, LOT 2
	CITY, STATE:	GARDEN RIDGE, TX	ZIP: 78266-2579

3	NAME AND ADDRESS OF OWNER		PROPERTY IDENTIFICATION #
	NAME:	HOWELL MARK P	101074
	ADDRESS:	19295 FM 2252	HOWELL PARK, BLOCK 1, LOT 1
	CITY, STATE:	GARDEN RIDGE, TX	ZIP: 78266-2926

4	NAME AND ADDRESS OF OWNER		PROPERTY IDENTIFICATION #
	NAME:	VOELLER PROPERTIES LLC	106270
	ADDRESS:	19311 FM 2252	FASHLEY OAKS EXECUTIVE CENTER, LOT 1-A
	CITY, STATE:	GARDEN RIDGE, TX	ZIP: 78266-2984

5	NAME AND ADDRESS OF OWNER		PROPERTY IDENTIFICATION #
	NAME:	REUNION PARTNERS LLC	106269
	ADDRESS:	PO BOX 311323	ASHLEY OAKS EXECUTIVE CENTER, LOT 2
	CITY, STATE:	NEW BRAUNFELS, TX	ZIP: 78131-1323

6	NAME AND ADDRESS OF OWNER		PROPERTY IDENTIFICATION #
	NAME:	FINDERS REAL ESTATE LLC	106271
	ADDRESS:	1001 PAT BOOKER RD, SUITE 100	ASHLEY OAKS EXECUTIVE CENTER, LOT 3
	CITY, STATE:	UNIVERSAL CITY, TX	ZIP: 78148-4147

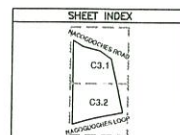
7	NAME AND ADDRESS OF OWNER		PROPERTY IDENTIFICATION #
	NAME:	SAHOTA HOLDINGS LLC	74432
	ADDRESS:	PO BOX 592233	A-120 SUR- 96 G M DOLSON, ACRES 2.075
	CITY, STATE:	SAN ANTONIO, TX	ZIP: 78259-0161

8	NAME AND ADDRESS OF OWNER		PROPERTY IDENTIFICATION #
	NAME:	WMMT VENTURES LLC	74441
	ADDRESS:	19269 FM 2252 STE 200	A-120 SUR- 96 G M DOLSON, ACRES 14.0836
	CITY, STATE:	GARDEN RIDGE, TX ZIP: 78266-2579	

9	NAME AND ADDRESS OF OWNER		PROPERTY IDENTIFICATION #
	NAME:	LADSHAW PARTNERSHIP LTD ET AL	74430
	ADDRESS:	393 LANDA ST	A-120 SUR- 96 G M DOLSON, ACRES 6.494
	CITY, STATE:	NEW BRAUNFELS, TX ZIP: 78130-5407	

10	NAME AND ADDRESS OF OWNER		PROPERTY IDENTIFICATION #
	NAME:	GALLEGOS SALVADOR & DAMARIS	74447
	ADDRESS:	19195 NACOGDOCHES LOOP	A-120 SUR- 96 G M DOLSON, ACRES 3.319
	CITY, STATE:	GARDEN RIDGE, TX ZIP: 78266-2737	

11	NAME AND ADDRESS OF OWNER		PROPERTY IDENTIFICATION #
	NAME:	B C R E PROPERTIES INC	74450
	ADDRESS:	1126 W COMMERCE ST	A-120 SUR- 96 G M DOLSON, ACRES 2.672
	CITY, STATE:	SAN ANTONIO, TX ZIP: 78207-4447	

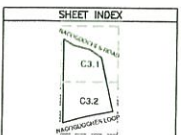
C3.0

Date des DC 2022: 1. März Uhr 8: regelmäßig
Ma F:\DC\20\2016\Bf 4.4.C Carsten Biedt Perlemonn Office Center\Joh 30\log\Engineer\CCLD Overall SWP AND RETIRED PLANNING

- [illegible]

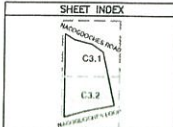
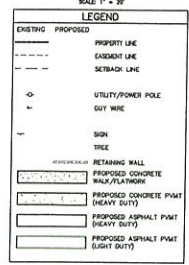


LEGEND	
EXISTING	PROPOSED
-----	PROPERTY LINE
-----	EASEMENT LINE
-----	SETBACK LINE
⊕	UTILITY/POWER POLE
W	OUT WARE
SGN	SGN
	TRICE
NO. 100, 100, 100, 100	RETAINING WALL
PROPOSED CONCRETE WALL (LIGHT DUTY)	
PROPOSED CONCRETE PWT (HEAVY DUTY)	
PROPOSED ASPHALT PWT (HEAVY DUTY)	
PROPOSED ASPHALT PWT (LIGHT DUTY)	

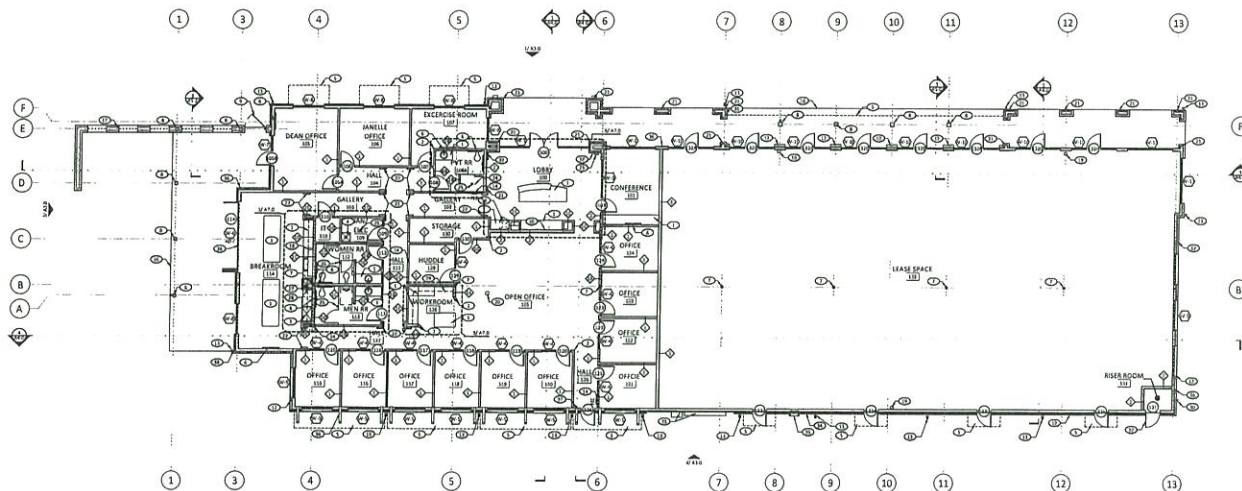


C3.1

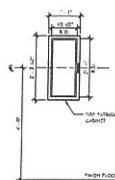
- [illegible]



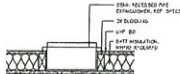
NO DATE	DESIGNED BY	DATE
	DRAWN BY	OCTOBER 2021
THIS DOCUMENT IS PREPARED FOR THE PURPOSES OF THE PROJECT AND IS NOT TO BE USED FOR ANY OTHER PURPOSES.		



1 FLOOR PLAN - ANNOTATIVE
SCALE: 1/8" = 1'-0"



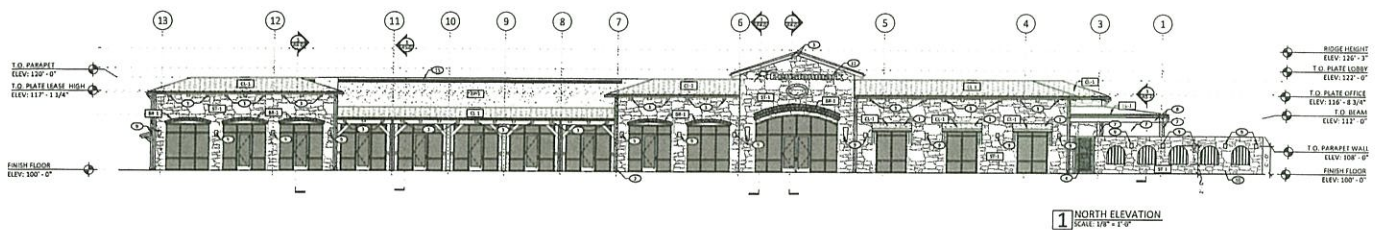
3 RECESSED FIRE CAB. - ELEV. DTL.
SCALE: 3/4" = 1'-0"



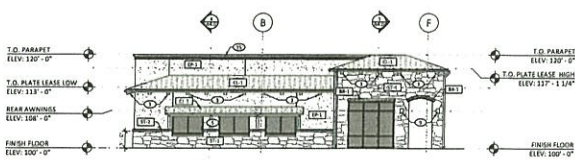
2 SEMI-REC. F.E. DTL.
SCALE: 1/2" = 1'-0"

KEYNOTES

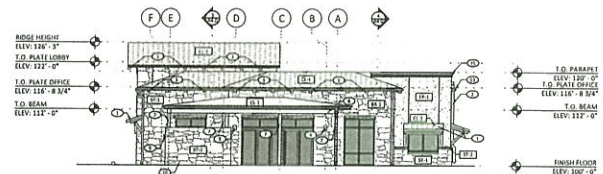
- 1 WALL/CEILING/DOOR INTERIOR FINISHES
- 2 CARPET SQUARE YD. SPEC
- 3 PENETRATIONS, FINISHES BY OTHERS, REF. DRAWING
- 4 W/UP DOWN WITH FPP FLOOR FINISH TO 2" OF FIN.
- 5 CARPET ROOM FLOOR, REF. ROOM PLAN
- 6 BLOCKING/STORAGE/STAIRS/STAIRS, REF. UPL. PLAN, COORDINATE WITH OTHERS, REF. DRAWING
- 7 STRUCTURAL WALL COLUMN, REF. STRUCTURAL
- 8 STRUCTURAL WALL COLUMN, REF. STRUCTURAL
- 9 METAL LIGHT, REF. DETAILS AND SPEC
- 10 INTERIOR WALL, REF. OTHERS, COORDINATE WITH OTHERS
- 11 REPRESENTATIVE BAR
- 12 HORIZONTAL STONE CLIP, REF. EXTERIOR DETAILS
- 13 CONCRETE/STONE/CLIP, REF. EXTERIOR DETAILS
- 14 CONCRETE/STONE/CLIP, REF. EXTERIOR DETAILS
- 15 RECESSED FIRE CABINET, REF. DETAILS AND SPEC
- 16 FLOOR FINISH, COORDINATE WITH OTHERS
- 17 FINISH OF PENETRATIONS, REF. STRUCTURAL
- 18 OUTSIDE FLOOR FINISH
- 19 DOWNPOUT, BY OTHER
- 20 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 21 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 22 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 23 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 24 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 25 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 26 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 27 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 28 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 29 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 30 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 31 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 32 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 33 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 34 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 35 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 36 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 37 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 38 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 39 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 40 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 41 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 42 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 43 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 44 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 45 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 46 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 47 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 48 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 49 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 50 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 51 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 52 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 53 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 54 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 55 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 56 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 57 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 58 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 59 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 60 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 61 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 62 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 63 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 64 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 65 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 66 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 67 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 68 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 69 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 70 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 71 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 72 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 73 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 74 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 75 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 76 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 77 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 78 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 79 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 80 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 81 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 82 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 83 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 84 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 85 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 86 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 87 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 88 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 89 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 90 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 91 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 92 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 93 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 94 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 95 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 96 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 97 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 98 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 99 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC
- 100 FINISH/STAIRS AND STAIRS, REF. UPL. PLAN TO FINISH, REF. SPEC



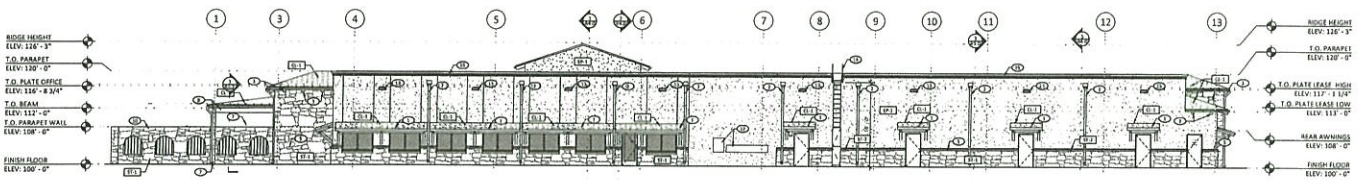
1 NORTH ELEVATION
SCALE: 1/8" = 1'-0"



2 WEST ELEVATION
SCALE: 1/8" = 1'-0"



3 EAST ELEVATION
SCALE: 1/8" = 1'-0"



4 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

MATERIAL LEGEND		KEYNOTES
101	FRANK	101 GUYT RE HALL, RE STRUCTURE
102	CLAY TILE POOP	102 JOINTS/CRACKS/CRACKS/RE HALL POOP
103	EXTERIOR WALL	103 TRUSS PARTS, RE STRUCTURE
104	ROOF	104 POOL, RE CRACKS
105	HYDRAULIC SEAL	105 TRUSS JOINT
106	HYDRAULIC SEAL	106 RESTRUCTURE/RE STRUCTURE
107	HYDRAULIC SEAL	107 TRUSS JOINTS, RE STRUCTURE
108	HYDRAULIC SEAL	108 TRUSS JOINTS, RE STRUCTURE
109	HYDRAULIC SEAL	109 TRUSS JOINTS, RE STRUCTURE
110	HYDRAULIC SEAL	110 TRUSS JOINTS, RE STRUCTURE
111	HYDRAULIC SEAL	111 TRUSS JOINTS, RE STRUCTURE
112	HYDRAULIC SEAL	112 TRUSS JOINTS, RE STRUCTURE
113	HYDRAULIC SEAL	113 TRUSS JOINTS, RE STRUCTURE
114	HYDRAULIC SEAL	114 TRUSS JOINTS, RE STRUCTURE
115	HYDRAULIC SEAL	115 TRUSS JOINTS, RE STRUCTURE
116	HYDRAULIC SEAL	116 TRUSS JOINTS, RE STRUCTURE
117	HYDRAULIC SEAL	117 TRUSS JOINTS, RE STRUCTURE
118	HYDRAULIC SEAL	118 TRUSS JOINTS, RE STRUCTURE
119	HYDRAULIC SEAL	119 TRUSS JOINTS, RE STRUCTURE
120	HYDRAULIC SEAL	120 TRUSS JOINTS, RE STRUCTURE
121	HYDRAULIC SEAL	121 TRUSS JOINTS, RE STRUCTURE
122	HYDRAULIC SEAL	122 TRUSS JOINTS, RE STRUCTURE
123	HYDRAULIC SEAL	123 TRUSS JOINTS, RE STRUCTURE
124	HYDRAULIC SEAL	124 TRUSS JOINTS, RE STRUCTURE
125	HYDRAULIC SEAL	125 TRUSS JOINTS, RE STRUCTURE
126	HYDRAULIC SEAL	126 TRUSS JOINTS, RE STRUCTURE
127	HYDRAULIC SEAL	127 TRUSS JOINTS, RE STRUCTURE
128	HYDRAULIC SEAL	128 TRUSS JOINTS, RE STRUCTURE
129	HYDRAULIC SEAL	129 TRUSS JOINTS, RE STRUCTURE
130	HYDRAULIC SEAL	130 TRUSS JOINTS, RE STRUCTURE
131	HYDRAULIC SEAL	131 TRUSS JOINTS, RE STRUCTURE
132	HYDRAULIC SEAL	132 TRUSS JOINTS, RE STRUCTURE
133	HYDRAULIC SEAL	133 TRUSS JOINTS, RE STRUCTURE
134	HYDRAULIC SEAL	134 TRUSS JOINTS, RE STRUCTURE
135	HYDRAULIC SEAL	135 TRUSS JOINTS, RE STRUCTURE
136	HYDRAULIC SEAL	136 TRUSS JOINTS, RE STRUCTURE
137	HYDRAULIC SEAL	137 TRUSS JOINTS, RE STRUCTURE
138	HYDRAULIC SEAL	138 TRUSS JOINTS, RE STRUCTURE
139	HYDRAULIC SEAL	139 TRUSS JOINTS, RE STRUCTURE
140	HYDRAULIC SEAL	140 TRUSS JOINTS, RE STRUCTURE
141	HYDRAULIC SEAL	141 TRUSS JOINTS, RE STRUCTURE
142	HYDRAULIC SEAL	142 TRUSS JOINTS, RE STRUCTURE
143	HYDRAULIC SEAL	143 TRUSS JOINTS, RE STRUCTURE
144	HYDRAULIC SEAL	144 TRUSS JOINTS, RE STRUCTURE
145	HYDRAULIC SEAL	145 TRUSS JOINTS, RE STRUCTURE
146	HYDRAULIC SEAL	146 TRUSS JOINTS, RE STRUCTURE
147	HYDRAULIC SEAL	147 TRUSS JOINTS, RE STRUCTURE
148	HYDRAULIC SEAL	148 TRUSS JOINTS, RE STRUCTURE
149	HYDRAULIC SEAL	149 TRUSS JOINTS, RE STRUCTURE
150	HYDRAULIC SEAL	150 TRUSS JOINTS, RE STRUCTURE
151	HYDRAULIC SEAL	151 TRUSS JOINTS, RE STRUCTURE
152	HYDRAULIC SEAL	152 TRUSS JOINTS, RE STRUCTURE
153	HYDRAULIC SEAL	153 TRUSS JOINTS, RE STRUCTURE
154	HYDRAULIC SEAL	154 TRUSS JOINTS, RE STRUCTURE
155	HYDRAULIC SEAL	155 TRUSS JOINTS, RE STRUCTURE
156	HYDRAULIC SEAL	156 TRUSS JOINTS, RE STRUCTURE
157	HYDRAULIC SEAL	157 TRUSS JOINTS, RE STRUCTURE
158	HYDRAULIC SEAL	158 TRUSS JOINTS, RE STRUCTURE
159	HYDRAULIC SEAL	159 TRUSS JOINTS, RE STRUCTURE
160	HYDRAULIC SEAL	160 TRUSS JOINTS, RE STRUCTURE
161	HYDRAULIC SEAL	161 TRUSS JOINTS, RE STRUCTURE
162	HYDRAULIC SEAL	162 TRUSS JOINTS, RE STRUCTURE
163	HYDRAULIC SEAL	163 TRUSS JOINTS, RE STRUCTURE
164	HYDRAULIC SEAL	164 TRUSS JOINTS, RE STRUCTURE
165	HYDRAULIC SEAL	165 TRUSS JOINTS, RE STRUCTURE
166	HYDRAULIC SEAL	166 TRUSS JOINTS, RE STRUCTURE
167	HYDRAULIC SEAL	167 TRUSS JOINTS, RE STRUCTURE
168	HYDRAULIC SEAL	168 TRUSS JOINTS, RE STRUCTURE
169	HYDRAULIC SEAL	169 TRUSS JOINTS, RE STRUCTURE
170	HYDRAULIC SEAL	170 TRUSS JOINTS, RE STRUCTURE
171	HYDRAULIC SEAL	171 TRUSS JOINTS, RE STRUCTURE
172	HYDRAULIC SEAL	172 TRUSS JOINTS, RE STRUCTURE
173	HYDRAULIC SEAL	173 TRUSS JOINTS, RE STRUCTURE
174	HYDRAULIC SEAL	174 TRUSS JOINTS, RE STRUCTURE
175	HYDRAULIC SEAL	175 TRUSS JOINTS, RE STRUCTURE
176	HYDRAULIC SEAL	176 TRUSS JOINTS, RE STRUCTURE
177	HYDRAULIC SEAL	177 TRUSS JOINTS, RE STRUCTURE
178	HYDRAULIC SEAL	178 TRUSS JOINTS, RE STRUCTURE
179	HYDRAULIC SEAL	179 TRUSS JOINTS, RE STRUCTURE
180	HYDRAULIC SEAL	180 TRUSS JOINTS, RE STRUCTURE
181	HYDRAULIC SEAL	181 TRUSS JOINTS, RE STRUCTURE
182	HYDRAULIC SEAL	182 TRUSS JOINTS, RE STRUCTURE
183	HYDRAULIC SEAL	183 TRUSS JOINTS, RE STRUCTURE
184	HYDRAULIC SEAL	184 TRUSS JOINTS, RE STRUCTURE
185	HYDRAULIC SEAL	185 TRUSS JOINTS, RE STRUCTURE
186	HYDRAULIC SEAL	186 TRUSS JOINTS, RE STRUCTURE
187	HYDRAULIC SEAL	187 TRUSS JOINTS, RE STRUCTURE
188	HYDRAULIC SEAL	188 TRUSS JOINTS, RE STRUCTURE
189	HY	

www.acuform.com



ACUFORM ARCHITECTURE
17201 JONES MALTSBERGER, SUITE 102
SAN ANTONIO, TEXAS 78247-2811
210.829.1600

WD PENSIONMARK - GARDEN RIDGE
AUGUST 6, 2021

acuform
ARCHITECTURE

www.acuform.com



ACUFORM ARCHITECTURE
17203 JONES MALTSBERGER, SUITE 102
SAN ANTONIO, TEXAS 78247-2811
210.829.1600

WD PENSIONMARK - GARDEN RIDGE
AUGUST 6, 2021

acuform
ARCHITECTURE

www.acuform.com

The drive through lane and road is no longer in the scope.
Rendering has not be updated to reflect this change.
Refer to the site plan.

ACUFORM ARCHITECTURE
17203 JONES MALTSBERGER, SUITE 102
SAN ANTONIO, TEXAS 78247-2811
210.829.1600

WD PENSIONMARK - GARDEN RIDGE
AUGUST 6, 2021

acuform
ARCHITECTURE

www.acuform.com



ACUFORM ARCHITECTURE
17203 JONES MALTSBERGER, SUITE 102
SAN ANTONIO, TEXAS 78247-2811
210.879.1600

WD PENSIONMARK - GARDEN RIDGE
AUGUST 6, 2021

acuform
ARCHITECTURE

Print

City Commission Volunteer Interest Form - Submission #3171

Date Submitted: 1/22/2022



City of Garden Ridge

"A way of life, not just a place to live"

City Commission
Volunteer Interest
Form

First Name*

Donald

Last Name

Maloney

Address*

20019 Hickory Bend

Phone Number

210-683-8891

Email Address

[REDACTED]

Date of Birth*

[REDACTED]

Voter Unique Identifier (VUID)

Qualifications from Ordinance No. 210*

Please check all the boxes that apply to you.

- ☒ A registered voter in Garden Ridge, TX
- ☒ Has resided in the City for at least six (6) months
- ☒ Has not been convicted of a felony
- ☒ Has not been found mentally incompetent by a final judgment of a court

Occupation

Sr. Program Manager

Please check which of the following Commission you have a desire to serve on:

☒ Planning and Zoning Commission

☐ Wildlife Management Advisory Commission

☐ Quarry Commission

☐ Any City Commission

☐ Water Commission

Tell us why you desire to serve on a City Commission.

I want to serve and preserve the small-town atmosphere of the city. To provide input into the decisions that impact the residential and commercial properties that wish to help grow our city.

List any Boards, Commissions or Committees you have previously served on in Garden Ridge or other entities.

Please attach your resume or a bio.*

Donald J Maloney Resume 06052013.doc

Date

9/22/2021

A resume or a bio is required to be submitted with Volunteer Interest Form.

Donald J. Maloney, Jr.

20019 Hickory Bend □ Garden Ridge, TX 78266
210-651-0595 (H) 210-683-8891 (M)

EXECUTIVE SUMMARY:

Solution-focused, principle driven **Senior Program Manager** with extensive experience in all aspects of global and domestic information technology operations. Expertise in operations management, financial management, contracts management, and procurement administration, 30+ years. Exceptional skills developing complex (high performing) teams in a dynamic, highly competitive information operations environment. Comprehensive responsibilities and accountabilities for business operations up to \$30M. **Active TOP SECRET Security Clearance through 8/15/2008.**

COMPETENCIES:

- Six Sigma
- Budgeting Initiatives
- Program Management
- Operations Management
- Process Design
- Safety/Environmental Compliance
- Capital Planning & Management
- Organizational Development
- Talent Development/Team Building
- Systems Security Analysis
- Risk Analysis
- Network Architecture
- Systems Architecture
- Requirements Analysis
- Economic Analysis

PROFESSIONAL EXPERIENCE:

Diversified Technical Services, Inc. (DTSI) – San Antonio, TX **2012 – Present**
The DTSI Telecommunications Division Engineers, Furnishes, Installs and Tests (EFI&T) large-scale telecommunications projects for the U.S. Government and its support agencies.

Telecommunications Division Manager

Lead and manage the transport and delivery of enterprise wireless networks. Expertise in Digital Microwave, Land Mobile Radio (LMR) and Wi-Fi is validated through our customer requests for follow-on business. Additionally, I manage highly qualified engineers that engineer/design for Inside and Outside Plant construction projects. Supervise senior engineers.

OBJECT CTALK, INC – San Antonio, TX **2009 - 2012**
IT systems integration company designs, integrates, maintains information technology systems for the Department of Defense. OCTALK specializes in information technology solutions, supply chain management, human capital management and information assurance.

Director Consulting Services

Senior Manager responsible to Lockheed Martin for the existing and new task orders associated with Personnel Service Delivery Transformation (PSDT) program, a \$324M, Human Resources program for the active, guard and reserve components. Lead business development activities for the Air Force, Army, and Navy NSA and other DOD agencies in the San Antonio military complex. Provide management oversight to 15 employees.

- Manage the business development of existing programs activities with PSDT. Provide Lockheed Martin PSDT program manger guidance on new teaming opportunities with OCTALK. Direct all new

business development with DOD agencies in the greater San Antonio area. Consult with Air Force, Army, and Navy Chief of Information to provide them with OCTALK corporate capabilities to satisfy existing and new information technology services.

NORTHROP GRUMAN CORPORATION – San Antonio, TX

1998-2008

Headquartered in the United States, NORTHROP GRUMAN is one of the world's largest, \$30B, global defense and technology companies.

Senior Program Manager

1998-2008

- Managed multiple Air Force (AF) programs on a \$550 Million network infrastructure contract. Directed two major AF programs for one of the government's largest information technology contracts, Network Centric Solutions (NETCENTS), a \$9B, five year products and services contract.
- As Operations Manager, 2003 to 2008, led the Combat Information Transport System/Information Transport System (CITS/ITS) and Network Operations Information Assurance (NOIA) programs. Manage major installations at 3 AF bases valued at \$17M.
- Prepared network architecture design packages inclusive of Inside Plant/Outside Plant cable distribution designs, VLAN, ELAN and WLAN network infrastructure, GIS data collection, and life cycle supportability of network infrastructure and network electronics.
- Developed integrated project schedules, formulated detailed budgets, and negotiated contractual requirements obtaining excellent performance ratings from government evaluators.
- Authored major revisions to government's CITS/ITS implementation process documentation and analyzed CITS/ITS Cost Model to evaluate and verify scoring criteria and cost parameters, which led to major revisions of scoring and cost parameters.
- Managed 24 network engineers through 44 deployments of network management and information assurance tools at AF bases in 25 weeks.
- Authored fixed price proposal packages for networking solutions valued at \$2 to \$5M. Developed basis-of-estimate (BOEs), assigned labor categories and rates, calculated all direct cost associated with proposal package.

TRIDENT DATA SYSTEMS, - San Antonio, TX

1996-1998

One of the largest information protection companies globally, dedicated to providing information assurance solutions.

Security Analyst - San Antonio, TX

Lead Security Analyst for Trident Data Systems, an information protection company dedicated to providing its customers with information assurance solutions.

- Performed statistical analysis of computer security incidents for the Air Force's Cryptologic Support Center. Evaluated methods to measure information protection security programs.
- Developed statistical measurements that improved computer security posture and were adopted for Air Force-wide use.
- Created metrics package for Engineering Analysis Directorate and unit self inspection (USI) program, which led to correction of multiple system deficiencies.

UNITED STATES AIR FORCE, OFFICER

1986-1996

1994-1996: Communications Planner, Air Force Personnel Center

- Managed a worldwide, \$5M leased communications infrastructure.

- Evaluated leased long-line requirements for connectivity with asynchronous terminal servers, packet assembler-disassembler servers, concentrators, and network routers.
- Developed expertise with Telecommunications Service Request Editor (FoxPro database). Independent analysis of circuit history files revealed local area network solution more cost effective for certain dedicated circuits. Returned \$50,000 to communications budget within first 30 days on job.

1993-1994: Communications Flight Commander, Eareckson AFS, Alaska

- Supervised 110 technicians across 16 work centers that supported communications/computer, navigational, weather, airfield radar, and radio systems valued at over \$40 million.
- Led 30 Raytheon Contractors on Earth Station Operations upgrade. Expert team installed new parabolic antenna farm and removed and disposed of old antennas without disruption of service to terrestrial telecommunications network.
- Developed and implemented first LAN on station that supported the communications flight of 110 personnel in 16 work centers.
- Planned and prioritized technician work activities on \$3.5 million digital telephone switch installation. Projected installation costs and saved \$40K.

1989-1993: Communications Manager, Air Force Personnel Center

- Supervised five personnel and controlled \$6 million budget.
- Analyzed data communications shortfalls for Operation DESERT STORM. Developed PC-based solution for real-time transmission of classified manpower strength between units and headquarters.
- Created equipment ordering system that tracked \$15 million in communications requirements. Computerized order process eliminated two month backlog saving \$100K in installation cost.

Donald J. Maloney, Jr.

Page Three

EDUCATION

Master of Science, Systems Management, St. Mary's University, San Antonio, TX

Bachelor of Science, Industrial Operations Management, Auburn University, Auburn, AL

PROFESSIONAL / CIVIC ACTIVITIES

Member, Armed Forces Communications Electronics Association
President, St. Joseph Men's Group, Our Lady of Loretto Catholic Community
Membership Director, Lone Star Auburn Club

Date Submitted: 3/1/2022



City of Garden Ridge

"A way of life, not just a place to live"

City Commission Volunteer Interest Form

First Name*

DARREN

Last Name

BATES

Address*

20103 Regency Run

Phone Number

Email Address

[REDACTED]

Date of Birth*

[REDACTED]

Voter Unique Identifier (VUID)

[REDACTED]

Qualifications from Ordinance No. 210*

Please check all the boxes that apply to you.

- ☒ A registered voter in Garden Ridge, TX
- ☒ Has resided in the City for at least six (6) months
- ☒ Has not been convicted of a felony
- ☒ Has not been found mentally incompetent by a final judgment of a court

Occupation

Currently USAF retired - 22 years; On-boarding Civil Service at JBSA-Randolph

Please check which of the following Commission you have a desire to serve on:

☒ Planning and Zoning Commission

☐ Wildlife Management Advisory Commission

☐ Quarry Commission

☐ Any City Commission

☐ Water Commission

Tell us why you desire to serve on a City Commission.

As a resident of Garden Ridge for almost seven years, I have been able to participate as a citizen in a couple planning and zoning meetings. During those sessions, I have met and witnessed folks who appreciate what Garden Ridge is – A way of life, not just a place to live. My desire is to contribute to the success of Garden Ridge as a commission member to best ensure ordinances are upheld, and appropriately review/critique variances when sought.

List any Boards, Commissions or Committees you have previously served on in Garden Ridge or other entities.

Dir. Of Staff, 12th Flying Training Squadron - Led six Field Grade Officers overseeing 12 offices and a 63-member team to manage and train over 800 aviation students annually

Dir. Of Student Affairs, 12th Flying Training Squadron - Led four Field Grade Officers and 600 Lieutenants (USAF/USN/USMC) managing the Air Force's only Undergraduate RPA Training and Basic Sensor Operator Course via 3 geographically separated courses

Dir. Of Inspections, 12th Flying Training Wing (FTW) - Led the 12th FTW Commander's Inspection Program covering 10,000 personnel, 3 geo-separated units, 5 airfields, 19 squadrons, 302 aircraft, 40 Program Managers & 111 Inspection members

(Please see resume for further detail.)

Please attach your resume or a bio.*

Darren Bates Res_GR.pdf

Date

3/1/2022

A resume or a bio is required to be submitted with Volunteer Interest Form.

DARREN E. BATES
20103 Regency Run, Garden Ridge TX 78266

COMMISSION STATEMENT: A servant-leader, bringing over twenty-two years of Air Force leadership, operations, instruction, and staff experience to support the Garden Ridge Planning & Zoning Commission.

CITIZENSHIP/RESIDENCY: United States of America / Garden Ridge, TX

FORMAL EDUCATION:

2004 – M.A.S. (w/ Distinction), Aerospace Management, Embry-Riddle Aeronautical University, Daytona Beach FL

1997 – B.A., Applied Physics, Stockton University, Pomona NJ

PROFESSIONAL MILITARY EDUCATION:

2014 – Air War College, Air University (Maxwell AFB, AL - Correspondence)

2008 – Air Command and Staff College, Air University (Maxwell AFB, AL - Correspondence)

2006 – Squadron Officer School, Air University (Maxwell AFB, AL – In Residence)

EXPERIENCE (Details Attached)

11/2020- 09/2021: T-6A Sim IP; 558 Flying Training Squadron (FTS), Joint Base San Antonio (JBSA)-Randolph TX

09/2019- 11/2020: Director of Staff; T-6A Sim IP; 12th Training Squadron (TRS), JBSA-Randolph TX

06/2018- 09/2019: Director, Student Affairs; T-6 Sim IP; 12th TRS, JBSA-Randolph TX

03/2017- 06/2018: Director of Inspections; T-1A IP; 12th Flying Training Wing (FTW), JBSA-Randolph TX

03/2016- 03/2017: Asst. Dir. of Operations (DO); T-1A IP; 12th Operational Support Squadron (OSS), JBSA-Randolph TX

06/2015- 03/2016: Asst. DO; Asst. Scheduling Chief; T-1A IP; 99th FTS, JBSA-Randolph TX

03/2012- 06/2015: Chief, Command Aviation Safety; Command Flight Safety Officer (FSO); Wright-Patterson AFB OH

10/2011- 03/2012: Strategist and Operational Planner; U.S. Air Force Central Command, Shaw AFB SC

07/2008- 10/2011: Chief, Command Post; Asst. Director of Operations; Deputy Chief, Wing Safety; Chief, Aviation Safety
C-17A Formal Training Unit (FTU) IP, 97th Air Mobility Wing (AMW), Altus AFB OK

04/2005- 07/2008: Asst. Director of Operations; Flight Commander; Chief, Current Operations;

C-17A IP/Aircraft Commander (AC), 6th Airlift Squadron (AS), Joint Base McGuire-Dix-Lakehurst NJ

12/1999- 04/2005: Class Commander; Asst. Flight CC; Standardization & Evaluation Monitor; TERPS Liaison; Executive
Officer & T-1A Check/IP (USAF/USN) 71st Flying Training Wing, Vance AFB OK

LEADERSHIP TRAINING / SPECIALIZED COURSES

2019 – T-6A Simulator Instructor Training (JBSA-Randolph, TX)

2017 – U.S. Air Force Inspector General Wing Inspector & Investigating Officer ('18) Course (Washington, D.C.)

2015 – T-1A Pilot Instructor Training (& in 2001) (JBSA-Randolph, TX)

2014 – U.S. Air Force Safety Center, Board President & Chief of Safety Course (Kirtland AFB, NM)

2012 – Nuclear Management Executive Seminar, HQ AFMC (WPAFB, OH)

2011 – Strategic Planners Course, Air University (Maxwell AFB, AL)

2008 – U.S. Air Force Safety Center, Flight Safety Officer School (Kirtland AFB, NM)

2007 – C-17A Instructor Pilot School (Altus AFB, OK)

2005 – C-17A Aircraft Commander Initial Qualification Course (Altus AFB, OK)

2002 – U.S. Air Force Advanced Instrument School (JBSA-Randolph, TX)

2000 – Joint Specialized Undergraduate Pilot Training (Vance AFB, OK)

AWARDS

2021 – Meritorious Service Medal, 2nd Oak Leaf Cluster (JBSA – Randolph)

2016 – Air Force Achievement Medal, 1st Oak Leaf Cluster (JBSA – Randolph)

2012 – Air Force Commendation Medal, 1st Oak Leaf Cluster (Altus AFB, OK)

2010 – Humanitarian Service Medal, 1st Oak Leaf Cluster (Altus AFB, OK)

2007 – Air Medal 2nd Oak Leaf Cluster (Al Udeid AB, Qatar)

2005 – Distinguished Graduate, C-17A Aircraft Commander Initial Qualification (Altus AFB, OK)

2001 – Distinguished Graduate & Commander's Trophy, Joint Specialized UPT (Vance AFB, OK)

2000 – "Top Stick" – T-37, Phase II Training, Joint Specialized UPT (Vance AFB, OK)

FLIGHT HOURS: Total Aircraft & Sim: 4,307 (Flight: 3,796; Instructor Pilot (IP): 2,532)

<u>T-1A Jayhawk:</u>	1,924	Flight: 1,812	IP: 1,355 (Sim: 12)	
<u>C-17A Globemaster III:</u>	1,989	Flight: 1,697	IP: 844 (Sim: 292)	Combat: 507
<u>T-6A Texan II (Sim)</u>	394		IP: 333	

Current a/o February '22

WORK EXPERIENCE

12th FLYING TRAINING WING, JOINT BASE SAN ANTONIO – RANDOLPH, TX Jun ‘15 – Sep ‘21

Director of Staff; T-6A Simulator IP, 12th Training Squadron (TRS) (09/2019 – 09/2021)

- Led 6 overseeing 12 offices & 63-member team to manage and train over 800 Pilot Instructor Training (PIT), Undergraduate RPA Training (URT), Undergraduate Pilot Training (UPT), and Basic Sensor Operator Course (BSOC) students annually; ‘Acting’ Commander during dual absences
- Led support for 9 programs at 6 geo-separated locations using 18 simulator devices worth \$44M and 4 simulator contracts worth \$36M in support of over 11,000 sims & 4,000 academic hours
- Expert RPA Instrument Qualification Course IP, teaching T-6A Contact/Aerobatic and Instrument skills, instructing over 200 Sim IP hours/year as a highly-sought instructor to develop struggling students

Director, Student Affairs; T-6A Simulator IP (Detailed above), 12th TRS (06/2018 - 09/2019)

- Led 4 Field Grade Officers & 600 Casual Lieutenants managing the Air Force’s only URT & BSOC student pipeline developing USAF/USN/USMC students through 3 geo-separated formal courses
- Crafted Senior Leader correspondence & acted as squadron commander during dual absences
- Led 1st-ever DoD Sports Psychologist course into URT; 160+ Officers/year max-performing the mind
- Led Investigations; Crafted Senior Leader correspondence; ‘Acting’ commander during dual absences
- Secured cutting-edge training for Pilot Training Next, UPT 2.5, and Accelerated Path to Wings

Director of Inspections; T-1A IP (Detailed below), 12th Flying Training Wing (FTW) (03/2017- 06/2018)

- Led Commander’s Inspection Program: covering 10,000 personnel, 3 geo-separated units, 5 airfields, 19 squadrons, 302 aircraft, 40 Program Managers & 111 Inspection members
- Directed 12 By-law inspections achieving 16 "Highly Effective" wing grades during '17 AETC Unit Evaluation Inspection - AETC’s only wing (#1/10) to achieve Major Graded Area 3: “Highly Effective”
- Led 15 for JBSA Anti-Terrorism Exercise; safeguarded 5,500 personnel from workplace violence
- Led 6 on Corrective Action Plan revision; preserved 12 National Museum of the USAF assets (\$1M)

Asst. Dir. of Operations; T-1A IP (Detailed below), 12th Operation Support Squadron (03/2016- 03/2017)

- With Director of Operations, led most diverse 12 FTW squadron mission: 210+ personnel in 16 duty locations, encompassing 2 airfields, 2 towers, \$70M in contracts, and 6,750 square miles of airspace
- Chaired 8-mbr Airfield Management team; strategic use of \$1M in runway improvements saved \$40M
- Led small Unmanned Aerospace Systems planning for JBSA-Randolph; crafted new policies for JBSA
- Oversaw \$50.2M budget, 37K flying hours, Host Aviation Resource Management & International Military Student Officer training
- Led 10 as Safety Investigation Board, President; improved USAF TH-1H with new instrument displays

Asst. to Director of Operations & Chief of Scheduling; T-1A IP, 99th FTS (06/2015- 03/2016)

- Managed 2,245 sorties for 56 IPs & 78 IP/Instructor Combat System Officer (ICSO) trainees annually
- As Pilot Instructor Training (PIT) IP, expertly trained experienced USAF pilots and ICSOs for the Air Force’s Undergraduate Pilot Training (UPT) bases, covering full-spectrum operations: Transition, Instrument, Navigation, Air-Refueling, Low-Level, and Formation flying operations

HQ, AF MATERIEL COMMAND, WRIGHT-PATTERSON AFB, OH

Mar ‘12 – Jun ‘15

Chief, Command Aviation Safety; Command Flight Safety Officer (FSO)

- Led team of 5 directing the command’s flight safety program, directing policy for 6 Air Base Wings & 2 DoD agencies for 124 Major Design Series (\$5.8B) and 400 test pilots & aircrew
- Expertly briefed 4-star General on mishaps & garnered AF Safety Center praise – “very strong” program

AF CENTRAL COMMAND (AFCENT), SHAW AFB, SC

Oct ‘11 – Mar ‘12

Chief, Strategist & Operational Planner

- Led 30 Action Officers as AFCENT’s Lead Airlift Planner, supporting State Department initiatives
- Expertly briefed 3-star General on real-time status of \$6.7B/41 airlift assets supporting combat missions

97th AIR MOBILITY WING, ALTUS AFB, OK**Jul '08 – Oct '11****Chief, Command Post & C-17A FTU IP (58th Airlift Squadron (AS)) (02/2011 – 10/2011)**

- Led 15-members executing 24/7 Command & Control at the 8th busiest USAF airfield: 21K flights hours, 1.5K missions, and 31K aircraft movements annually covering 3 runways and 2 drop zones
- Facilitated 30-seat Crisis Action Team of senior staff providing national emergency action & response
- IP in the Air Force's only C-17 Formal Training Unit, providing initial and advanced flight training to almost 1,200 USAF, AFRC, ANG, and International students annually in tactical Airland, Air Refueling, and Night Vision Goggle operations

Asst. Dir. of Operations, 97th Training Squadron & C-17A FTU IP (Detailed above) (02/2010- 02/2011)

- Directed 60 personnel, managing a \$5.6B budget & 20K flying hours, training 2,000 aircrew annually
- Led Congressional & DV visits to the wing & the squadron through 2 “Commendable” inspections

Deputy Chief, Wing Safety; Aviation Safety Chief; C-17A FTU IP (Detailed above) (07/2008 – 02/2010)

- Led wing Commander's safety program for 39 mobility aircraft, 10K personnel and \$5.9B infrastructure
- Designed risk mitigation for 1st-ever Canadian F-18 on base; 64 live ammunition sorties 100% safe

305th AIR MOBILITY WING, JOINT BASE McGUIRE-DIX-LAKEHURST, NJ Apr '05 – Jul '08**Asst. Director of Operations; Flight Commander; Chief, Current Operations & C-17A IP/AC (6th AS)**

- Directed 54 pilots in cutting-edge combat airlift squadron promoting strong leadership & discipline
- Managed 1K missions, 13K flight hours, and 3K combat sorties in support of national security & DoD
- Met President of the United States; personally, thanked for commanding the sole C-17A airlift mission

71st FLYING TRAINING WING, VANCE AFB, OK**Dec '99 – Apr '05****Class Commander/Asst. Flight CC & Standardization & Evaluation Monitor; TERPS Liaison; Executive Officer & T-1A Check Pilot/IP (32^d FTS) (Joint Specialized Undergraduate Pilot Training)**

- Led, as 2nd in command, 9 IPs training 230 USAF/USN pilots annually in airlift & tanker fundamentals
- Commanded \$4M aircraft as First Assignment Instructor Pilot (FAIP), instructing USAF & USN officers in full-spectrum flying operations: Transition, Navigation, Air-Refueling, Low-Level, and Formation at the USAF's only Joint, Undergraduate Pilot Training base
- Recognized as 32 FTS Instrument expert; showcased training mission at airshows nationwide

CERTIFICATIONS

2020 – Air Education and Training Command, Master Instructor

2011 – USAF Command Post Controller

1999 – Commercial Pilot, Airplane Multi-Engine Land, Type: BE-400 MU-300; Instrument Airplane/Land

ADDITIONAL AWARDS:2019- 12th Training Squadron, Field Grade Officer of the Year2017- Junius W. Jones Award - IG Inspections program is #1 out of 144 active-duty units (#1/12 in AETC)
12th FTW Field Grade Officer of the Year (#1 out of 349)2016 - 12th FTW Field Grade Officer of the Quarter (#1 out of 311)12th Operations Group, Field Grade Officer of the Year (#1 out of 166)12th Operations Support Squadron, Field Grade Officer of the Year (#1 out of 6)

2015 - Air Force Materiel Command's Safety Professional of the Quarter (#1/16)

City Commission Volunteer Interest Form - Submission #3253

Date Submitted: 3/2/2022



City of Garden Ridge

"A way of life, not just a place to live"

City Commission
Volunteer Interest Form

First Name*

Ellie

Last Name

Ross

Address*

21005 Hickory Bend, Garden Ridge, TX 78266

Phone Number

8307308373

Email Address

[REDACTED]

Date of Birth*

[REDACTED]

Voter Unique Identifier (VUID)

Qualifications from Ordinance No. 210*

Please check all the boxes that apply to you.

- ☐ A registered voter in Garden Ridge, TX
- ☒ Has resided in the City for at least six (6) months
- ☒ Has not been convicted of a felony
- ☒ Has not been found mentally incompetent by a final judgment of a court

Occupation

Energy Efficiency Account Manager

Please check which of the following Commission you have a desire to serve on:

☒ Planning and Zoning Commission

☒ Wildlife Management Advisory Commission

☐ Quarry Commission

☐ Any City Commission

☐ Water Commission

Tell us why you desire to serve on a City Commission.

As a newer resident of Garden Ridge, I believe I can aid in making a difference to our city by utilizing my extensive background in environmental planning, project management, green space auditing, and energy efficiency planning. Also, my voter registration is in the works.

List any Boards, Commissions or Committees you have previously served on in Garden Ridge or other entities.

N/A

Please attach your resume or a bio.*

Ellie Ross Resume.docx

Date

3/2/2022

A resume or a bio is required to be submitted with Volunteer Interest Form.

ELLIE ROSS

EXPERIENCE

Project Analyst, Lower Colorado River Authority

October 2018 – Present

- Restructured the Transmission Failed Equipment reporting workflow process resulting in a 62% increase in timely replacement in 6 months through status finalization meetings, cross-referencing historic files, and working in tandem with other department directors
- Provide cradle-to-grave oversight to 15 electrical transmission construction projects ranging between \$50,000 to \$48M, increasing the FY20 Portfolio Spend to \$399M
- Trained 27 project managers and workforce teams on the implementation of the pilot EFOR project management software during a company-wide transition
- Elected as “LCRA Steps Forward” Volunteer day Project Manager to lead a team of 15 volunteers to repair 3 miles of trail erosion in the Texas Hill Country

Operations Manager, Reata Ranch Realty, LLC.

January 2016 – May 2018

- Managed B2B partnerships with stakeholders, vendors, and clients to establish professional relationships
- Primary point of contact for community sponsorship and outreach opportunities including the Fredericksburg 4th of July parade, Gillespie County Rodeo, and BlueBonnet CASA benefit fundraisers.
- Spearheaded bi-weekly digital and social media campaigns and advertising, resulting in a 15% growth in visibility per quarter
- Analyzed KPIs and acquisition metrics and provided guidance and insight about upcoming leads
- Created strategic contract negotiation SOPs for agents in year 1 of their employment

Project Assistant, National Wildlife Federation – Rocky Mountain Regional Center

January 2017 – May 2017

- Established communication channels between the NWF and the U.S. Dept. of the Interior and Bureau of Land Management to ensure constant contact regarding the Master Leasing Plan in SouthPark Basin
- Formed professional relationships and created outreach opportunities between the NWF and outdoor recreation businesses and sportsmen’s organizations such as Trout Unlimited in Colorado
- Aided in the development, launch, and promotion of the NWF’s newest education program, Early Childhood Health Outdoors (ECHO)
- Lead field research and analysis of oil and gas leasing on public lands spanning the five most prominent Rocky Mountain Region states

Environmental Health & Safety Intern, St. Edward’s University

November 2015 – May 2016

- Formalized the sustainability and recycling training protocol for St. Edward’s students and faculty
- Designed and implemented a recycling program for St. Edward’s University increasing campus wide recycling by 20% in 6 months
- Spearheaded a campus wide environmental compliance audit per City of Austin zero-waste standards for over 7 academic and operational departments
- Assisted in day-to-day Facilities operations while also earning credit towards master’s degree

EDUCATION

PROFESSIONAL SCIENCE MASTER – ENVIRONMENTAL MANAGEMENT & SUSTAINABILITY

May 2018 – St. Edward’s University, Austin, Texas

BACHELOR OF BUSINESS ADMINISTRATION

December 2014 – Texas State University, San Marcos, Texas

SKILLS/ACCOLADES

- Volunteer at PAWS Animal Shelter and First United Methodist Church San Marcos
- Represented Texas State University as a Study Abroad Ambassador at DHBW-Mosbach, Germany in 2014
- Technically proficient in a wide range of computer programs including Microsoft Project, Microsoft Professional Suite, Trello, JIRA, SharePoint, PeopleSoft, Adobe, Survey Platforms, and Windows & Mac OS
- Leadership Chair – Alpha Delta Pi Sorority 2013



LEGAL NOTICE
NOTICE OF PUBLIC HEARING
CITY OF GARDEN RIDGE
PLANNING AND ZONING COMMISSION

Notice is hereby given that the Planning and Zoning Commission of the City of Garden Ridge, Texas, will hold a public hearing on Tuesday, March 8, 2022, at 6:00 p.m. in the City Council Chambers of the Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, Texas, to receive testimony and comments from members of the public on comprehensive changes to the Zoning Ordinance.

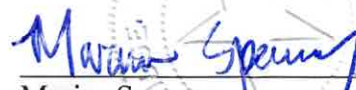
The Planning and Zoning Commission will consider the adoption of comprehensive amendments to the current version of Ordinance No. 13-122018. The proposed draft zoning ordinance can be viewed on the City's website through the link below.

<https://www.ci.garden-ridge.tx.us/DocumentCenter/View/4399/Draft-Zoning-Ordinance>

The public is invited and welcome to attend the public hearing in person and may submit oral comments on this matter. Alternatively, written comments on this matter may be submitted in accordance with the *City of Garden Ridge Notice of Procedures for Written Comments during Public Hearings* posted on the City's Website.

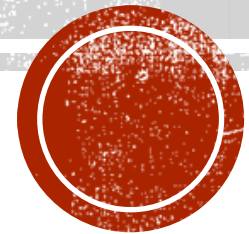
The meeting can be viewed live on the City's YouTube Channel and will be archived on the City's Website for on demand viewing. Please feel free to contact City Hall at 210-651-6632 if you need additional information on this matter.

This is to certify that I, Marisa Spencer, posted this Legal Notice at 5:00 p.m. on February 17, 2022, on the bulletin board located at the entrance to the Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, Texas.


Marisa Spencer
City Secretary

DRAFT ZONING ORDINANCE

Planning & Zoning Commission
City of Garden Ridge



ZONING DIMENSIONAL REGULATIONS TABLE (SEC.2.05.07)

- Decreased Front Yard Setbacks
 - Community Commercial, CC – 20ft (was 40ft)
 - Light Industrial, LI – 30ft (was 40ft)
 - Heavy Industrial, HI – 30ft (was 50ft)
- Decreased Side Yard Setback for Light Industrial (LI) on interior lots from 15ft to 0ft
- Adjusted *Minimum Lot Area* to acreage calculation from square feet, which resulted in minor adjustments minimum lot areas.



ZONING DIMENSIONAL REGULATIONS TABLE (SEC.2.05.07) CONT.

- Maximum Building Coverage removed
- Maximum Impervious Cover limits adjusted
 - Residential Estate, RE – 50% (was 35%)
 - Community Commercial, CC – 75% (was 65%)
 - Neighborhood Mixed-Use Overlay District, NMU - 75% (was 65%)
 - Community Mixed-Use Overlay District, CMU - 75% (was 65%)
 - Light Industrial, LI - 75% (was 50%)
 - Heavy Industrial, HI - 75% (was 50%)

STORAGE AND USE OF VEHICLES AND EQUIPMENT IN RESIDENTIAL ZONING DISTRICTS (SEC.2.06.07)

- RV, trailers, boats, commercial/farm vehicles must be concealed from view in a garage or parked in a rear or interior side yard (excludes 1-ton or smaller trucks).
- RV, trailers, boats, commercial/farm vehicles parked in a rear or interior side yard shall be generally screened from view from the public right-of-way by being placed behind the structure or behind a 6-foot tall solid fence.
- No parking on unpaved areas (vehicles, trailers, RV, etc.).
- Can't use vehicles, trailers, RVs, etc. as temporary or permanent residence.
- Cannot park trailers, RVs, boats, etc. in front of home for more than 10 consecutive days, and not more than 4 times a year.
- Cannot park trailers, RVs, boats, etc. in City right-of-way.



COMMERCIAL BUILDING ARTICULATION (SEC.2.06.09.G)

- Revised to provide for design flexibility.
- Maintains the spirit of the requirement to provide visual interest and break up the rhythm of long walls.
- No wall shall extend greater than 45 continuous feet without a break in both the vertical and horizontal rhythm of the wall. Breaks in the rhythm of the wall can be accomplished through articulations of the wall and roof line, changes in material, changes in color, the use of major architectural features (such as arcades, porticos, parapets, dormer windows, colonnade, etc.).



COMMON AND CROSS ACCESS EASEMENT (SEC.2.06.12.C)

- Updated to provide additional clarity on how cross access is to be provided
 - Public access or private access easements
 - Timing: dedicated with final plat or prior to Certificate of Occupancy
- Requires the use of shared driveways and cross access between nonresidential and mixed-use developments fronting on any street
- City Administrator authorized to grant exceptions to cross access due to site constraints (such as being adjacent to a creek/waterway)



NATURAL FEATURE OVERLAY (SEC.2.06.15)

- Reduced tree preservation to 80% (was 100%)
- Added allowance for “Alternative Street Frontage Buffer”
 - alternative does not reduce a standard unless it is, to the greatest extent practical, equally mitigated or improved by increasing standards or other requirements;
 - alternative preserves and enhances quality existing landscaping to the greatest reasonable extent;
 - alternative is in agreement with, and shall promote, the recommendations and policies within the City’s Comprehensive Plan;
 - alternative enhances the site and the overall built environment of the City; and
 - alternative meets the spirit and intent of the NFO overlay district.



NATURAL FEATURE OVERLAY (SEC.2.06.15) CONT.

- Adjustments to Site Design Elements
 - Removed decorative split rail fencing
 - Added pedestrian open space such as a park, square, piazza, green, or plaza.
 - Pedestrian open space shall be programed appropriately with seating and landscaping as to activate the space for pedestrian oriented activity.
- Added public art option including sculpture, mosaics, earthworks, and wall murals
 - Equal to 1% or more of the overall project cost
 - Must be outside and visually and physically accessible to the public
 - Shall not contain advertisements for businesses or products

ORDINANCE NO. 13-XX2021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN RIDGE, TEXAS, ADOPTING A COMPREHENSIVE PLANNING AND ZONING ORDINANCE; ESTABLISHING A PLANNING AND ZONING COMMISSION AND A BOARD OF ADJUSTMENT; SETTING RULES AND REGULATIONS; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

Section 1. Provisions and Procedures

Subsection 1.01. General Provisions

1.01.01. Short Title

This Ordinance of the City of Garden Ridge, Texas, shall be known as, and may be cited and referred to as, the “Zoning Ordinance”.

1.01.02. Authority

These regulations are adopted pursuant to the authority granted by the United States Constitution, the Texas Constitution, and the laws of the State of Texas, specifically Chapters 211 and 212 of the Texas Local Government Code.

1.01.03. Purpose

The zoning regulations and districts as herein established have been made in accordance with an adopted comprehensive plan for the purpose of protecting the public health, safety, and general welfare of the City.

The zoning regulations and districts have been designed to lessen the congestion in the streets; to secure safety from fire, panic, and other dangers; to ensure adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

1.01.04. Applicability and Compliance

A. Applicability

Compliance with the Zoning Ordinance shall apply to all land, buildings, structures, or appurtenances located within the City which are hereafter occupied, used, erected, altered, removed, placed, demolished, or converted.

B. Compliance

The land, buildings, structures, or appurtenances described above shall be in conformance with the regulations prescribed for the zoning district in which such land or building is located as hereinafter provided or subject to penalties as provided for in this Ordinance.

1.01.05. Consistency with Comprehensive Plan

The zoning regulations and districts have been made with reasonable consideration, among other things, for the character of the district, and its peculiar suitability for the particular uses specified; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City consistent with the Comprehensive Plan. The Comprehensive Plan and Master Land Use Plan have been used as a guide to develop the regulations within this Zoning Ordinance. All new development must: be compatible with existing development and community character; maintain the character, look, and feel of the community; and occur in a fiscally responsible manner for the City.

1.01.06. Minimum Requirements

The provisions of this Ordinance shall be interpreted and applied as the minimum requirements for the protection of public health, safety, and general welfare.

The issuance of any permit, certificate, or approval in accordance with the standards and requirements of this Ordinance shall not relieve the recipient of such permit, certificate, or approval from the responsibility of complying with all other applicable requirements of any other municipality, special district, state agency, or federal agency having jurisdiction over the structures or land uses for which the permit, certificate, or approval was issued.

1.01.07. Interpretation and Relationship to Other Regulations

A. Restrictiveness

Where the regulations imposed herein are either more restrictive or less restrictive than comparable conditions imposed by any other provision of any other applicable law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive and impose higher standards are the requirements that shall govern.

B. Abrogation

The provisions of these regulations are not intended to abrogate any easement, covenant, or other private agreement, provided that where the requirements of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement, the requirements of these regulations shall govern.

C. Cumulative Effect

The provisions of these regulations are cumulative and additional limitations upon all other laws and ordinances heretofore passed or which may be passed hereafter governing any subject matter set forth in the provisions of these regulations.

D. Legal Conforming Uses Deemed Non-Conforming

All legal conforming uses of property existing as of the date adoption of this Ordinance that do not conform to the regulations prescribed herein, shall be deemed a non-conforming use, subject to the provisions contained in Non-conforming Lots, Structures, and Uses.

1.01.08. Application and Permit Filing Fees

A. Establishment

The City Council shall establish a schedule of fees, charges, and expenses, in addition to a collection procedure, for certificates of zoning compliance, appeals, and other matters pertaining to this Ordinance. The schedule of fees is contained as a section within this Ordinance and may be altered or amended only by the City Council.

B. Issuance Conditioned Upon Payment

No permit, certificate, special exception, or variance shall be issued unless or until such costs, charges, fees, or expenses have been paid in full; nor shall any action be taken on proceedings before the Board of Adjustment unless or until preliminary charges and fees have been paid in full.

C. Non-Refundable Fee to Cover All Costs

For the establishment of a schedule of fees, the fee shall cover all of the costs which the City incurs in processing a permit or application, including the costs of publication and the cost of individual notices, engineering and plan review, potential legal fees, etc. The City incurs those costs whether or not an applicant is successful in the permit or application request. Therefore, the fee is not refundable to an applicant in the event an application or permit is not approved.

D. Issuance Withheld for Non-Payment

If the applicant for a permit has not paid all amounts due and outstanding to the City (other than amounts for ad valorem taxes) directly related to any project, including, without limitation, the payment of any amounts secured by liens filed against any property by the City and fines owed by the owner, the City will not issue any permits of any kind until the liens, fines, or fees against the applicant for said permit are paid in full including any interest owed to the City.

E. Exemption from Fee

An application or permit initiated by the City shall not require the payment of a fee.

1.01.09. Effective Date

This Ordinance shall be in full force and effect after its final passage and approval by the City Council, as duly attested by the Mayor and City Secretary, and any publication required by law.

1.01.10. Violations and Fines

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Zoning Ordinance, if convicted, shall be guilty of a Class C misdemeanor and fined not more than two thousand dollars (\$2,000.00) for each violation. Each day, or part of a day, that a violation is permitted to exist shall constitute a separate offense.

The City Council may initiate the legal process to obtain an injunction, mandamus, abatement, or any other action available in law or equity to prevent, enjoin, abate, correct, or remove such unlawful structure, use, or development, or to otherwise ensure compliance with this Ordinance. The penalties in this section will be cumulative and not exclusive of any other legal rights or remedies the City may have.

1.01.11. Severability

In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance, or the application of the same to any person or circumstance, shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional. The City Council of the City of Garden Ridge, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED AND APPROVED ON this DD day of MONTH, 2021.

ATTEST:

Robb Erickson
Mayor

Marisa Spencer
City Secretary

1.01.12. Table of Contents

Table of Contents

Section 1. Provisions and Procedures	1
Subsection 1.01. General Provisions	1
1.01.01. Short Title	1
1.01.02. Authority	1
1.01.03. Purpose	1
1.01.04. Applicability and Compliance	1
1.01.05. Consistency with Comprehensive Plan	2
1.01.06. Minimum Requirements	2
1.01.07. Interpretation and Relationship to Other Regulations	2
1.01.08. Application and Permit Filing Fees	3
1.01.09. Effective Date	4
1.01.10. Violations and Fines	4
1.01.11. Severability	4
1.01.12. Table of Contents	5
Subsection 1.02. Zoning and Development Review Bodies	8
1.02.01. City Council	8
1.02.02. Planning and Zoning Commission	8
1.02.03. Board of Adjustment	10
1.02.04. Zoning Administrator	10
1.02.05. Summary of Approval Authorities	11
Section 2. Zoning Regulations	12
Subsection 2.01. Zoning Districts	12
2.01.01. Zoning Districts Established	12
2.01.02. Official Zoning District Map	14
2.01.03. Zoning District Equivalency Table	15
Subsection 2.02. Residential Zoning Districts	16
2.02.01. Agriculture and Agricultural Homesteads (AG) District	16
2.02.02. Residential Estate (RE) District	17
2.02.03. Residential Neighborhood (RN) District	18
Subsection 2.03. Non-Residential and Mixed-Use Zoning Districts	19
2.03.01. Neighborhood Commercial (NC) District	19
2.03.02. Community Commercial (CC) District	20
2.03.03. Neighborhood Mixed-Use (NMU) Overlay District	21
2.03.04. Community Mixed-Use (CMU) Overlay District	22
2.03.05. Light Industrial (LI) District	23
2.03.06. Heavy Industrial (HI) District	24
2.03.07. Public and Institutional (P) District	25
Subsection 2.04. Special Zoning Districts	26
2.04.01. Aquifer Protection Overlay (APO) District	26
2.04.02. Natural Features Overlay (NFO) District	26

2.04.03.	Planned Use Development (PUD)	26
Subsection 2.05.	Use Regulations	27
2.05.01.	Land Use Regulations	27
2.05.02.	Classification of Similar Uses	27
2.05.03.	Classification of New and Unlisted Uses	27
2.05.04.	Appeals of an Administrative Interpretation	27
2.05.05.	Use Chart	28
2.05.06.	Use Standards.....	36
2.05.07.	Zoning Dimensional Regulations Table.....	49
2.05.08.	Modified Area Regulations and Standards.....	51
Subsection 2.06.	Development Regulations.....	52
2.06.01.	Landscaping	52
2.06.02.	Fencing and Screening	56
2.06.03.	Off-Street Parking	59
2.06.04.	Accessory Structures	69
2.06.05.	Building Materials.....	71
2.06.06.	Residential Adjacency.....	71
2.06.07.	Storage and Use of Vehicles and Equipment in Residential Zoning Districts	73
2.06.08.	Single-Family Design	74
2.06.09.	Non-Residential and Mixed-Use Design.....	75
2.06.10.	Lighting.....	77
2.06.11.	Resource Conservation and Efficiency Design Techniques.....	79
2.06.12.	Access Management	83
2.06.13.	Nuisances	87
2.06.14.	Development in the Aquifer Protection Overlay (APO) District	87
2.06.15.	Development in the Natural Features Overlay (NFO) District.....	87
Subsection 2.07.	Zoning Procedures.....	91
2.07.01.	Applicability, Completeness, and Expiration.....	91
2.07.02.	Zoning Upon Annexation.....	92
2.07.03.	Zoning Text and Map Amendments.....	94
2.07.04.	Public Hearings and Notification Requirements	97
2.07.05.	Creation of a Building Site, Tract, or Lot	100
2.07.06.	Certificate of Occupancy	100
2.07.07.	Specific Use Permit (SUP) Regulations and Procedures	100
2.07.08.	Planned Use Development (PUD) Regulations and Procedures	102
2.07.09.	Non-conforming Lots, Structures, and Uses	108
Subsection 2.08.	Zoning Relief Procedures.....	110
2.08.01.	Zoning Regulation Appeal	110
2.08.02.	Zoning Variance.....	112
2.08.03.	Zoning Special Exception	116
Section 3.	Supplemental Development Regulations	117
Subsection 3.01.	Sight Visibility Triangle	117

3.01.01.	Purpose and Applicability	117
3.01.02.	Regulations	117
Subsection 3.02.	Sign Regulations	120
3.02.01.	General Provisions and Applicability	120
3.02.02.	Signs in Residential Zoning Districts.....	120
3.02.03.	Signs in Nonresidential and Mixed-Use Zoning Districts.....	121
Subsection 3.03.	Outdoor Antennas	122
3.03.01.	Direct Broadcast System (DBS) Video Reception.....	122
3.03.02.	Other Video or Internet Reception Systems.....	122
3.03.03.	Wireless Communication Service Towers	122
3.03.04.	Amateur Communications	123
3.03.05.	Commercial and Industrial Radio Service	123
Subsection 3.04.	Tree Preservation, Maintenance, and Disease Prevention	124
3.04.01.	Purpose.....	124
3.04.02.	Applicability and Exemptions.....	124
3.04.03.	Categories of Protected Trees	125
3.04.04.	Tree Mitigation	125
3.04.05.	Critical Root Zone Protection	126
3.04.06.	Tree Preservation Credits.....	127
3.04.07.	Tree Removal Permit and Tree Preservation Plan	127
3.04.08.	Removal of a Protected Tree Without a Tree Removal Permit.....	128
3.04.09.	Additional Provisions for Arbor Disease Centers	128
Subsection 3.05.	Flag Poles.....	129
3.05.01.	General Provisions and Applicability	129
Section 4.	Definitions.....	130
Subsection 4.01.	General Provisions.....	130
4.01.01.	Usage and Interpretation	130
Subsection 4.02.	Words and Terms Defined.....	130
Section 5.	Fee Schedule.....	160

Subsection 1.02. Zoning and Development Review Bodies

1.02.01. City Council

A. Establishment

The City Council is established and governed by Ordinance No. 8, as amended, and associated laws of the State of Texas.

B. Responsibilities

1.02.05. provides a summary of the City Council's responsibilities within this Ordinance.

1.02.02. Planning and Zoning Commission

A. Establishment

There is hereby created and established a Planning and Zoning Commission which shall be composed of seven (7) members who shall be resident citizens, taxpayers, and qualified voters of the City. Members shall be appointed by the City Council. A quorum for the conduct of business shall consist of four (4) members of the Commission. Members of the Commission are subject to Ordinance No. 210, as amended, for uniform policies and procedures for boards and commissions.

B. Purpose

In addition to other applications expressly delegated by City Ordinances, the Planning and Zoning Commission shall be responsible for reviewing and making recommendations on the following items:

1. To identify community needs and to advise City Council of the short-range and long-range implications of those needs on City development; and
2. To recommend policies, programs, and plans that will aid the City to achieve its defined planning and development goals; and
3. To interpret the adopted growth and development plans and programs to concerned citizens.

C. Powers and Duties

The Planning and Zoning Commission has the powers and duties set forth in Chapter 211 of the Texas Local Government Code. The Planning and Zoning Commission's jurisdiction extends to and includes the following specific powers and duties:

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

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. The Texas Local Government Code authorizes governing bodies of municipalities to pass zoning regulations; all powers under said Code are specifically adopted and made a part hereof.
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.
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.
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, alteration, location, and relocation of works of art that are, or may become, the property of the City.
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.
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.
9. Provide initial review of petitions for exceptions or variances to this Ordinance and make recommendations to City Council for approval or disapproval thereof.
10. Stay current on the progress of City planning in the United States and recommend improvements to the adopted plans of the City.

D. Meetings

The Commission shall adopt rules in accordance with the provision of this section. Meetings of the Commission shall be held at the call of the Chair and at such other times as the Commission may determine. Such Chair, or in his/her absence, the Acting Chair, may administer oaths and compel the attendance of witnesses. The Commission shall keep minutes of its proceedings, showing the vote of each member upon question, or if absent or failing to vote, indicating such fact, and shall keep records of the examinations and other official action, all of which shall be immediately filed in the Office of the City Secretary and shall be a public record.

The Chair shall only vote in the event of a tie vote. The concurring vote of seventy-five (75) percent of members in attendance shall be necessary to recommend to City Council to: reverse an order, requirement, decision, or determination of any administrative official; decide in favor of the applicant on any matter upon which it is required to pass under a zoning requirement, or to authorize a variance from the terms of this Zoning Ordinance.

E. Responsibilities

1.02.05. provides a summary of the Planning and Zoning Commission's responsibilities within this Ordinance.

1.02.03. Board of Adjustment

A. Establishment

1. The City Council serves as the Board of Adjustment.
2. In accordance with Texas Local Government Code Section 211.009, the concurring vote of seventy-five (75) percent of the members of the board is necessary to: reverse an order, requirement, decision, or determination of any administrative official; decide in favor of an applicant on any matter upon which the board is required to pass under a zoning requirement; or authorize a variance from the terms of this Zoning Ordinance.

B. Responsibilities

1.02.05. provides a summary of the Board of Adjustment's responsibilities within this Ordinance.

1.02.04. Zoning Administrator

A. Establishment

The City Administrator, or the City Administrator's duly authorized designee, is the designated Zoning Administrator and will be the administrative official responsible for the duties and procedures provided in this Ordinance. The provisions of this Ordinance will be carried out by said official or a designee such as assistants or department heads.

B. Responsibilities

1.02.05. provides a summary of the Zoning Administrator's responsibilities within this Ordinance.

1.02.05. Summary of Approval Authorities

Table 1

Application Type	Reference	Zoning Administrator	Planning and Zoning Commission	City Council / Board of Adjustment
Zoning Upon Annexation	2.07.02.	Recommend	Recommend	Decide
Zoning Text and Map Amendments	2.07.03.	Recommend	Recommend	Decide
Certificate of Occupancy	2.07.06.	Decide	Recommend	Decide
Specific Use Permit and Site Plan	2.07.07.	Recommend	Recommend	Decide
Planned Use Development (PUD) Establishment	2.07.08.	Recommend	Recommend	Decide
Minor PUD Amendment and Adjustment	2.07.08.	Decide	Recommend if deferred	Decide if deferred
Reinstatement of Nonconforming Use Rights	2.07.09.	Recommend	Recommend	Decide
Appeal of a City Administrative or Interpretative Decision	2.08.01.	N/A	Recommend	Decide
Zoning Variance	2.08.02.	Recommend	Recommend	Decide
Zoning Special Exception	2.08.03.	Recommend	Recommend	Decide
Removal of a Protected Tree	3.04.07.	Decide	Recommend	Decide
Removal of a Heritage Tree	3.04.07.	Recommend	Recommend	Decide
Fee-in-Lieu of Tree Mitigation	3.04.07.	Recommend	Recommend	Decide

** Any party with standing may appeal a decision of the Zoning Administrator to the City Council / Board of Adjustment.

Section 2. Zoning Regulations

Subsection 2.01. Zoning Districts

2.01.01. Zoning Districts Established

A. Purpose

The purpose of this section is to create zoning districts, to specify the nature and components of the permitted development within them, and to establish regulations regarding the physical character and intensity of development in order to protect the public health, safety, and general welfare.

B. Zoning Districts Established

The City is hereby divided into zones, or districts, and the boundaries of zoning districts set out herein are delineated upon the Official Zoning District Map. All land within the corporate limits shall be classified into the following zoning districts.

Table 2

Residential Zoning Districts

- 2.02.01.** Agriculture and Agricultural Homestead (AG) District
- 2.02.02.** Residential Estate (RE) District
- 2.02.03.** Residential Neighborhood (RN) District

Nonresidential and Mixed-Use Zoning Districts

- 2.03.01.** Neighborhood Commercial (NC) District
- 2.03.02.** Community Commercial (CC) District
- 2.03.03.** Neighborhood Mixed-Use (NMU) Overlay District
- 2.03.04.** Community Mixed-Use (CMU) Overlay District
- 2.03.05.** Light Industrial (LI) District
- 2.03.06.** Heavy Industrial (HI) District
- 2.03.07.** Public and Institutional (P) District

Special Zoning Districts

- 2.04.01.** Aquifer Protection Overlay (APO) District
- 2.04.02.** Natural Features Overlay (NFO) District
- 2.04.03.** Planned Use Development (PUD)

C. Zoning Districts as Set Forth are Hereby Established

The location and boundaries of the various districts as defined herein shall be established by Ordinance and shall be shown and delineated on the Official Zoning District Map.

D. Effect of Zoning District Change

The reclassification of property to a new zoning district shall be an amendment of the Official Zoning District Map and shall be recorded.

E. Interpretation of District Boundaries

The district boundary lines shown on the Official Zoning District Map are regularly along streets, alleys, and property lines. When uncertainty exists as to the boundaries of the districts on the Official Zoning District Map, the following rules apply:

1. Center Lines

Boundaries indicated as approximately following the center lines of streets or highways shall be construed to follow such center lines.

2. Platted Lot Lines

Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

3. City Limit Lines

Boundaries indicated as approximately following City limits shall be construed as following such City limits.

4. Railroad Lines

Boundaries indicated as following railroad lines shall be construed to be the middle of the railroad easement or right-of-way.

5. Waterways and Other Geographic Features

Boundaries indicated as approximately following the centerline of streams, lakes, or other similar geographic features shall be construed to follow such centerline, and in the event of change in the centerline, shall be construed to move with such centerline change.

6. Parallel or Extension Boundaries

Boundaries indicated as parallel to or extension of features indicated in 1 through 4 above, shall be so construed. Distances not specifically indicated on the Official Zoning District Map shall be determined by the scale of said map.

7. Extension to Street Centerline

The zoning classification applied to a tract of land adjacent to a street shall extend to the centerline of the street, unless as a condition of zoning approval it is stated that the zoning classification shall not apply to the street.

8. Interpretation of Zoning District Boundaries

Where physical features existing on the ground are in conflict with those shown on the Official Zoning District Map, or in other circumstances not covered above, the Board of Adjustment shall interpret the district boundaries and require its inclusion on the Official Zoning District Map.

2.01.02. Official Zoning District Map

A. Official Zoning District Map

1. The Official Zoning District Map shall be labeled the “Official Zoning District Map of the City of Garden Ridge, Texas,” bear the signature of the Mayor, duly attested by the City Secretary, and shall be maintained as an electronic file and hardcopy file in the Office of the City Secretary.
2. The “Official Adoption Date” and the “Last Amended Date” shall be shown on the Official Zoning District Map, with associated Ordinance Numbers.
3. In case of any question, the above-mentioned hardcopy file, with a list of amendments, shall be controlling.

B. Maintenance of the Official Zoning District Map

1. The City Secretary shall be responsible for the care and maintenance of the Official Zoning District Map.
2. The Official Zoning District Map shall be used for reference and shall be maintained up to date by incorporating all subsequent amendments enacted by official action of the City Council.
3. The City Secretary will use all reasonable means to protect the Official Zoning District Map from damage, and to ensure the accurate restoration of the map file if damage or destruction of the original file occurs.

C. Changes or Amendments Reflected on the Map

1. Any changes or amendments made to the zoning district boundaries shall be incorporated into the Official Zoning District Map file promptly after the amendment has been approved by the City Council.

2. The City Secretary shall maintain a descriptive log of amendments to the map.
3. The City Secretary will use all reasonable means to ensure that no changes are made to the Official Zoning District Map without authorization by official action of the City Council.

D. Replacement of a Damaged, Destroyed, or Lost Official Zoning District Map

1. In the event that the Official Zoning District Map file becomes damaged, destroyed, lost, or difficult to interpret for any reason, the City Council may adopt a new Official Zoning District Map by Ordinance following a public hearing.
2. The new Official Zoning District Map shall replace and supersede any prior Official Zoning District Map.
3. As a true replacement map, the new Official Zoning District Map shall not amend or otherwise change district boundaries or classifications from the prior Official Zoning District Map.

2.01.03. Zoning District Equivalency Table

The following table identifies zoning districts adopted in previous Ordinances and the zoning district regulations that now apply in this Zoning Ordinance to those districts.

Table 3

Previous Zoning Ordinance	Current Zoning Ordinance
Residential Zoning Districts	
Residence-Agriculture (RA) District	Agriculture and Agricultural Homestead (AG) District
Single-Family Dwelling (R) District	Residential Estate (RE) District
Country Club (CC) District	Residential Estate (RE) District
No Equivalent	Residential Neighborhood (RN) District
Nonresidential and Mixed-Use Zoning Districts	
Office and Professional (B-2) District	Neighborhood Commercial (NC) District
Neighborhood Service (B-1) District	Community Commercial (CC) District
No Equivalent	Neighborhood Mixed-Use (NMU) Overlay District
No Equivalent	Community Mixed-Use (CMU) Overlay District
Light Industrial (LI) District	Light Industrial (LI) District
Industrial Zone (Z-1) District	Heavy Industrial (HI) District

Subsection 2.02. Residential Zoning Districts

2.02.01. Agriculture and Agricultural Homesteads (AG) District

A. Intent

The Agriculture and Agricultural Homesteads (AG) District includes lands within the corporate limits of the City that are not subdivided and relatively undeveloped. This is also the initial zoning classification applied to an annexed tract that is newly annexed by the City. The AG District is intended to retain a rural character while having the potential for urban growth and increased density; it is proposed as a reserved area where future growth is anticipated to occur. Generally, the AG District will be near development; therefore, the agricultural activities conducted in the AG District should not be detrimental to urban land uses. Agriculture uses are encouraged to be continued when at all possible.

B. Permitted Uses: Subsection 2.05. Use Regulations

C. Area Regulations: 2.05.07. Dimensional Regulations Table

D. Other Regulations:

1. 2.06.01. Landscaping
2. 2.06.02. Fencing and Screening
3. 2.06.03. Off Street Parking
4. 2.06.04. Accessory Structures
5. 2.06.05. Building Materials
6. 2.06.06. Residential Adjacency
7. 2.06.07. Storage and Use of Vehicles and Equipment in Residential Zoning Districts
8. 2.06.08. Single-Family Design
9. 2.06.10. Lighting
10. 2.06.11. Resource Conservation and Efficiency Design Techniques
11. 2.06.12. Access Management
12. 2.06.13. Nuisances
13. Section 3. Supplemental Development Regulations

2.02.02. Residential Estate (RE) District

A. Intent

The Residential Estate (RE) District is a residential district that includes land subdivided for single family residential purposes and associated uses. The lots are generally large, being three-quarter (3/4) acre or larger, and are not frequently served by urban infrastructure. This district is intended to retain a rural character while having the potential for urban growth and increased density.

B. Permitted Uses: Subsection 2.05. Use Regulations

C. Area Regulations: 2.05.07. Dimensional Regulations Table

D. Other Regulations

1. 2.06.01. Landscaping
2. 2.06.02. Fencing and Screening
3. 2.06.03. Off Street Parking
4. 2.06.04. Accessory Structures
5. 2.06.05. Building Materials
6. 2.06.06. Residential Adjacency
7. 2.06.07. Storage and Use of Vehicles and Equipment in Residential Zoning Districts
8. 2.06.08. Single-Family Design
9. 2.06.10. Lighting
10. 2.06.11. Resource Conservation and Efficiency Design Techniques
11. 2.06.12. Access Management
12. 2.06.13. Nuisances
13. Section 3. Supplemental Development Regulations

2.02.03. Residential Neighborhood (RN) District

A. Intent

The Residential Neighborhood (RN) District is a residential district that includes land subdivided for single family residential purposes and associated uses. This district is intended for moderately dense patterns of single-family residential development with lots being one-quarter (1/4) acre or larger and served by a public central water supply and public central sewer system.

B. Permitted Uses: Subsection 2.05. Use Regulations

C. Area Regulations: 2.05.07. Dimensional Regulations Table

D. Other Regulations

1. 2.06.01. Landscaping
2. 2.06.02. Fencing and Screening
3. 2.06.03. Off Street Parking
4. 2.06.04. Accessory Structures
5. 2.06.05. Building Materials
6. 2.06.06. Residential Adjacency
7. 2.06.07. Storage and Use of Vehicles and Equipment in Residential Zoning Districts
8. 2.06.08. Single-Family Design
9. 2.06.10. Lighting
10. 2.06.11. Resource Conservation and Efficiency Design Techniques
11. 2.06.12. Access Management
12. 2.06.13. Nuisances
13. Section 3. Supplemental Development Regulations

Subsection 2.03. Non-Residential and Mixed-Use Zoning Districts

2.03.01. Neighborhood Commercial (NC) District

A. Intent

The Neighborhood Commercial (NC) District is intended to provide for goods and services that support the residential area located within one-half to one mile. These areas are generally located adjacent to or carefully integrated within neighborhoods and should have pedestrian access to adjacent residential areas. No use that adversely affects the residential character of the adjacent or integrated neighborhood should be allowed.

B. Permitted Uses: Subsection 2.05. Use Regulations

C. Area Regulations: 2.05.07. Dimensional Regulations Table

D. Other Regulations

1. 2.06.01. Landscaping
2. 2.06.02. Fencing and Screening
3. 2.06.03. Off Street Parking
4. 2.06.04. Accessory Structures
5. 2.06.05. Building Materials
6. 2.06.06. Residential Adjacency
7. 2.06.09. Non-Residential and Mixed-Use Design
8. 2.06.10. Lighting
9. 2.06.11. Resource Conservation and Efficiency Design Techniques
10. 2.06.12. Access Management
11. 2.06.13. Nuisances
12. Section 3. Supplemental Development Regulations

2.03.02. Community Commercial (CC) District

A. Intent

The Community Commercial (CC) District is intended to provide areas for retail and commercial activities along Arterial Streets that primarily serve residential areas within three (3) to five (5) miles. These areas should have pedestrian access to adjacent residential areas but should not be permitted along residential streets or residential collectors, unless located at an intersection with an Arterial.

B. Permitted Uses: Subsection 2.05. Use Regulations

C. Area Regulations: 2.05.07. Dimensional Regulations Table

D. Other Regulations

1. 2.06.01. Landscaping
2. 2.06.02. Fencing and Screening
3. 2.06.03. Off Street Parking
4. 2.06.04. Accessory Structures
5. 2.06.05. Building Materials
6. 2.06.06. Residential Adjacency
7. 2.06.09. Non-Residential and Mixed-Use Design
8. 2.06.10. Lighting
9. 2.06.11. Resource Conservation and Efficiency Design Techniques
10. 2.06.12. Access Management
11. 2.06.13. Nuisances
12. Section 3. Supplemental Development Regulations

2.03.03. Neighborhood Mixed-Use (NMU) Overlay District

A. Intent

The Neighborhood Mixed-Use (NMU) Overlay District is intended to provide a mixed-use urban fabric with a wider range of building types, setbacks, and street types and can be used to transition from higher to lower intensity development. The intent of the NMU District is to reinforce appropriate scale development and encourage uses that are compatible with existing residential and provide a transition from a residential neighborhood to a mixed-use core.

B. Permitted Uses: Subsection 2.05. Use Regulations

C. Area Regulations: 2.05.07. Dimensional Regulations Table

D. Other Regulations

1. 2.06.01. Landscaping
2. 2.06.02. Fencing and Screening
3. 2.06.03. Off Street Parking
4. 2.06.04. Accessory Structures
5. 2.06.05. Building Materials
6. 2.06.06. Residential Adjacency
7. 2.06.07. Storage and Use of Vehicles and Equipment in Residential Zoning Districts
8. 2.06.08. Single-Family Design
9. 2.06.09. Non-Residential and Mixed-Use Design
10. 2.06.10. Lighting
11. 2.06.11. Resource Conservation and Efficiency Design Techniques
12. 2.06.12. Access Management
13. 2.06.13. Nuisances
14. Section 3. Supplemental Development Regulations

2.03.04. Community Mixed-Use (CMU) Overlay District

A. Intent

The Community Mixed-Use (CMU) Overlay District is intended to provide a higher density mixed-use fabric that accommodates a wide variety of retail, offices, and residential uses. It should have a tight network of streets and drives, wide pedestrian facilities, street/drive tree plantings, and buildings set close to the pedestrian facilities.

B. Permitted Uses: Subsection 2.05. Use Regulations

C. Area Regulations: 2.05.07. Dimensional Regulations Table

D. Other Regulations

1. 2.06.01. Landscaping
2. 2.06.02. Fencing and Screening
3. 2.06.03. Off Street Parking
4. 2.06.04. Accessory Structures
5. 2.06.05. Building Materials
6. 2.06.06. Residential Adjacency
7. 2.06.07. Storage and Use of Vehicles and Equipment in Residential Zoning Districts
8. 2.06.08. Single-Family Design
9. 2.06.09. Non-Residential and Mixed-Use Design
10. 2.06.10. Lighting
11. 2.06.11. Resource Conservation and Efficiency Design Techniques
12. 2.06.12. Access Management
13. 2.06.13. Nuisances
14. Section 3. Supplemental Development Regulations

2.03.05. Light Industrial (LI) District

A. Intent

The Light Industrial (LI) District is intended to provide an area for business parks, light industry, and office warehousing that will not generate nuisance-like activities such as noise, smoke, or heavy traffic volumes. This district should not generate traffic in residential areas and should not be located adjacent to residential areas unless proper provisions are made for screening, traffic, noise, and similar impacts. Such districts should be located with easy access to Arterial Streets and nonresidential Collector Streets to facilitate transportation logistics. Likewise, such districts may be located in close proximity to other non-residential zoning districts.

B. Permitted Uses: Subsection 2.05. Use Regulations

C. Area Regulations: 2.05.07. Dimensional Regulations Table

D. Other Regulations

1. 2.06.01. Landscaping
2. 2.06.02. Fencing and Screening
3. 2.06.03. Off Street Parking
4. 2.06.04. Accessory Structures
5. 2.06.05. Building Materials
6. 2.06.06. Residential Adjacency
7. 2.06.09. Non-Residential and Mixed-Use Design
8. 2.06.10. Lighting
9. 2.06.11. Resource Conservation and Efficiency Design Techniques
10. 2.06.12. Access Management
11. 2.06.13. Nuisances
12. Section 3. Supplemental Development Regulations

2.03.06. Heavy Industrial (HI) District

A. Intent

The Heavy Industrial (HI) District is intended to provide a location for manufacturing and industrial activities that may generate some nuisances. Industrial uses are not appropriate adjacent to any residential uses. Traffic generation will likely include heavy vehicles, making access to a minor or major Arterial necessary. The Heavy Industrial (HI) District should not be permitted adjacent to or within one thousand (1,000) feet of any residential district, except the Agriculture and Agricultural Homestead (AG) District.

B. Permitted Uses: Subsection 2.05. Use Regulations

C. Area Regulations: 2.05.07. Dimensional Regulations Table

D. Other Regulations

1. 2.06.01. Landscaping
2. 2.06.02. Fencing and Screening
3. 2.06.03. Off Street Parking
4. 2.06.04. Accessory Structures
5. 2.06.05. Building Materials
6. 2.06.06. Residential Adjacency
7. 2.06.09. Non-Residential and Mixed-Use Design
8. 2.06.10. Lighting
9. 2.06.11. Resource Conservation and Efficiency Design Techniques
10. 2.06.12. Access Management
11. 2.06.13. Nuisances
12. Section 3. Supplemental Development Regulations
13. In the event of a conflict in any use or regulations contained within the Zoning Ordinance and Ordinance No. 34 ("Blasting Ordinance"), the Blasting Ordinance requirements shall prevail.

2.03.07. Public and Institutional (P) District

A. Intent

The Public and Institutional (P) District is intended to provide for areas appropriate for public facilities, including but not limited to community centers, parks, cultural institutions, government facilities, libraries, public hospitals, public utilities, and public or private schools.

B. Permitted Uses: Subsection 2.05. Use Regulations

C. Area Regulations: 2.05.07. Dimensional Regulations Table

D. Other Regulations

1. 2.06.01. Landscaping
2. 2.06.02. Fencing and Screening
3. 2.06.03. Off Street Parking
4. 2.06.04. Accessory Structures
5. 2.06.05. Building Materials
6. 2.06.06. Residential Adjacency
7. 2.06.07. Storage and Use of Vehicles and Equipment in Residential Zoning Districts
8. 2.06.08. Single-Family Design
9. 2.06.09. Non-Residential and Mixed-Use Design
10. 2.06.10. Lighting
11. 2.06.11. Resource Conservation and Efficiency Design Techniques
12. 2.06.12. Access Management
13. 2.06.13. Nuisances
14. Section 3. Supplemental Development Regulations

Subsection 2.04. Special Zoning Districts

2.04.01. Aquifer Protection Overlay (APO) District

A. Intent

The Aquifer Protection Overlay (APO) District provides for the protection of City public water supply well sites and aquifer recharge features from biological and chemical contamination. Within the APO District, no use or activity is permitted that presents a danger of bacteriologic, chemical, or radiologic pollution of the ground water aquifer.

B. Boundaries and Location

The APO District consists of a one thousand five hundred (1,500) foot radius around each City public water supply well site and geologic recharge feature within the Edwards Aquifer Recharge Zone.

C. Procedures and Standards are provided in 2.06.14. Development in the Aquifer Protection Overlay (APO) District.

2.04.02. Natural Features Overlay (NFO) District

A. Intent

The purpose of the Natural Features Overlay (NFO) District is to retain the rural and natural character of FM 3009 and FM 2252 while still allowing for future growth in a responsible manner.

B. Boundaries and Location

The NFO District consists of all properties contiguous to FM 3009 and FM 2252 creating a two hundred (200) foot overlay in these areas. The overlay only applies to the first two hundred feet (200') of property adjacent to the roadway measured from the property line.

C. Procedures and Standards are provided in 2.06.15. Development in the Natural Features Overlay (NFO) District.

2.04.03. Planned Use Development (PUD)

A. Intent

A Planned Use Development (PUD) is a zoning overlay district that may be used to permit new or innovative concepts in land utilization, master-planned communities, mixed use development that other Zoning Districts do not accommodate, and to provide site-specific compatibility standards. While greater flexibility is given to allow special conditions or restrictions that would not otherwise allow the development to occur, procedures are established to ensure against misuse of increased flexibility. PUDs are appropriate in areas where the Comprehensive Plan reflects the specific uses proposed in the PUD or where the Comprehensive Plan reflects mixed-use as a land use category.

The purpose of the Planned Use Development (PUD) Overlay District is to provide land for uses and developments that promote development that is more sensitive to the natural environment, create a significantly enhanced natural setting or sense of place, or otherwise enhance the standard pattern of development in the City.

- B. Procedures and Standards are provided in 2.06.15. Development in the Natural Features Overlay (NFO) District and in 2.07.08. Planned Use Development (PUD) Regulations and Procedures.

Subsection 2.05. Use Regulations

2.05.01. Land Use Regulations

Land and buildings in each of the zoning districts may be used for any of the specified uses in this section. No land shall be used, and no building or structure shall be erected, altered, or converted for any use other than those specified as a permitted use in the district in which it is located, as shown in the Use Chart. In the event of a discrepancy between the written language of a section and the Use Chart, the chart will control.

P	Use is permitted by-right
P-#	Use is permitted by-right subject to the referenced conditions (see 2.05.06.)
S	Use is permitted upon approval of a Specific Use Permit
S-#	Use is permitted upon approval of a Specific Use Permit and subject to the referenced conditions (see 2.05.06.)
X	Use is prohibited

2.05.02. Classification of Similar Uses

The Zoning Administrator shall be responsible for determining whether a use should be classified as a similar use.

2.05.03. Classification of New and Unlisted Uses

It is recognized that new types of land use will develop, and forms of land use not presently anticipated may seek to locate in the City. If the Zoning Administrator is unable to classify the use under one of the existing listed uses, the Zoning Administrator shall make a determination based on their interpretation of the intent and spirit of this Ordinance and the Comprehensive Plan. The Zoning Administrator shall use the descriptions found in the Definitions to determine how an unlisted use should be treated.

2.05.04. Appeals of an Administrative Interpretation

Appeals of an administrative interpretation, as with any zoning-related interpretation, may be appealed to the Board of Adjustment, as outlined in 2.08.01. Zoning Regulation Appeal.

2.05.05. Use Chart

	Agriculture and Agricultural Homestead (AG) District	Residential Estate (RE) District	Residential Neighborhood (RN) District	Neighborhood Commercial (NC) District	Community Commercial (CC) District	Neighborhood Mixed-Use (NMU) Overlay District	Community Mixed-Use (CMU) Overlay District	Light Industrial (LI) District	Heavy Industrial (HI) District	Public and Institutional (P) District	Parking Requirements (Spaces : Increment)
Residential Uses											
Community Home or Group Home	P-A	P-A	P-A	X	X	X	X	X	X	X	1 : Bedroom
Dwelling, Accessory	P-B	P-B	X	X	X	X	X	X	X	X	1 : unit
Dwelling, Multi-Family (Loft)	X	X	X	X	X	S	S	X	X	X	Studio 1 : unit 1 Bedroom 1.5 : unit 2+ Bedroom 1.75 : unit
Dwelling, Single Family (Attached – Duplex)	X	X	X	X	X	S	S	X	X	X	2 : dwelling
Dwelling, Single Family (Attached – Townhouse)	X	X	X	X	X	S	S	X	X	X	2 : dwelling
Dwelling, Single Family (Detached)	P	P	P	X	X	P	P	X	X	X	2 : dwelling
Dwelling, Single Family (Detached – Medium Density)	X	X	P	X	X	P	P	X	X	X	2 : dwelling

	Agriculture and Agricultural Homestead (AG) District	Residential Estate (RE) District	Residential Neighborhood (RN) District	Neighborhood Commercial (NC) District	Community Commercial (CC) District	Neighborhood Mixed-Use (NMU) Overlay District	Community Mixed-Use (CMU) Overlay District	Light Industrial (LI) District	Heavy Industrial (HI) District	Public and Institutional (P) District	Parking Requirements (Spaces : Increment)
Nonresidential Uses											
Adult Day Services Center	X	X	X	S	S	S	S	S	X	X	1 : 2 guests
Agricultural Use	P-C	X	X	X	X	X	X	P-C	P-C	X	1 : 1,000 s.f. of enclosed area
Ambulance Service	X	X	X	X	X	X	X	P	P	X	1 : 400 s.f.
Amusement, Commercial (Indoors)	X	X	X	X	S	X	S	S	X	X	1 : 300 s.f.
Amusement, Commercial (Outdoors)	X	X	X	X	S	X	S	S	X	X	1 : 3 patrons
Animal Shelter/Pet Boarding (with Outside Yard/Kennels)	P	X	X	X	X	X	X	P	X	X	1 : 400 s.f.
Animal Shelter/Pet Boarding (without Outside Yard/Kennels)	P	X	X	X	X	X	X	P	X	X	
Animal Veterinary Office or Grooming (with Outside Yard/Kennels)	P	X	X	X	X	X	X	P	X	X	1 : 400 s.f.
Animal Veterinary Office or Grooming (without Outside Yard/Kennels)	P	X	X	S	X	X	X	P	X	X	

	Agriculture and Agricultural Homestead (AG) District	Residential Estate (RE) District	Residential Neighborhood (RN) District	Neighborhood Commercial (NC) District	Community Commercial (CC) District	Neighborhood Mixed-Use (NMU) Overlay District	Community Mixed-Use (CMU) Overlay District	Light Industrial (LI) District	Heavy Industrial (HI) District	Public and Institutional (P) District	Parking Requirements (Spaces : Increment)
Antique Shop	X	X	X	X	P	P	P	X	X	X	1 : 300 s.f.
Art Gallery or Museum	X	X	X	P	P	P	P	X	X	X	1 : 300 s.f.
Artisan's Studio	X	X	X	X	P	X	P	P	P	X	1 : 300 s.f.
Assisted Living/Nursing Home	X	X	X	S	S	S	S	X	X	X	1 : 2 beds
Automobile or Other Motorized Vehicle Sales	X	X	X	X	X	X	X	S	S	X	1 : 750 s.f.
Automobile Parts Store	X	X	X	X	P	X	S	P	X	X	1 : 300 s.f.
Automobile Service Garage (Major)	X	X	X	X	X	X	X	P	P	X	3 : service bay
Automobile Service Garage (Minor)	X	X	X	X	S	X	X	P	P	X	
Bank or Financial Institution	X	X	X	P-D	P-D	P-D	P-D	X	X	X	1 : 300 s.f.
Banquet Hall, Reception Facility, Wedding Chapel, or Other Special Events Center	X	X	X	X	P	X	S	P	X	X	Non-Fixed Seats 1 : 150 s.f. Fixed Seats 1 : 4 seats
Barber or Beauty Shop	X	X	X	X	P	P	P	P	X	X	1 : 400 s.f.
Bed & Breakfast Inn	X	X	X	X	P	P	P	X	X	X	Residential requirement + 1 : guest room

	Agriculture and Agricultural Homestead (AG) District	Residential Estate (RE) District	Residential Neighborhood (RN) District	Neighborhood Commercial (NC) District	Community Commercial (CC) District	Neighborhood Mixed-Use (NMU) Overlay District	Community Mixed-Use (CMU) Overlay District	Light Industrial (LI) District	Heavy Industrial (HI) District	Public and Institutional (P) District	Parking Requirements (Spaces : Increment)
Brewery, Micro	X	X	X	X	X	X	S	P	P	X	Office 1 : 400 s.f. Brewing 1 : 1,000 s.f. Tasting Room 1 : 200 s.f.
Building Material Sales	X	X	X	X	X	X	X	P	P	X	Retail/Office 1 : 300 s.f. Outdoor Storage 1 : 2,000 s.f.
Car Wash, Full Service	X	X	X	X	S	X	X	X	X	X	Wash bays + 5 Stacking Spaces
Car Wash, Self Service	X	X	X	X	S	X	X	S	X	X	Wash bays + 2 Stacking Spaces
Carpentry Shop	X	X	X	X	X	X	X	P	P	X	1 : 400 s.f.
Catering Service	X	X	X	X	P	P	P	X	X	X	1 : 400 s.f.
Ceramic, Pottery or Glass Studio	X	X	X	X	P	X	P	P	P	X	Retail/Office 1 : 400 s.f. Warehouse 1 : 1,000 s.f.
Child Care Facility (Daycare)	X	X	X	P	P	P	P	S	X	X	1 : 400 s.f. + 1 : employee
Church or Other Place of Worship, including Parsonage/Rectory	P	P	P	P	P	P	P	P	P	X	Non-Fixed Seats 1 : 150 s.f. Fixed Seats 1 : 4 seats
College or University	X	X	X	X	P	X	P	X	X	P	1 : 3 students + 1 : classroom
Contractors Yard or Storage Yard	X	X	X	X	X	X	X	P	P	X	1 : 1,000 s.f. gross floor area

	Agriculture and Agricultural Homestead (AG) District	Residential Estate (RE) District	Residential Neighborhood (RN) District	Neighborhood Commercial (NC) District	Community Commercial (CC) District	Neighborhood Mixed-Use (NMU) Overlay District	Community Mixed-Use (CMU) Overlay District	Light Industrial (LI) District	Heavy Industrial (HI) District	Public and Institutional (P) District	Parking Requirements (Spaces : Increment)
Dance, Music, or Drama Studio	X	S	S	P	P	P	P	P	X	X	1 : 400 s.f.
Distillery, Micro	X	X	X	X	X	X	X	P	X	X	Office 1 : 400 s.f. Distillery 1 : 1,000 s.f. Tasting Room 1 : 200 s.f.
Equipment Sales	X	X	X	X	X	X	X	X	P	X	1 : 500 s.f. of building
Farmer's/Open Air Market	P	X	X	X	S	X	S	P	X	X	N/A
Feed Store	S	X	X	X	X	X	X	P	X	X	1 : 300 s.f.
Fix-It Shop, Bicycle Repair, Blade Sharpening or Small Engine Repair	X	X	X	X	P	X	P	P	X	X	1 : 400 s.f.
Food Truck and Mobile Retail Park	X	X	X	X	S	X	S	P	X	X	N/A
Furniture Repair and Upholstering Shop	X	X	X	S	P	P	P	P	P	X	1 : 400 s.f.
Gasoline Filling or Service Station/Car Wash	X	X	X	X	P-E	X	S-E	P-E	P-E	X	Fueling bay spaces + Grocery, Convenience Store requirement

	Agriculture and Agricultural Homestead (AG) District	Residential Estate (RE) District	Residential Neighborhood (RN) District	Neighborhood Commercial (NC) District	Community Commercial (CC) District	Neighborhood Mixed-Use (NMU) Overlay District	Community Mixed-Use (CMU) Overlay District	Light Industrial (LI) District	Heavy Industrial (HI) District	Public and Institutional (P) District	Parking Requirements (Spaces : Increment)
Grocery, Convenience Store	X	X	X	X	P	X	S	P	P	X	1 : 300 s.f.
Grocery, Market	X	X	X	X	P	S	P	P	X	X	1 : 300 s.f.
Grocery, Supermarket	X	X	X	X	P	S	P	P	X	X	1 : 200 s.f.
Gym or Health/Fitness Center	X	X	X	S	P	S	P	P	X	X	1 : 300 s.f.
Heavy Industrial or Manufacturing Operations	X	X	X	X	X	X	X	X	P	X	Office 1 : 400 s.f. Warehouse 1 : 1,000 s.f.
Heliport or Helistop	X	X	X	X	X	X	X	S	S	X	5 spaces for commercial pads
Home-Based Business	P-F	P-F	P-F	X	X	P-F	P-F	X	X	X	N/A
Hospital, Acute Care	X	X	X	X	P	S	P	P	X	X	1.5 : bed
Laundry, Commercial	X	X	X	X	X	X	X	P	P	X	1 : 800 s.f.
Laundry, Dry Cleaning Drop-Off/Pick-Up	X	X	X	P	P	P	P	X	X	X	1 : 400 s.f.
Library	X	X	X	P	P	P	P	P	P	P	1 : 500 s.f.
Light Industrial and Assembly Processes	X	X	X	X	X	X	X	S	S	X	Office 1 : 400 s.f. Warehouse 1 : 1,000 s.f.
Medical Clinic	X	X	X	P	P	P	P	X	X	X	1 : 400 s.f.

	Agriculture and Agricultural Homestead (AG) District	Residential Estate (RE) District	Residential Neighborhood (RN) District	Neighborhood Commercial (NC) District	Community Commercial (CC) District	Neighborhood Mixed-Use (NMU) Overlay District	Community Mixed-Use (CMU) Overlay District	Light Industrial (LI) District	Heavy Industrial (HI) District	Public and Institutional (P) District	Parking Requirements (Spaces : Increment)
Nondepository Financial Institution or Payday Lending Establishment	X	X	X	X	X	X	X	P-G	P-G	X	1 : 400 s.f.
Office (Professional or Business)	X	X	X	P	P	P	P	P	P	X	1 : 400 s.f.
Pawn Shop	X	X	X	X	P-G	X	X	P-G	P-G	X	1 : 300 s.f.
Portable Building Sales	X	X	X	X	X	X	X	P	X	X	1 : 500 s.f. of building
Printing Press/Duplication Shop or Mailing Center	X	X	X	X	P	X	P	P	P	X	1 : 400 s.f.
Recreational Vehicle (RV) Park	X	X	X	X	X	X	X	S	X	X	0.5 : RV bay
Restaurant or Cafeteria, Bar/Tavern	X	X	X	X	S-I	S-I	S-I	S-I	X	X	1 : 200 s.f.
Retail Store, Big Box	X	X	X	X	S	X	S	P	X	X	1 : 300 s.f.
Retail Store, Shop	X	X	X	P	P	P	P	P	X	X	1 : 300 s.f.
School, Public or Private	P	P	P	P	P	P	P	P	P	P	Pre-K – Middle 2 : classroom High School 8 : classroom

	Agriculture and Agricultural Homestead (AG) District	Residential Estate (RE) District	Residential Neighborhood (RN) District	Neighborhood Commercial (NC) District	Community Commercial (CC) District	Neighborhood Mixed-Use (NMU) Overlay District	Community Mixed-Use (CMU) Overlay District	Light Industrial (LI) District	Heavy Industrial (HI) District	Public and Institutional (P) District	Parking Requirements (Spaces : Increment)
Seamstress or Tailor Shop	X	X	X	P	P	P	P	P	X	X	1 : 400 s.f.
Sexually Oriented Business	X	X	X	X	X	X	X	X	P	X	
Shooting Range, Indoor	X	X	X	X	X	X	X	P	P	X	2 : shooting lane
Shooting Range, Outdoor	X	X	X	X	X	X	X	X	S	X	2 : shooting lane
Short Term Rental	X	X	X	P-L	P-L	P-L	P-L	X	X	X	2 : dwelling
Stable, Boarding	S	X	X	X	X	X	X	X	X	X	1 : 2 stalls
Stable, Commercial	S	X	X	X	X	X	X	X	X	X	1 : 2,000 s.f. of site area
Stadium or Play Field (with Lighting)	X	X	X	X	X	X	X	X	X	P	N/A
Stadium or Play Field (without Lighting)	X	X	X	X	X	X	X	X	X	P	N/A
Storage Units, Mini	X	X	X	X	X	X	X	P	P	X	1 : 40 units
Tattoo Studio	X	X	X	X	X	X	X	X	P	X	1 : 400 s.f.
Wholesale Center	X	X	X	X	S	X	X	S	P	X	Office 1 : 400 s.f. Warehouse 1 : 1,000 s.f.
Winery, Micro	X	X	X	X	X	X	S	P	P	X	Office 1 : 400 s.f. Distillery 1 : 1,000 s.f. Tasting Room 1 : 200 s.f.

2.05.06. Use Standards

A. Community Home or Group Home

1. For the limitation of six (6) or fewer clients, this means six (6) or fewer clients and two (2) authorized supervisory personnel.
2. The appearance and residential character of the structure cannot be altered, either through use of colors, materials, construction (excepting provisions for the physically handicapped) and lighting; the emission of sound, noise, vibration and electromagnetic interference; or outdoor storage of any kind.
3. Signs identifying the property as a community home or group home are prohibited.
4. Vehicles used primarily for the community home or group home (for instance, vans displaying an institution name) must be stored where they cannot be seen from the public right-of-way or adjacent properties.
5. Any single-family dwelling unit to be utilized for a community home or group home shall provide as a minimum, the following square footage in each bedroom:
 - a. To house one person per bedroom, the dwelling unit must provide one hundred (100) square feet of space per bedroom utilized for this purpose.
 - b. To house two or more persons per bedroom, the dwelling unit must provide at least eighty (80) square feet of space per person housed in the bedroom utilized for this purpose. For example, two persons would require a one hundred sixty (160) square foot room.

6. Group Living Use Permit

a. Purpose

The purpose of the Group Living Use Permit is as follows: to maintain adequate health and safety standards to protect the residents; to ensure that adequate fire, police, and emergency response vehicles or patrols are available; and to identify and facilitate appropriate responses for residents who may require special assistance during an emergency.

b. Applicability

It is unlawful for any person to construct, maintain, or operate within the City, any group or community home, halfway house, or other group living facility unless such person first obtains a use permit. A request for reasonable accommodation to accomplish the goals and policies of the Fair Housing Act (42 U.S.C. 3601) may be authorized.

Reasonable accommodation is encouraged where such accommodation may be necessary to afford persons or groups of persons with disabilities an equal opportunity to use and enjoy housing.

c. Review Process and Application

An application for a Group Living Use Permit shall be prepared in accordance with the requirements established by the Zoning Administrator or his/her designee. Applications must include all materials determined necessary by the Zoning Administrator. Information regarding the format requirements and materials required for the application will be made available by the City. The City shall investigate the application and inspect the proposed plans and specifications. For a new group or community home, halfway house, or other group living facility, the Group Living Use Permit shall not be issued until a Certificate of Occupancy has been approved.

d. Criteria for Approval

The Zoning Administrator shall apply the following criteria in deciding the application for a Group Living Use Permit:

- i. That the improvements on the property are in accordance with the requirements of this Ordinance.
- ii. That the operations of the property are in accordance with the requirements of this Ordinance.
- iii. That the structures and site comply with the Building Code, Fire Code, Property Maintenance Code, and other applicable regulations (including the Americans with Disabilities Act).
- iv. That required permits and licenses include current and valid state licenses and a current and valid Certificate of Occupancy issued by the City of Garden Ridge.

e. Revocation of Permit

The Zoning Administrator may institute proceedings to revoke a Group Living Use Permit whenever the official determines that the permit has been issued in error; or on the basis of incorrect information supplied; or that the use, dimensions, or other features of the structure or property authorized for occupancy, or any portion thereof, is in violation of any provision of this Ordinance, of the Building Code, or other construction codes; or that the property is in violation of the requirements of this Ordinance applicable to group or community homes, halfway houses, or other group living facility.

Before any such permit is revoked, the City must give 10-day notice to the holder of such permit to correct violations. If the permit is revoked, the permit may be reissued to the licensee if the reasons for such revocation have been duly corrected, or a permit may be issued to another qualified applicant.

f. Responsibility for Final Action

The Zoning Administrator or his/her designee is responsible for final action on Group Living Use Permits as required by this Ordinance.

B. Dwelling, Accessory

1. Not more than one (1) accessory dwelling shall be located on one lot.
2. Accessory dwellings may be occupied by a guest, caregiver, relative, or family member.
3. Accessory uses located in residential districts shall not be used for commercial purposes other than authorized and legitimate Home Occupations.
4. Accessory dwellings must meet the setbacks established for the principal dwelling.
5. An accessory dwelling living area shall not exceed fifty (50) percent of the square footage of the principal dwelling living area.
6. The principal dwelling must be occupied by the owner or authorized lessee of the property.
7. The accessory dwelling is subject to the requirements of 2.06.04. Accessory Structures.

C. Agricultural Use

1. Barns or Enclosures for Livestock
 - a. No barn or enclosure for cows, horses, mules, donkeys, sheep, goats, or similar livestock shall be located nearer than one hundred (100) feet to any dwelling or nearer than two hundred (200) feet to any property line.
 - b. These barns or enclosures are not subject to any masonry requirements if the site is three (3) acres or larger in size and the buildings are set back two hundred (200) feet from any dwelling other than that of the resident.

2. Agricultural Uses and the Keeping of Livestock

a. Vegetation

When in a residential zoning district, Agricultural Uses with plants and produce only are permitted on all lots. Excluding any main residential structure, any improvements on the site shall meet the requirements of 2.06.04. Accessory Structures.

b. Livestock and Animals

The keeping of livestock and other animals shall comply with the City's Animal Services Ordinance, as amended.

D. Bank or Financial Institution

1. No drive-through windows shall be permitted within five hundred (500) feet of a residential zoning district.

E. Fuel Pumps (Accessory Use) or Gasoline Filling or Service Station/Car Wash

1. Roofs of convenience stores, associated buildings, and pump canopies shall be pitched at least 4:12.
2. Canopy support columns shall be consistent and complementary to that used on the main building.
3. No Fuel Pumps (Accessory Use) or Gasoline Filling or Service Station/Car Wash shall be permitted within five hundred (500) feet of a residential zoning district.

F. Home-Based Business

1. No persons other than members of the family residing on the premises shall be engaged in such business.
2. The use of a home for cottage food production operations is expressly exempted from the provisions of this section.
3. The use of the home for the Home-Based Business shall be clearly incidental and subordinate to its use for residential purposes by its occupants.
4. Home-Based Businesses may occur in an Accessory Structure.
5. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such Home-Based Business.

6. No sign advertising a Home-Based Business shall be placed on property where a Home-Based Business is conducted. Only one vehicle (motorized or non-motorized), one ton carrying capacity or less may advertise for the Home-Based Business.
 7. Any sales in connection with such Home-Based Business shall be clearly secondary to occupancy. Merchandise shall not be offered or displayed outdoors for sale on the premises. Sales incidental to a service shall be allowed; and orders previously made by telephone or at a sales party may be filled on the premises.
 8. No traffic shall be generated by a Home-Based Business in greater volumes than would normally be expected in a residential neighborhood, and does not result in the off-street or on-street parking of more than two vehicles at any one time not owned by members of the occupant family.
 9. No equipment, process, or work shall be used or conducted in such Home-Based Business that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot beyond the extent of a typical single-family use. In the case of electrical interference, no equipment, process or work shall be used or conducted that creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
 10. The operation of beauty schools, beauty parlors, barber shops, vehicle repair, lawn mower, or other small or large engine repair, and any boarding house/rooming house shall not be permitted as a Home-Based Business or as an accessory use.
 11. No Outside Storage or Outside Display of any type shall be permitted with any Home-Based Business.
 12. Garage Sales are allowed only on property zoned Agriculture and Agricultural Homestead (AG) District, Residential Estate (RE) District, and Residential Neighborhood District two (2) times per household per calendar year between the hours of 8:00 a.m. and 5:00 p.m. Sales cannot exceed three (3) days in length and there must be a minimum of five (5) days between sales. Permits are required to conduct garage sales and there shall be no blockage of streets. Conducting of garage sales exceeding the number of allowable sales will constitute a Home-Based Business and requirements for a Home-Based Business shall apply.
- G. Nondepository Financial Institution/Payday Lending Establishment and Pawn Shop
1. No more than one (1) Nondepository Financial Institution/Payday Lending Establishment or Pawn Shop shall be located on a single lot.

H. Outside Display

1. Outside Display is permitted only in the following districts: Neighborhood Commercial (NC), Community Commercial (CC), Neighborhood Mixed-Use (NMU) Overlay, Community Mixed-Use (CMU) Overlay, Light Industrial (LI), and Heavy Industrial (HI).

Example of Outside Display

2. Outside Display areas shall not be placed or located more than thirty (30) feet from the main building and shall not exceed fifty (50) percent of the linear frontage of the building.
3. Outside Display areas shall be permitted year-round.
4. Outside Display areas shall not occupy any of the parking spaces that are required by this Ordinance for the primary use(s) of the property.



5. Outside Display areas shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way. At least sixty (60) inches of pedestrian clear zone shall be provided to allow for circulation.
6. Outside Display items shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.
7. Outside Display is permitted only as an accessory use and is not a permitted Principal Use.

I. Outside Storage

1. Outside Storage is permitted only in the following districts: Light Industrial (LI) and Heavy Industrial (HI).

Example of Outside Storage

2. Outside Storage is limited to a maximum of ten (10) percent of the total lot area, shall not be located in front of or on top of the building, and must be screened.
3. Outside Storage screening shall be required only for those areas surrounding Outside Storage.



4. Outside Storage of materials, commodities, or equipment shall be screened with a six (6) foot screening fence or wall and shall not be visible from the street or from adjacent property.

5. In addition to the screening fence or wall surrounding Outside Storage, a second level of screening is required at the property line unless the screening required by above paragraph is located along the property line. A six (6) foot screening fence or wall shall be provided and maintained at the common property line or street adjacent to the area to be screened by one or a combination of the following methods:
 - a. Solid masonry consisting of rock, stone, or other material that is equivalent, visually and qualitatively.
 - b. Wrought iron in conjunction with solid landscape screening.
 - c. Wood or wood vinyl in conjunction with solid landscape screening.
 - d. An equivalent alternative screening method approved by the Zoning Administrator.
 6. No Outside Storage may exceed the height of the screening wall or fence and must comply with maximum heights for the zoning district and any applicable overlay district.
 7. In the case of a home improvement store that provides goods to the general public (e.g., Home Depot or Lowe's) with Outside Storage, such use would be classified as both Retail Store and Outside Storage; therefore, both use classifications must be permitted in the applicable district for the store to be allowed.
 8. Plant nurseries are not considered outside storage for the purpose of these provisions.
- J. Restaurant or Cafeteria, Bar or Tavern
1. No drive-through windows or curbside service shall be permitted within five hundred (500) feet of a residential zoning district. Drive-through windows are measured from the window and curbside service is measured from the main entrance.
 2. Drive-through windows or curbside service requires a Specific Use Permit in the Community Commercial (CC) District, Neighborhood Mixed-Use (NMU) Overlay District, Community Mixed-Use (CMU) Overlay District, and Light Industrial (LI).
- K. Temporary Building
1. Temporary buildings may be permitted for six (6) months in accordance with a permit issued by the Zoning Administrator, and one (1) six (6) month extension may be approved by the Zoning Administrator.

2. After the initial extension is given, the Zoning Administrator may approve a second six (6) month extension only following a recommendation from the Planning and Zoning Commission.
3. Temporary buildings associated with a school are required to receive a permit issued by the Zoning Administrator; however, no time limit applies.

L. Short Term Rental

1. Short term rental within residential districts constitutes a commercial use and is prohibited. Short term rental is permitted in the following zoning districts: Neighborhood Commercial (NC) District, Community Commercial (CC) District, Neighborhood Mixed-Use (NMU) Overlay District, and Community Mixed-Use (CMU) Overlay District.
2. A short term rental permit is required prior to the use of a one-family dwelling as a short term rental located within a non-residential district. Subject to the standards of this section, an owner shall obtain and maintain a current permit whenever a dwelling is used as a short term rental. Annual inspection is required as specified in this section.
3. Any one-family dwelling to be utilized for a short term rental shall provide as a minimum, the following square footage in each bedroom:
 - a. To house one person per bedroom, the dwelling unit must provide one hundred (100) square feet of space per bedroom utilized for this purpose.
 - b. To house two or more persons per bedroom, the dwelling unit must provide at least eighty (80) square feet of space per person housed in the bedroom utilized for this purpose. For example, two persons would require a one hundred sixty (160) square foot room.
4. The appearance and residential character of the structure cannot be altered, either through use of colors, materials, construction, and lighting; the emission of sound, noise, vibration, and electromagnetic interference; or outdoor storage of any kind.
5. A 2A:10BC type fire extinguisher (a standard five-pound extinguisher) shall be properly mounted within seventy-five (75) feet of all portions of the structure on each floor.
6. Every sleeping room shall have at least one operable emergency escape and rescue opening.
7. An evacuation plan shall be posted conspicuously in each sleeping area.

8. Conduct on Premises

- a. Each occupant and visitor to a short term rental shall comply with all applicable provisions of the City Ordinances, including, without limitation: noise and disorderly conduct restrictions; litter prohibition; and others such as parking, and trespassing provisions. No occupant of or visitor to a short term rental shall cause or permit a public nuisance to be maintained on such property. This information shall be included in the rental agreement and posted inside the short term rental.
- b. All occupants shall be informed in writing of relevant City Ordinances including, but not limited to, the City's nuisance and water conservation Ordinances by the owner/operator of the short term rental.

9. Tenant Indoor Notification

The operator shall post in a conspicuous location of the dwelling the following minimum information:

- a. Maximum number of occupants.
- b. Location of required off-street parking, other available parking, and prohibition of parking on landscaped areas or similar unimproved surfaces.
- c. Quiet hours and noise restrictions.
- d. Restrictions of outdoor facilities.
- e. 24-hour contact person and phone number.
- f. Property cleanliness requirements.
- g. Trash pick-up requirements, including location of trash cans.
- h. Flooding hazards and evacuation routes.
- i. Emergency numbers.
- j. Notice that failure to conform to the occupancy and parking requirements is a violation of the City Code and occupant or visitor can be cited.

10. Rental Agreement Notification

The rental agreement between the owner/operator of the short term rental and the occupant shall include by attachment, all of the information provided on the tenant indoor notification signage.

11. Short Term Rental Operating License

a. Application

Application for a short term rental permit shall be in writing on an application form approved by the City, and shall include the following information, at a minimum:

- i. A list of all owners of the short term rental including names, address, and telephone numbers.
- ii. A sketch or narrative describing the location of the available parking spaces.
- iii. A sketch of the floor plan.
- iv. The name, address, and 24-hour telephone numbers of a contact person who shall be responsible and authorized to respond to complaints concerning the use of the short term rental.
- v. Proof of hotel occupancy tax compliance with Texas Tax Code Chapter 351, as amended, before permit is granted.
- vi. A statement that the owner of the short term rental has met and will continue to comply with the standards and other requirements of this section.
- vii. Provide current email address of owner/operator, if applicable.
- viii. If owner/operator has a property management or agent, owner/operator shall provide property management or agent name, phone number, mailing address, and email address.

b. Completeness of Application

If the application is incomplete or the full fee has not been paid, the Zoning Administrator shall notify the applicant in writing, within ten business days of the date of the application, that the application is incomplete and will not be considered by the City until the application is complete and/or the full fee is paid. If the full fee is not paid or the application is not complete within forty-five (45) days of the date of the application, the application shall expire.

c. Annual Renewal

A short term rental permit will be renewed annually through an inspection conducted by the City to verify continued compliance.

d. Transferability

A short term rental permit is transferable to a new property owner, if the new property owner submits a short term rental permit application and agrees in writing to comply with the requirements of this section. A new owner must apply for a short term rental permit within ninety (90) days from the closing date of the purchase. The new owner must provide a copy of the closing statement with the short term rental permit application form. Failure of the new property owner to apply for permit within ninety (90) days from the closing date will revoke the short term rental permit.

e. Appeal

If an application for a short term rental permit or renewal is denied, the owner or operator may appeal to the Board of Adjustment by written notice delivered within 30 days of denial or revocation.

12. Inspections

To ensure continued compliance with the requirements of this section, a short term rental shall be inspected in the following methods:

a. Transfer

As part of the transfer of a short term rental permit to a new owner and the issuance of a new short term rental permit, the City shall conduct an inspection to verify compliance with this section.

b. Fire Extinguishers

The owner/operator is responsible for obtaining annual independent inspections of the fire extinguishers in compliance with the City's current fire code.

c. Immediate

The City will perform inspections immediately when a violation is suspected.

d. Annual

The City will perform annual inspections for compliance with this section.

13. Enforcement/Penalty

- a. The owner/operator of the short term rental shall provide the City with a twenty-four (24) hour contact number. Should a law enforcement officer respond to the short term rental and issue a citation for any violation of City ordinances, the owner/operator shall be called by the officer. The owner/operator shall attempt to contact the occupants within one hour of the call to address the occupants about the complaints. Should a second complaint be filed, and citation issued to any part of the occupants or guests, the owner/operator must take appropriate step, in accordance with the individual rental agreement, to assure future complaints do not occur. Should three (3) separate citations be issued to an occupant or their guest(s), involving separate occupants under separate rental agreements within a six (6) month period, the short term rental permit may be revoked in accordance with this section.
- b. Violations of any subsection of this section may revoke the short term rental permit in accordance with this section.
- c. Failure to pay hotel occupancy tax timely is considered a violation of this section and may result in revocation of the short term rental permit in accordance with this section. Owner shall have thirty (30) days from the date the City or state issue a notice of delinquency to submit delinquent hotel occupancy tax to City and state before revocation of the short term rental permit begins.
- d. Failure to successfully complete the renewal process of a short term rental permit is considered a violation of this section. Owner shall have forty-five (45) days from the date the City issues notice of denial to gain compliance of noncompliant items before the revocation of the short term rental permit begins.
- e. The provisions of this subsection are in addition to and not in lieu of any criminal prosecution or penalties as provided by City Ordinances or county or state law.
- f. Prima facie proof of occupancy of a dwelling is established in any prosecution for violation of this section if it is shown that vehicles with registrations to persons having different surnames and addresses were parked overnight at the dwelling. Establishment of a prima facie level of proof in this subsection does not preclude a showing of illegal "occupancy" of a dwelling by a person in any other manner.

14. Revocation

If any violations stated in this section have been committed and not corrected within the time specified, the Zoning Administrator shall begin the procedures to revoke the short term rental permit in accordance with the following:

- a. The City shall give a thirty (30) day written notice to the owner/operator regarding the public hearing date and recommendation by the Planning and Zoning commission, and public hearing and decision by the City Council.
- b. The City shall provide written notice to property owners within two hundred (200) feet of the subject property at least fifteen (15) days prior to the hearing.
- c. If a short term rental permit is revoked, the owner/operator may not reapply for the same property for a period of twelve (12) months.

15. Abrogation and Greater Restrictions

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

M. Portable On-Demand Storage

1. Portable On-Demand Storage is permitted only in the Light Industrial (LI) District.
2. Portable On-Demand Storage Containers located in nonresidential and mixed-use zoning districts shall be treated as Outdoor Storage.
3. The maximum allowable size for a portable storage container in a residential district is one hundred sixty (160) square feet with an overall length not to exceed twenty (20) feet.
4. Not more than one portable storage container shall be allowed in the front of any lot on which a single-family dwelling has been constructed.
5. Any portable storage container must be placed on a concrete or asphalt surface of the dwelling and be placed behind any applicable setback lines for the zoning district.
6. A portable storage container may be utilized onsite for a period not to exceed thirty (30) days in any 360-day period.
7. Portable storage containers shall not be allowed to be placed or unloaded on any City street or right-of-way.
8. The Zoning Administrator may grant an extension for the placement of a portable storage container in a residential district for more than thirty (30) days, provided the property owner has demonstrated that extenuating circumstances exist to justify the extension. Extenuating circumstances shall include, but are not limited to, natural disasters, fires, or acts of God.

2.05.07. Zoning Dimensional Regulations Table

	Agriculture and Agricultural Homestead (AG) District	Residential Estate (RE) District	Residential Neighborhood (RN) District	Neighborhood Commercial (NC) District	Community Commercial (CC) District	Neighborhood Mixed-Use (NMU) Overlay District	Community Mixed-Use (CMU) Overlay District	Light Industrial (LI) District	Heavy Industrial (HI) District	Public and Institutional (P) District
Minimum Front Building Setback (ft)	35	45	25	20	20	15	15	30	30	-
Minimum Side Building Setback (Interior/Corner) (ft)	20/25	15/25	10/15	0/15	0/25	0/15	0/15	0/20	0/25	-
Minimum Rear Building Setback (ft)	30	15	15	20	35	15	15	25	25	-
Minimum Lot Area* or Maximum Dwelling Units per Acre (DUA)**	2 ¾ acres	¾ acre	¼ acre 4 DUA	-	-	- 6 DUA	- 8 DUA	-	-	-
Minimum Lot Frontage (cul-de-sac) (ft)	100	50	40	50	75	50	50	75	90	-
Minimum Lot Width (Interior/Corner) (ft)	200	120	60/65	50/65	100/105	50/65	50/65	100/105	180/185	-
Minimum Lot Depth (ft)	300	200	90	125	150	125	150	200	200	-
Maximum Height (ft)	35	35	35	35	35	35	35	35	35	-
Maximum Impervious Cover (%)***	35	50	50	65	75	75	75	75	75	-

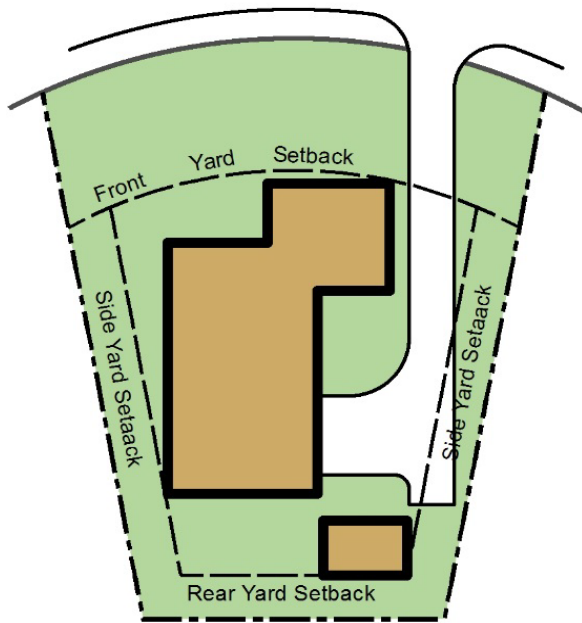
* If the property is served by OSSF/Septic, the minimum lot area shall be ¾ acre. If a lot or tract is located partially or entirely over Edwards Aquifer Recharge Zone, or not served by a public water supply system, then the minimum lot area shall be 1 acre.

** Maximum Dwelling Units per Acre is provided for instances when multiple units are located on a single parcel.

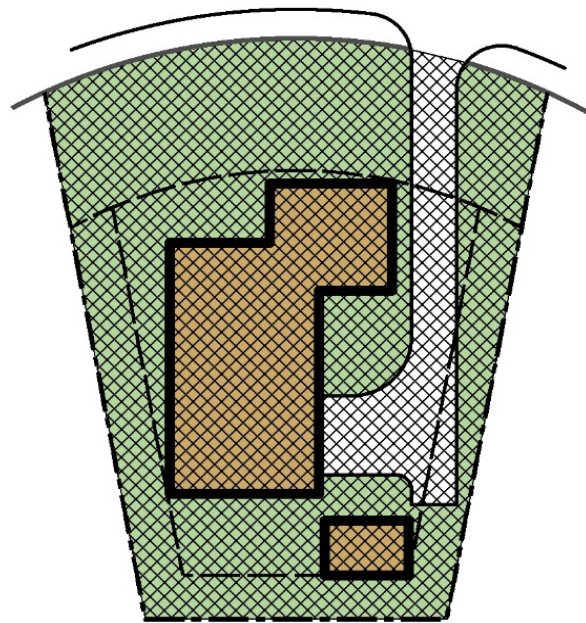
*** The Maximum Impervious Cover may be impacted if the property is served by on-site sewerage facilities (OSSF/Septic).

In the event of a discrepancy between the written language of a section and the Zoning Dimensional Regulations Table, the table will control.

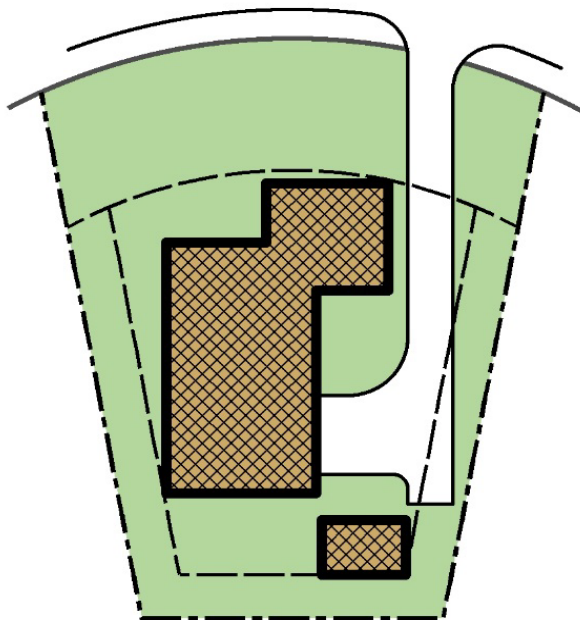
Illustration of Lot Criteria for Dimensional Regulations Table



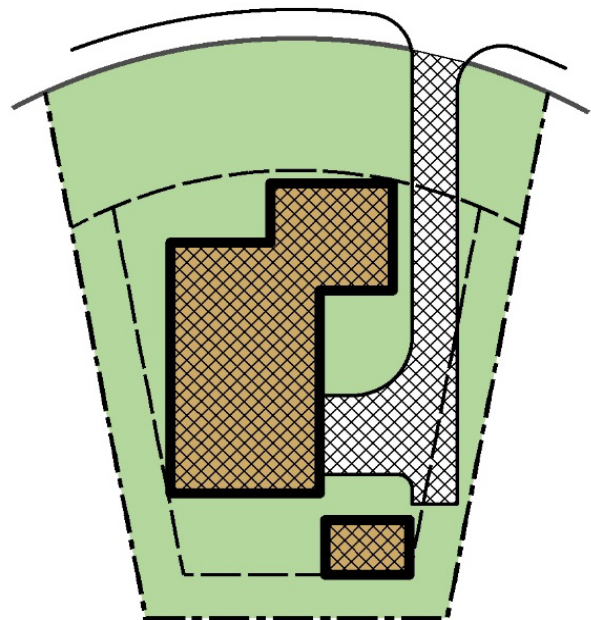
Typical Lot Setbacks



Lot Area



Building Coverage



Impervious Cover

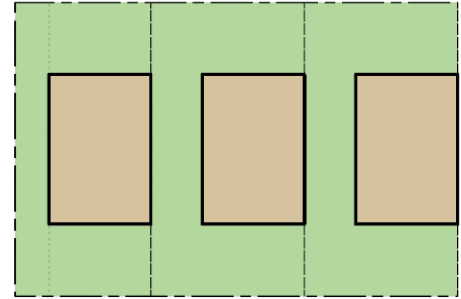
2.05.08. Modified Area Regulations and Standards

A. Adjustments for Zero Lot Line Residential Formats

1. Medium Density Development

- a. The interior side yard setback regulations in 2.05.07. above do not apply to the zero-lot line side of medium density dwellings (i.e., the exemption applies only to one side yard setback).
- b. A medium density dwelling may only be built along the property line if another offset medium density dwelling is located adjacent to that side (i.e., the zero-lot line side of a medium density dwelling shall not be located next to a traditional single-family home).
- c. Separation between buildings shall be no less than ten (10) feet.
- d. The wall of the medium density dwelling located on the lot line shall have no windows, doors, air conditioning units, or any other type of opening.
- e. A three (3) foot wide maintenance and drainage easement shall be provided along the property line on the property adjacent to the zero-lot line side of the medium density dwelling.

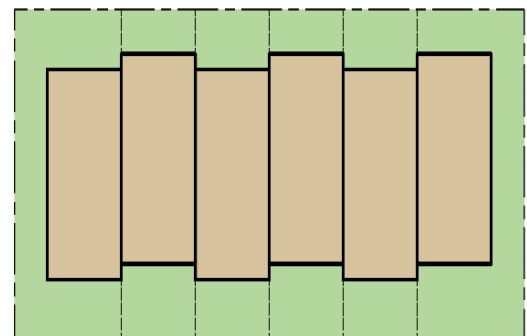
Medium Density Dwellings



2. Townhouses on Separate Lots

- a. This section addresses townhouses where multiple units are adjoined across property lines.
- b. The interior side yard setback regulations in 2.05.07. above do not apply to the interior sides of townhouses on separate lots (i.e., the exemption does not apply to the end units).

Townhouses on Separate Lots



- c. Minimum lot frontage shall be twenty-five (25) feet.
- d. Minimum lot size shall be three thousand (3,000) square feet.

B. Separation of Structures

When more than one (1) main building is located on the property (e.g., townhouses), the minimum separation between noncontiguous, adjacent structures shall be ten (10) feet.

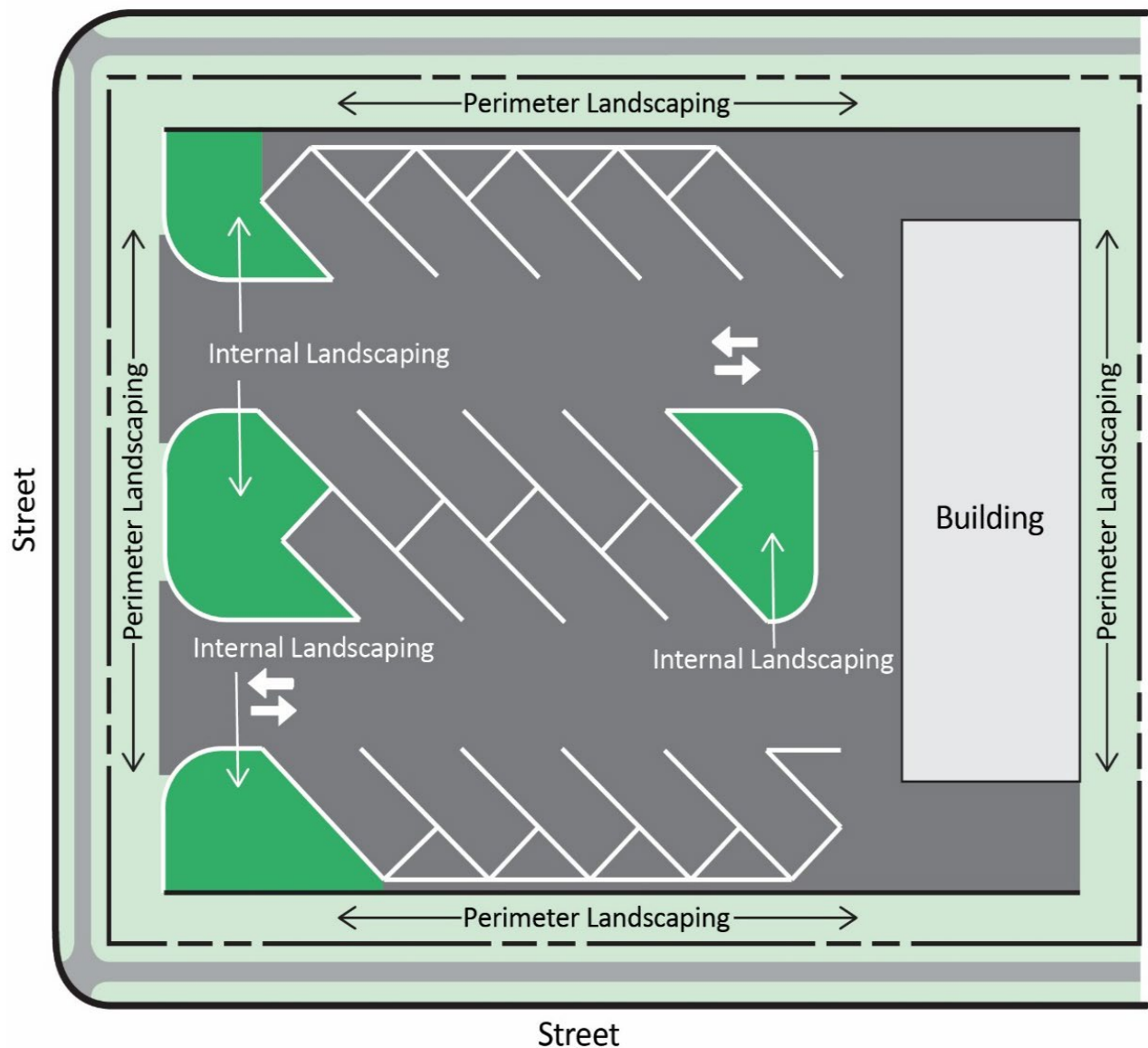
Subsection 2.06. Development Regulations

2.06.01. Landscaping

A. Non-Residential and Mixed-Use Landscaping Requirements

Landscaping shall be required according to the following sections for all nonresidential uses.

Figure 1



1. Landscaping Along Perimeter

See 2.06.06. for required landscape buffering adjacent to residential districts. All nonresidential uses shall comply with the following streetscape requirements:

a. Perimeter Landscaping

Perimeter Landscaping shall be provided adjacent to all streets and shall be the following widths, exclusive of street Right-of-Way.

- i. Adjacent to FM 3009 and FM 2252: Fifteen (15) feet.
- ii. Adjacent to an Arterial Street: Ten (10) feet.
- iii. Adjacent to a Collector Street: Five (5) feet.
- iv. Adjacent to a Local Street: Five (5) feet.

b. Plantings within the Perimeter Landscaping shall be determined by the following:

- i. Along all Arterial Streets and Collector Streets at least (1) Shade Tree for every forty (40) feet of frontage shall be installed. One existing tree may be substituted for each new tree provided the existing tree is in good health and form.
- ii. Complete coverage of natural landscape materials shall be provided with Shrubs, Groundcover, Ornamental Grasses with a Rock/Crushed Rock Landscape Base, or Ornamental Grasses with a Mulch Base. The use of Turf Grass as a landscape material is prohibited in fulfilling the requirements for groundcover unless incorporated into a berm.
- iii. Certification of the property as a Texas Parks and Wildlife Department Texas Wildscape shall serve in lieu of (ii) above and shall reduce the number of required Shade Trees by fifty (50) percent in (i) above.

c. Shrub Buffer

Where parking lots, drives, and access easements abut the Perimeter Landscaping, Shrubs (5 gallon minimum) shall be planted to form a contiguous buffer along the common boundary line. The species selected shall be evergreen and shall achieve a minimum height of forty-two (42) inches within one (1) year of planting in order to provide sufficient headlight screen. Shrubs shall be planted in planting beds with a Rock/Crushed Rock Landscape or Mulch Base.

A berm may be placed within the Perimeter Landscaping in lieu of the required Shrubs unless needed for a headlight screen.

- i. The berm must be eighteen (18) to forty-two (42) inches above the average grade of the street and parking lot curbs.
 - ii. The slope of the berm shall not exceed a thirty-three (33) percent grade.
 - iii. If the parking lot is located fifty (50) feet or more from the street Right-of-Way line, no Shrubs or berms will be required unless needed for a headlight screen.
- d. The Zoning Administrator may reduce the width (but not contents) of the required Perimeter Landscaping during Site Plan review when the reduction is required for a Public Improvement Right-of -Way acquisition, and upon written request from the applicant. In reviewing a request for reduced width, the Zoning Administrator may request a review and recommendation from the Planning and Zoning Commission or any other city department or consultant.

2. Internal Landscaping

Internal Landscaping refers to all areas within the paved boundaries of the parking lot. Any nonresidential parking area that contains more than ten (10) parking spaces shall provide Internal Landscaping in addition to the required Perimeter Landscaping. Only landscaped areas within the parking lot shall be used to meet the Internal Landscaping requirement.

Plantings within the Internal Landscaping shall be determined by the following:

- a. Ten (10) square feet of Internal Landscaping for each parking space or fraction thereof.
- b. One (1) Shade Tree or two (2) Ornamental Trees for every fifteen (15) parking spaces or fraction thereof.
- c. Complete coverage of natural landscape materials, such Groundcover, or Ornamental Grasses with a Rock/Crushed Rock Landscape Base or Mulch Base. The use of Turf Grass as a landscape material is prohibited in fulfilling the requirements for groundcover unless incorporated into a berm.
- d. Certification of the property as a Texas Parks and Wildlife Department Texas Wildscape shall serve in lieu of (c) above and shall reduce the number of required Shade Trees and Ornamental Trees by fifty (50) percent in (b) above.

3. Stormwater Drainage

All landscaped areas shall be protected by a raised six (6) inch concrete curb with openings to allow for the drainage of stormwater into the landscaped areas.

4. Redevelopment Sites

For existing sites undergoing redevelopment, see 2.07.09. for applicability and requirements.

B. Residential Landscaping Considerations

Through the National Wildlife Federation's Mayors' Monarch Pledge, the City of Garden Ridge is committed to creating habitat for the monarch butterfly and pollinators. Additionally, it is recommended that all landscaping installed in residential districts utilizes drought tolerant, deer resistant, and xeriscape plants such as those detailed in the City of Garden Ridge Wildlife Management Plan as well as native plants such as those detailed on the Lady Bird Johnson Wildflower Center website.

C. Prohibited Landscape

Common red oak species, such as Texas Red Oak and Shumard Red Oak, are prohibited due to unique susceptibility to arbor disease and its spread.

The Zoning Administrator is authorized to limit species and placement to protect aboveground and underground infrastructure.

D. Additional Requirements

These additional requirements shall not apply to individual single-family lots for single-family structures.

1. All plant material shall be maintained in a healthy and growing condition and must be replaced with plant material of similar variety and size if damaged, destroyed, or removed.
2. Landscaped areas shall be kept free of trash, litter, weeds, and other such materials or plants not a part of the landscaping.
3. Any Developer desiring to install and maintain landscaping materials and irrigation facilities within the City Right-of-Way must first receive written approval from the Zoning Administrator.
4. Replacement of dead landscaping shall occur prior to the issuance of a Certificate of Occupancy.
5. A landscape plan is required for all applicable developments.

E. Irrigation

See Ordinance No. 54 for standards and requirements related to Irrigation Systems.

F. Alternative Compliance Option

Submitted requests for the following Alternative Compliance Options may be considered:

1. Minor Reductions of the Perimeter Landscaping and Buffers

Minor changes to the width of the required Perimeter Landscaping and Buffers, which are considered to be up to fifty (50) percent of the required width, may be requested if along a street frontage where the adjacent properties on both sides (at side property lines) have a smaller or no landscape buffer strip, in order to maintain consistency between existing parking lot and drive aisle alignments.

If an alternative Perimeter Landscaping or Buffer is granted, an equal amount of landscaped area and trees shall be provided elsewhere on the site as may be deemed appropriate by the Planning and Zoning Commission.

2. Grouping of All Required Landscaping within One or Two Areas

In order to provide flexibility in site design, an Applicant may request Alternative Compliance to group all required landscaping (e.g., the landscape buffer and parking lot landscaping) into one (1) or two (2) areas.

In order to offset the movement of landscaping from its original required location, an additional twenty-five (25) percent of the total landscaped area will be required. For example, if one thousand (1,000) square feet of total landscaping was required, then one thousand two hundred fifty (1,250) square feet would be required to meet the grouping option.

In addition to the twenty-five (25) percent increase in total landscape area, the grouped landscaping shall be located either in the front yard or area visible from the street.

2.06.02. Fencing and Screening

A. Purpose, Applicability, and Sight Visibility

The purpose of this section is to provide standards for screening in order to mitigate the effects of potential nuisances such as dirt, litter, noise, heat, and glare of lights, and to protect public and private investment. It is also the intent of this section to provide for the safe construction and maintenance of walls and fences constructed in the City.

These regulations shall be applicable to all new construction, where fifty (50) percent or more of an existing screening, fence, or wall requires replacement, or any time that a higher intensity use is required to screen adjacent to a lower intensity use.

See Subsection 3.01. Sight Visibility Triangle.

B. Screening and Fencing of Non-Residential and Mixed-Use

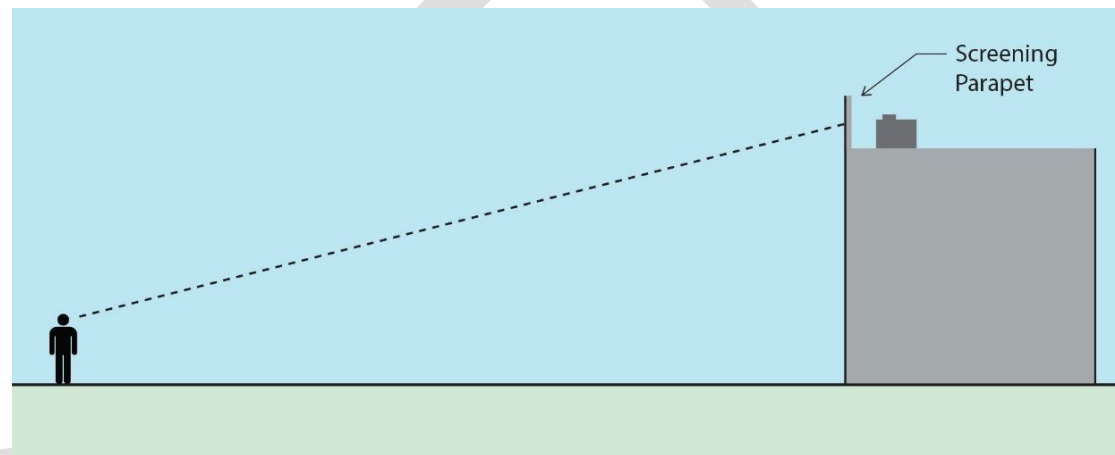
1. Placement of Fences

Opaque fences are prohibited between the front building face and Right-of-Way.

2. Screening of Mechanical Equipment

All nonresidential uses in any zoning district shall screen all mechanical, heating, and air conditioning equipment from public view or adjacent residential property. Public view is considered any area that can be seen from a public street or adjacent residential properties at six (6) feet above grade at the property line, including circumstances in which the public street or adjacent residential properties are at a higher elevation than the subject property.

Figure 2



3. Non-Residential Barbed Wire Fences Prohibited

Barbed wire, razor wire, and concertina wire fences are prohibited in the City for nonresidential purposes except for bona fide agricultural activity. Barbed wire strands may be placed on top of permitted fences and screening around public utilities facilities (such as substations and transformer stations) or as part of security devices for the restraint of persons being detained by the City or other governmental law enforcement agency for criminal violations.

C. Screening of Outdoor Waste Storage for Non-Residential and Mixed-Use

1. General

Waste storage areas (refuse containers, etc.) shall be constructed, located, and screened to prevent interference with the peace, comfort, and repose of the occupants of any adjoining building or residence.

The location, construction, and screening of all waste storage areas shall be shown on the design drawings.

2. Incidental Use Requirement and Location Standards

Refuse containers, trash dumpsters/containers, trash compactors, box compactors, and other similar containers which are used for waste disposal purposes shall only be allowed as an incidental use and only when located behind the building line established by the structure and not within any side or rear yard setback or any required landscaped area.

3. Screening Required

Refuse containers, trash dumpsters/containers, trash compactors, box compactors, and other similar containers shall be enclosed on all four sides with a three-sided masonry screening wall and a metal gate on the fourth side that shall be constructed to a minimum height of one (1) foot above the container height, but shall not exceed eight (8) feet in height.

- a. The container shall be screened by the masonry wall and a metal gate capable of screening the area and shall remain closed at all times except when filling or emptying the container.
- b. The screening wall shall be similar to or extensions of the development's architectural design.

D. Fences in Residential Areas

1. Fences Required for Subdivisions backing to Major Roadways

A fence is required when a subdivision backs to a Collector Street or larger thoroughfare.

2. Height and Location

Any fence or wall shall not exceed six (6) feet in height except as described in this section. No fence shall be erected in any required side yard that is adjacent to a public street.

3. Materials

Any residential perimeter fence shall be constructed of masonry, wrought iron, cedar wood, or precast concrete designed to resemble wood, stucco, stone, or brick fencing (excluding Concrete Masonry Units CMU).

4. Residential Chain Link and Barbed Wire Fences Prohibited

Chain link, barbed wire, razor wire, and concertina wire fences are prohibited in the City for residential purposes. Barbed wire strands may be placed on top of permitted fences and screening around public utilities facilities (such as substations and transformer stations) or as part of security devices for the restraint of persons being detained by the City or other governmental law enforcement agency for criminal violations.

5. Deer Fence Exception

Fencing designed to contain or prevent access by deer, not to exceed eight (8) feet in height.

6. Proximity to Accessways and Driveways

Screening or fencing shall not be located closer than three (3) feet from the edge of any accessway pavement or driveway.

E. Vehicular Access Gates

Gates designed for vehicular access shall be set back from the edge of street a minimum of fifty (50) feet.

F. Special Fences

Special fencing, such as fencing around tennis courts, is allowed unless it exceeds ten (10) feet in height and therefore requiring a Specific Use Permit. Fences around swimming pools shall comply with the City's building code.

2.06.03. Off-Street Parking

A. Applicability

Except as hereinafter provided, no building or structure or part thereof shall be erected, altered, or converted for any permitted use unless vehicle parking is provided according to the following standards.

Vehicle parking shall be provided on the lot or tract, on an immediately contiguous lot or tract, or as part of a shared parking agreement.

B. General Requirements

1. Number of Spaces

- a. The minimum number of spaces shall be as indicated in 2.05.05. Use Chart.
- b. The total parking requirement shall be the sum of the specific parking space requirements for each use classification included in the building or development.
- c. Floor Area of parking garages shall be excluded in computing the parking requirements of any use.

2. Parking Areas and Driveways

a. Maintenance

All parking areas and driveways shall be maintained to the City's specifications.

b. Nonresidential Parking Areas and Driveways

Unless otherwise noted, all parking areas and driveways for nonresidential uses shall be curbed and paved with asphalt or concrete unless otherwise approved.

c. Residential Parking Areas and Driveways

Unless otherwise noted, parking areas and driveways for residential uses shall be concrete, and be maintained free of grass, weeds, and other vegetation.

3. Parking Space Dimensions

All parking spaces must be at least nine (9) feet wide by eighteen (18) feet deep measured from the wheel stop.

C. Shared Parking Calculations

1. The intent of this provision is to maintain the number of spaces needed to support use while considering that many uses have differing parking peak times. Shared parking allows uses with varying peak times to share parking spaces, thereby encouraging more compact development, and reducing stormwater runoff and the urban heat island effect.
2. The Zoning Administrator, following recommendation from the Planning and Zoning Commission, may approve a request for shared parking facilities if the following findings are made:
 - a. The shared spaces to be provided will be available as long as the uses requiring the spaces are in operation.
 - b. The peak hours of parking demand from all uses do not coincide so that peak demand is greater than the parking provided, as determined by the City's shared parking calculator formulas.
 - c. A written agreement between the property owner(s) and the City, in a form satisfactory to the City Attorney that includes:
 - i. A guarantee among the property owner(s) for access to and use of the shared parking facilities.
 - ii. A provision that the City may require parking facilities in addition to those originally approved upon finding by the Zoning Administrator that adequate parking has not been provided.
 - iii. A provision stating that the Zoning Administrator, upon recommendation from the Planning and Zoning Commission, may, for due cause and upon notice and hearing, unilaterally modify, amend, or terminate the shared parking agreement at any time.

3. Applicants for shared parking must submit a description of the uses, hours of operation, parking requirements, allocation of parking spaces, hours of peak parking demand, and an explanation to show that required parking will be available during the hours of operation shown for each use.
 4. Applicants may be required to submit survey data substantiating a request for reduced parking requirements.
 5. Shared Parking Modifications
 - a. If the development is located entirely on a single lot, the development is eligible for a reduction up to twenty (20) percent in the required parking.
 - b. If the development is located across more than one (1) lot but is a cohesive development (e.g., a shopping center), the development is eligible for a reduction of up to twenty (20) percent in the required parking.
 6. Any future changes to the uses must be reviewed to assess the parking supply. If the new use would require less parking, then no technical review is necessary. If the new use would require more parking, a parking study shall be required. If the parking study determines that the current amount of parking is insufficient, the proposed use must provide the additional parking.
- D. Parking Requirements for New or Unlisted Use
- Where questions arise concerning the minimum off-street parking requirements for any use not specifically listed, the requirements may be determined by the Zoning Administrator as those of a similar use.
- E. Circulation and Parking Requirements for all Nonresidential and Mixed-Use Developments
- The regulations provided in this section shall apply to all nonresidential development.
1. Wheel Stops or Bollards

If curbs are not provided, then parking spaces that face and are adjacent to a building or required landscaped area shall utilize wheel stops or bollards, within twelve (12) inches from the end of the space.
 2. Area Layout
 - a. Parking lots shall be laid out to continue the street/block pattern of the area so that the lots can easily be redeveloped with buildings consistent with the design of the surrounding development.

3. Parking Sub-Lots

- a. Large surface parking lots shall be visually and functionally segmented into several smaller sub-lots by landscaped areas. Each sub-lot shall contain a maximum of fifty (50) parking spaces.
- b. For every parking area, a landscaped median/divider at least fifteen (15) feet wide shall be installed to help break up sub-lots of large parking fields. These medians shall contain pedestrian walkways to offer safe, marked routes between parking spaces and building entries.

4. Pedestrian Circulation

- a. Circulation patterns must be as simple as possible.
- b. All likely pedestrian routes must be considered in the design phase of a development to prevent shortcuts through parking and landscape areas. Should “demand path” wear patterns emerge, the City may require the property owner to improve the pedestrian path.
- c. An internal pedestrian walkway, ADA accessible, at least six (6) feet wide must be provided from the perimeter public sidewalk to the primary public entrance. Internal pedestrian walkways must be distinguished from driving surfaces by textured pavement or painted pavement and lighting.

5. Fire Lanes

In addition to Parking Space Design Details below, aisles must meet fire lane requirements where applicable.

F. Stacking/Queuing Requirements

1. Purpose

Stacking spaces provide the ability for vehicles to queue on-site prior to receiving a service.

2. Stacking Space Size and Location

A stacking space shall be a minimum of ten (10) feet in width and twenty (20) feet in length and shall not be located within or interfere with any other circulation driveway, parking space, fire lane, or maneuvering area.

3. Number of Require Queuing Spaces

In all Districts, at the time any building or structure is erected or altered, queuing spaces shall be provided in the number and manner set forth in the following table of property uses. In the event of a discrepancy between the written language of a section and the following table, the table will control.

Table 4

Use	Queuing Spaces
Bank or Financial Institution (with a Drive-Thru)	Four (4) stacking spaces per window or service lane
Automobile Service Garage (Minor)	Three (3) stacking spaces per bay
Car Wash, Full Service	Five (5) stacking spaces per bay
Car Wash, Self Service	Two (2) stacking spaces per bay
Car Wash Self Service (Drying Areas and Vacuum Islands)	Two (2) stacking spaces per drying area or vacuum island
Child Care Facility (Daycare) and Similar Child Training and Care Establishments	One (1) stacking space per twenty (20) students provided on a through “circular” drive
Restaurant or Cafeteria, with Curb or Drive-Thru Service	Five (5) stacking spaces for first window, order board, or other stopping point. One (1) additional stacking space shall be provided after the final window, order board, or stopping point to allow vehicles to pull clear of the transaction area prior to entering an intersecting on-site driveway or maneuvering aisle
Any Other Retail or Service Use with a Drive-Thru Window	Three (3) stacking spaces for first service window. One (1) additional stacking space shall be provided after the final window, order board, or stopping point to allow vehicles to pull clear of the transaction area prior to entering an intersecting on-site driveway or maneuvering aisle
School, Private or Public	The number of stacking spaces shall be determined during Site Plan review

G. Bicycle Parking

1. Off-street parking and facilities for bicycles shall be provided for each land use as follows. In the event of a discrepancy between the written language of a section and the following table, the table will control.

Table 5

Use	Minimum Number of Bicycle Parking Spaces
Retail, Assembly and Restaurant	2, plus 1 per 5,000 s.f. (Maximum Required: 7)
Office	2, plus 1 per 5,000 s.f. (Maximum Required: 7)
Park	2, plus 1 per acre of land (Maximum Required: 15)
Public (other than a park)	2, plus 1 per 5,000 s.f. (Maximum Required: 7)
Industrial	2, plus 1 per 10,000 s.f. (Maximum Required: 7)

2. Bicycle parking facilities shall be racks or lockers anchored to prevent movement or theft. Each space designated for bicycle parking shall be designed to accommodate at least the minimum number of bicycles identified by the table above. Bicycle parking facilities shall, at minimum, be a bike rack with the ability for a user to lock one wheel and the frame to the rack, with the user providing the lock and chain.
3. Access to the use being served by the parking facility shall be at least as convenient for users of bicycle parking as the most convenient automobile parking and as close as possible to the desired entrances without interfering with pedestrian or vehicular traffic.

H. Alternative Compliance Options

A request for the following Alternative Compliance Options may be submitted and acted upon in accordance with the following:

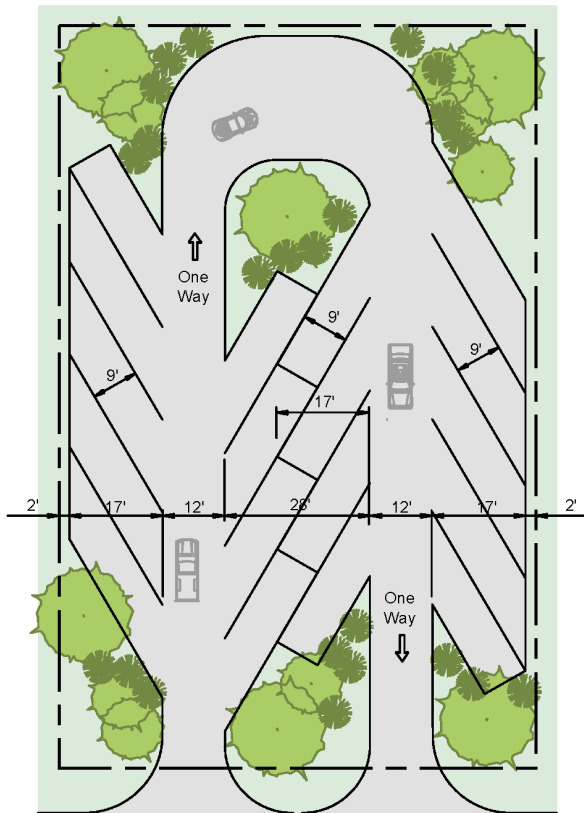
1. Reduction in the number of required parking spaces by up to thirty (30) percent if the use is served by public parking or sufficient bicycle/pedestrian access.
2. Reduction in the number of required parking spaces according to a Best Practices Parking Ratio.
 - a. An Applicant shall fully cite the sources used to derive the Applicant-submitted parking ratio, possible resources include parking standards materials from the Institute of Transportation Engineers (ITE) or the American Planning Association (APA).
 - b. The Zoning Administrator shall conduct an initial review of the Applicant-submitted parking ratio before sending to Planning and Zoning Commission to make a recommendation regarding best planning practices for a use.
 - c. City Council shall have final decision-making authority on requests for Alternative Compliance Options.

I. Parking Space Design Details

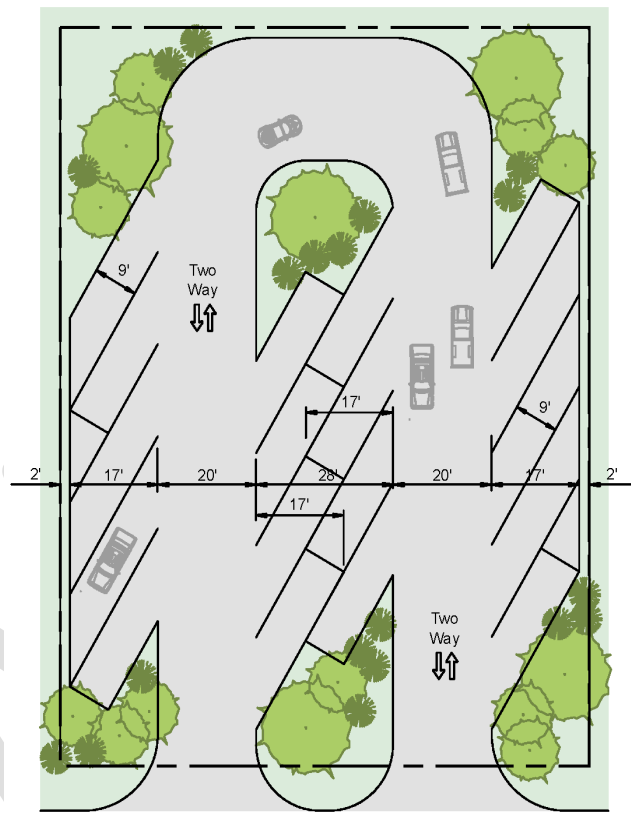
Each standard off-street surface parking space size shall be in accordance with the design standards as shown on the following illustrations for space size and design. Note that all drive aisles functioning as required fire lanes must meet the City's Fire Code requirements.

Figure 3

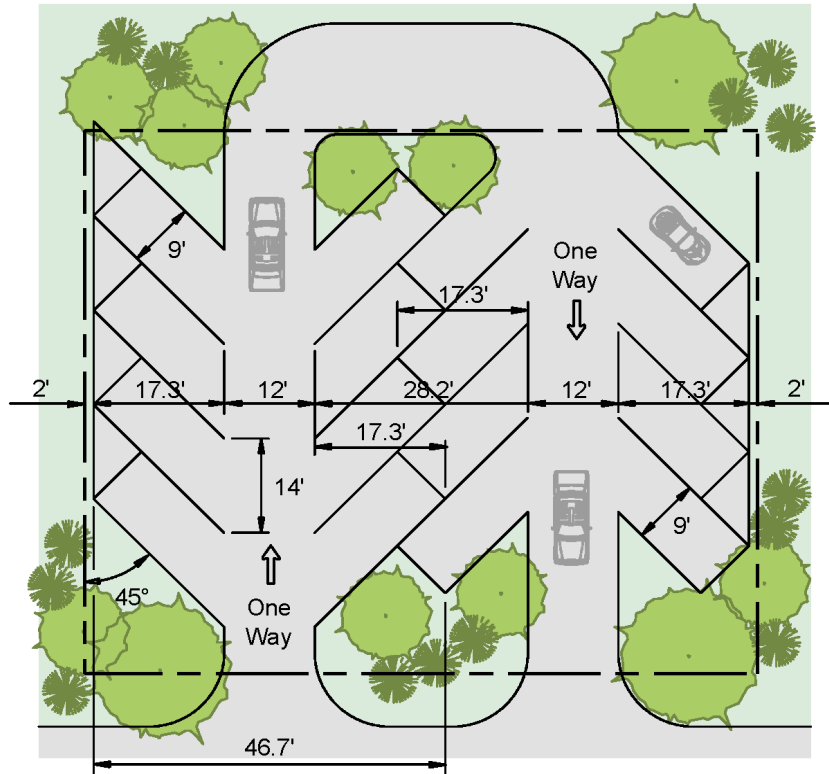
30 Degree Layout with One-Way Traffic



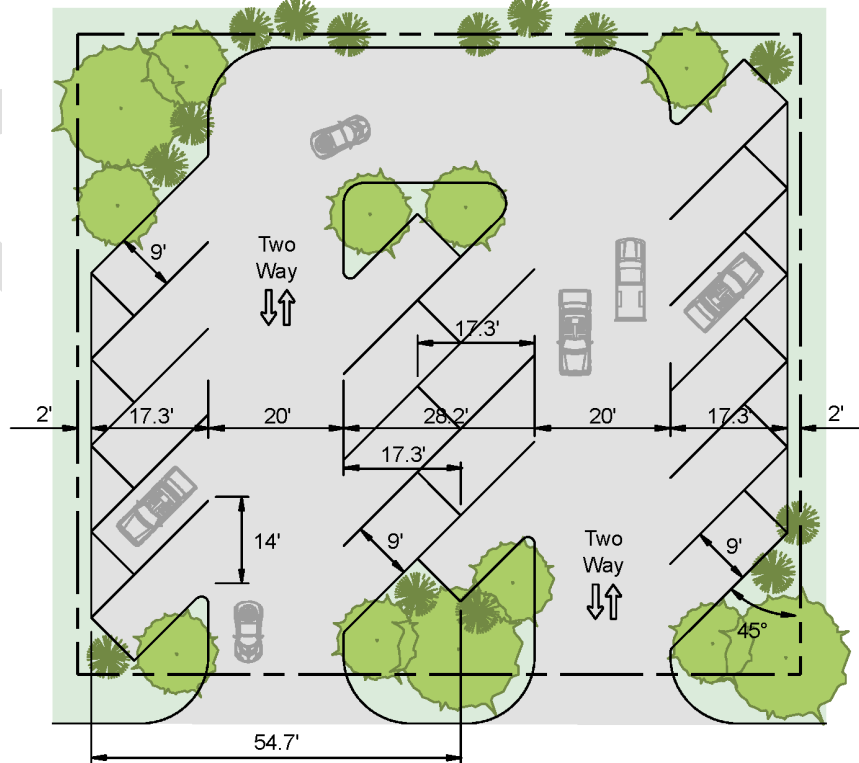
30 Degree Layout with Two-Way Traffic



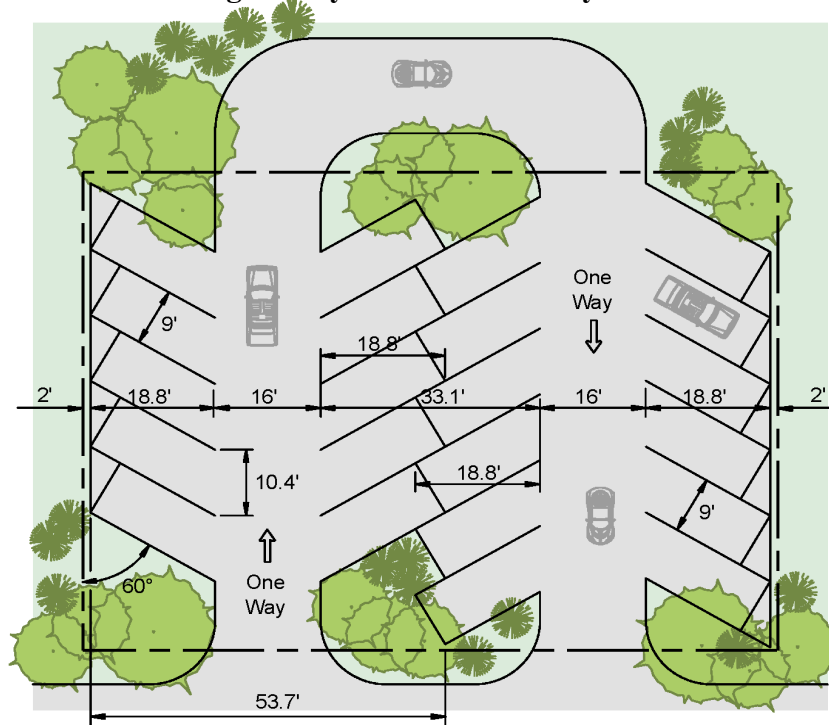
45 Degree Layout with One-Way Traffic



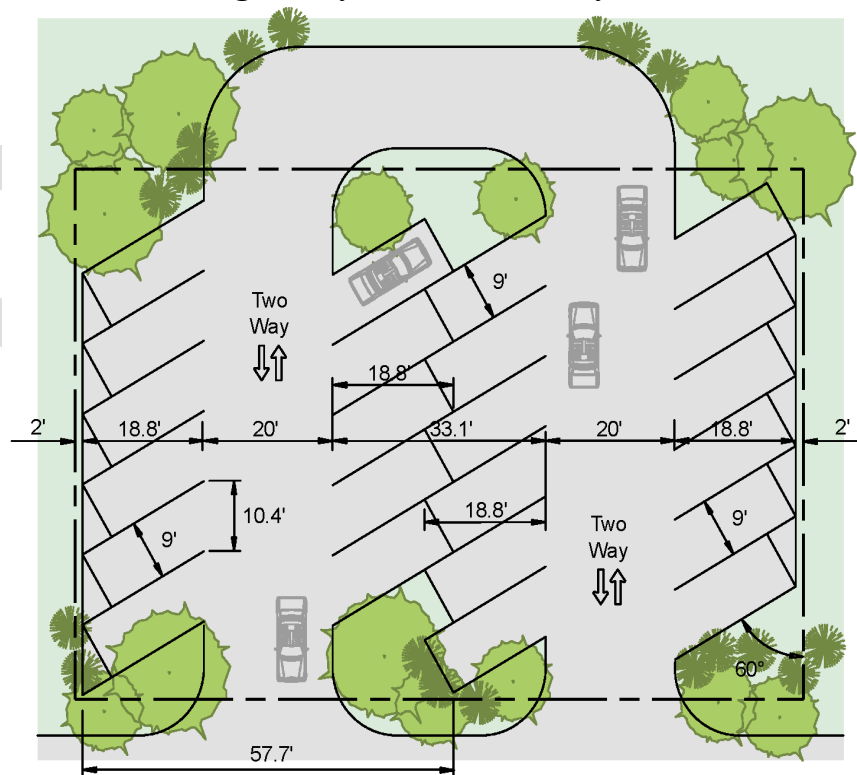
45 Degree Layout with Two-Way Traffic



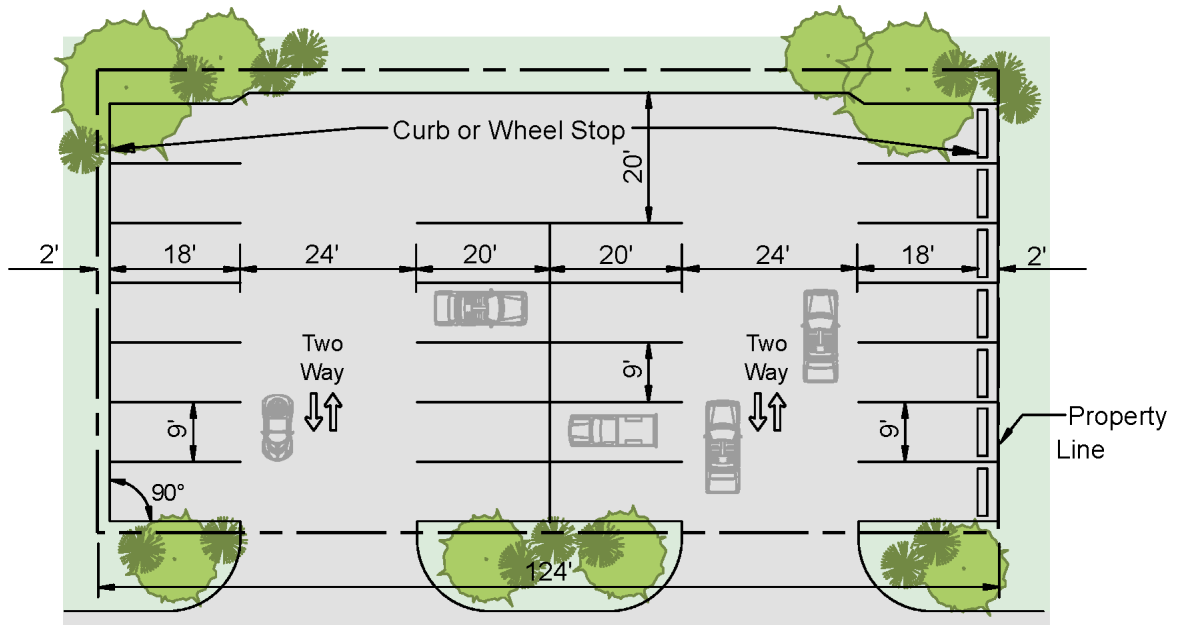
60 Degree Layout with One-Way Traffic



60 Degree Layout with Two-Way Traffic



90 Degree Layout



2.06.04. Accessory Structures

A. Requirements for All Accessory Structures

1. Accessory Structures are prohibited within easements and setbacks.
2. In no case shall an Accessory Structure exceed the height of the main structure.
3. Accessory structures three hundred (300) square feet and larger must comply with the exterior building material and related design requirements for a main structure based upon the underlying zoning district, except in the Agriculture and Agricultural Homestead (AG) District.
4. Accessory structures shall be constructed with similar design as the main structure in terms of materials, design, and color. Accessory structures shall utilize building materials as provided for in the Texas Local Government Code, Chapter 3000.
5. Accessory structures connected to the main structure via a sidewalk or breezeway shall be considered separate accessory structures and not a part of the main structure for the purpose of this section. **¹

Example of Accessory Structure



B. Residential Accessory Structures

The following regulations apply to Accessory Structures servicing lots zoned or used for residential uses:

1. No more than one (1) Accessory Structure for the purpose of a living quarters shall be permitted on a lot, subject to 2.05.06. B.
2. 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.
3. A vegetative screen shall be planted to screen the structure from view from adjoining lots or streets to achieve fifty (50) percent opacity. This screen is not required when a six (6) foot tall fence or wall blocks view of the structure from adjoining lots or streets, or existing vegetation accomplishes the same performance as prescribed for the vegetative screen.
4. Residential accessory structures shall not occupy more than thirty (30) percent of the rear yard or side yard.

¹ Any existing use that is made non-conforming by the adoption of this provision will be a legal, non-conforming use and subject to 2.07.09. Non-conforming Lots, Structures, and Uses.

5. Residential freestanding playsets shall be located in the side or rear yard.
6. The dimensional regulations in the table below shall apply to all residential Accessory Structures, except for the following:
 - a. Properties in the Agriculture and Agricultural Homestead (AG) Zoning District possessing a tax exemption for agricultural, timber, or wildlife shall not be subject to a maximum number of accessory structures, maximum floor area of all accessory structures combined, or maximum height.
7. The dimensional regulations are contained in the table below. In the event of a discrepancy between the written language of a section and the following table, the table will control.

Table 6

	Lots less than $\frac{3}{4}$ acre	Lots $\frac{3}{4}$ acre and larger
Maximum Number of Accessory Structures	2	3
Maximum Floor Area of All Accessory Structures Combined	1,000 sq. ft.	3,000 sq. ft.
Minimum Front Setback	Behind the front façade of the primary dwelling	Behind the front façade of the primary dwelling
Minimum Side and Rear Setbacks	Same as for the primary dwelling in the underlying zoning district	Same as for the primary dwelling in the underlying zoning district

C. Nonresidential and Mixed-Use Accessory Structures

1. No more than three (3) accessory structures are allowed for lots zoned or used for nonresidential and mixed-use uses.
2. The maximum floor area of all accessory structures combined shall not exceed fifty (50) percent of the ground floor area of the main structure.
3. The maximum height of an accessory structure shall not exceed the height of the main structure.
4. An accessory structure shall be located behind the front façade of the main structure.
5. An accessory structure shall comply with the side and rear setbacks for the underlying zoning district.

D. Residential Swimming Pools

1. Swimming pools shall comply with all setbacks of the underlying zoning district.
2. Swimming pools shall be built in-ground with an average deck height less than twenty-five (25) inches above grade.
3. No elevated component (waterfall, slide, etc.) shall exceed four (4) feet above grade.
4. Swimming pools shall be located entirely behind the rear plane of the primary dwelling.
5. Swimming pools located on corner lots shall be located behind the extended side plane of the house on the side facing the exterior lot line.
6. Pools enclosed or surrounded by the house structure to not be visible from front or side streets, or visible from adjacent lots, shall be deemed as meeting the requirements of this section.
7. A pool, deck, or patio that is attached or connected to the main structure is considered part of the main structure.

2.06.05. Building Materials

All construction materials shall be governed by Local Government Code, Chapter 3000. This applies to all construction within the City of Garden Ridge.

2.06.06. Residential Adjacency

A. Purpose and Intent

This section is intended to preserve and protect the integrity of single family residential neighborhoods, to protect the quiet enjoyment of single family residential properties, and to maintain property values.

B. Applicability

The following residential adjacency standards shall apply to all non-single family residential buildings or uses that lie within two hundred (200) feet of properties used for single family residences in the Residential Estate (RE) District and Residential Neighborhood (RN) District.

For purposes of the section, the two hundred (200) foot distance shall be measured from the non-single family residential building or use to the property line of the single family residence.

C. Land Uses Requiring a Specific Use Permit

The following uses require a Specific Use Permit when located within two hundred (200) feet of residential uses, in addition to the regulations of 2.05.05. Use Chart:

1. Automobile Parts Store
2. Automobile Service Garage (Major)
3. Automobile Service Garage (Minor)
4. Car Wash, Full Service
5. Car Wash, Self Service
6. Feed Store
7. Fuel Pumps (Accessory)
8. Gasoline Filling or Service Station/Car Wash
9. Grocery, Supermarket

In the event of a conflict between this section and 2.05.05. Use Chart, the stricter application shall apply.

D. Buffer Yard Requirements

Properties in the Neighborhood Commercial (NC) District or Neighborhood Mixed-Use (NMU) Overlay District shall provide a fifty (50) foot buffer against properties in the Residential Estate (RE) District and Residential Neighborhood (RN) District.

Properties in the Community Commercial (CC) District or Community Mixed-Use (CMU) Overlay District shall provide a seventy-five (75) foot buffer against properties in the Residential Estate (RE) District and Residential Neighborhood (RN) District.

E. Buffer Yard Content

The buffer yard shall be left in its natural state with no parking or structures, including refuse receptacles. The buffer yard shall be augmented with additional trees and landscaping for each one hundred fifty (150) linear feet (or fraction thereof) of the street frontage buffer to achieve the following through combination of existing vegetation and new plantings consistent with 2.06.01.

1. A minimum of six (6) Shade Trees, of which at least four (4) shall be evergreen trees and no single tree species shall constitute more than one-third (1/3) of all required trees;
2. A minimum of four (4) Ornamental Trees; and
3. A minimum of thirty (30) Shrubs.

2.06.07. Storage and Use of Vehicles and Equipment in Residential Zoning Districts

- A. No recreational vehicles (all classifications), travel trailers, house trailers, trailers, boats, commercial or farm vehicles (excluding one-ton or less pickup trucks), or similar equipment shall be parked in a residential zoning district except when:

1. Concealed from view in a garage; or
2. Parked in a rear or interior side yard.

Such items shall not be parked in the front yard or exterior side yard (corner lots), except on a temporary basis as provided for in this section. Such items shall additionally be located to comply with all setbacks of the underlying zoning district.

- B. Recreational vehicles, travel trailers, house trailers, trailers, boats, commercial or farm vehicles (excluding one-ton or less pickup trucks), or similar equipment parked in a rear yard or interior side yard, shall be generally screened from view from the public right-of-way by being placed behind the structure or behind a six-foot (6') tall solid fence or wall. Such items do not have to be completely screened from view if they exceed the height of the six-foot (6') screening fence or wall.
- C. Parking spaces shall be constructed of concrete, pavers, bricks, crushed granite, or similar materials with the same attributes and characteristics as approved by the City Administrator. The use of asphalt or wood as a parking surface is prohibited. 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 shall be maintained and kept free of grass, weeds, and other vegetation.
- D. The parking space must be of sufficient size so the perimeter extends beyond the length and width of any vehicle, trailer, or equipment parked in the space.
- E. No vehicles, recreational vehicles or travel trailers, house trailers, trailers, boats, commercial or farm vehicles, or similar equipment shall be parked in an unpaved area of the yard outside of a defined driveway or parking space except for construction equipment, trucks, and other vehicles and equipment necessary for delivery, construction, repairs, or maintenance on the property while the project work is ongoing.
- F. No recreational vehicles, travel trailers, house trailers, trailers, tents, garages, barns, or other outbuildings, excluding a bona fide permanent accessory dwelling, shall serve as a temporary or permanent residence. No temporary structure located on the lot (tract) shall serve as a residence or living quarters.
- G. No person shall load, unload, or park travel or utility trailers of any type, semi-trailers, boats, motor homes, and campers in front of the front building line of the principal dwelling for a period exceeding ten (10) consecutive days, nor for more than four (4) such periods in a year.
- H. No person shall use City right-of-way as parking space for recreational vehicles or travel trailers, house trailers, trailers, boats, or similar equipment.

2.06.08. Single-Family Design

- A. See 2.06.05. for exterior building material standards.
- B. The main residential structure on each lot, exclusive of basements, porches, garages, breezeways, and residential accessory structures shall be:
 - 1. At least two thousand (2,000) square feet of habitable space when located in the Agriculture and Agricultural Homestead (AG) District or the Residential Estate (RE) District.
 - 2. At least one thousand (1,000) square feet of habitable space when located in the Residential Neighborhood (RN) District.
- C. Mailboxes
 - 1. Builders shall construct mailboxes of the same material as the primary dwelling. 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.
 - a. Exception: Where the mailbox is across the street from the new house according to the United States Postal Service requirements, the new mailbox must conform as close as possible to the material 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.
 - b. Exception: Where the United States Postal Service has required use of single-point, community mailboxes, the requirements of this section shall not apply.
 - 2. Positioning of mailboxes shall be in accordance with United States Postal Service regulations.
 - 3. 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 States Postal Service regulations.
- D. Garages
 - 1. Every house constructed or renovated shall have at least a two (2) car garage, either attached or detached, and the minimum interior dimensions for the two (2) car garage shall be at least twenty (20) feet wide and at least twenty (20) feet deep.
 - 2. Attached garages shall open only to an interior lot side (J-swing or side entry garage) or to the rear of the house.
 - 3. Garages connected to the main structure by a breezeway or gallery shall not be forward of the front plane of the house and shall not face the street.
 - 4. Detached garages shall not extend forward of the rear plane of the house and shall not face a street.

2.06.09. Non-Residential and Mixed-Use Design

A. Purpose and Intent

This section is intended to ensure that all nonresidential buildings shall be compatible with the architectural character and design as described within the Comprehensive Plan in terms of style, mass, material, height, roof design, and other exterior elements.

B. Applicability

All non-residential and mixed-use buildings shall comply with this section, with the exception of those located within the Light Industrial (LI) District or the Heavy Industrial (HI) District, which shall be exempt from D, F and H, below.

C. Building Orientation

Any building within view of a public Right-of-Way shall either face such Right-of-Way or shall have a façade facing such Right-of-Way consistent with the character of the front façade.

D. Design Element Options

1. The following is a list of design elements that may be incorporated into a building's design:
 - a. Canopies, awnings, or porticos.
 - b. Overhangs.
 - c. Recesses or projections.
 - d. Arcades.
 - e. Peaked roof forms.
 - f. Arches.
 - g. Outdoor patios.
 - h. Display windows.
 - i. Architectural details (e.g. tile work or moldings integrated into the building façade).
 - j. Integrated planters or wing walls that incorporate landscape and sitting areas.
 - k. Offsets, reveals, or projecting ribs to express architectural or structural bays.

E. Front Façade Entry Requirements

1. A front façade may be articulated and designed to present a distinctive entry presence, emphasizing the building's entry point along the façade.
2. Entry design may consist of the following design elements at the primary entrance, so that the primary entrance is architecturally prominent and clearly visible from the abutting street and parking:
 - a. Architectural details such as arches, friezes, tile work, or moldings.
 - b. Integral planters or wing walls that incorporate landscape or seating.
 - c. Enhanced exterior light fixtures such as wall sconces, light coves with concealed light sources, ground-mounted accent lights, or decorative pedestal lights.
 - d. Prominent three-dimensional features, such as belfries, chimneys, clock towers, domes, spires, steeples, towers, or turrets.
 - e. A repeating pattern of pilasters projecting from the façade wall by a minimum of eight (8) inches or architectural or decorative columns.

F. Pedestrian Shelter

Façades are encouraged to provide shelter integrated into the building form.

G. Building Articulation

No wall shall extend greater than 45 continuous feet without a break in both the vertical and horizontal rhythm of the wall. Breaks in the rhythm of the wall can be accomplished through articulations of the wall and roof line, changes in material, changes in color, the use of major architectural features (such as arcades, porticos, parapets, dormer windows, colonnade, etc.)

H. Roof Design Standards

1. All structures shall be constructed with a pitched roof, flat roof (pitch less than or equal to 2:12) with a parapet, true mansard roof, or any combination thereof.
2. All flat roof surfaces shall be screened from ground level views so that such roof surfaces are not visible.
3. Roofs of stairwells and elevator machine rooms and other similar spaces shall be exempt from roofing design standards so long as they are not visible from ground level. For the purpose of this paragraph, visible shall be defined as capable of being seen at a height of six (6) feet while standing at the highest grade on the property line, and shall also comply with 2.06.02. and 2.06.06.

2.06.10. Lighting

A. Purpose and Applicability

1. The purpose of this section is to regulate outdoor lighting in order to reduce or prevent light pollution in the City. New lighting technologies have produced powerful lights that, when improperly installed, create problems of excessive glare, light trespass, and higher energy use. Excessive glare can be a nuisance and may cause safety hazards. Light trespass reduces privacy, degrades the enjoyment of the night sky, and results in higher energy use and increased costs. Appropriately regulated and properly installed outdoor lighting will contribute to the safety and general welfare of the residents and will help preserve the historic and rural character of the City in keeping with the desired objectives of the Comprehensive Plan.
2. The regulations contained in this section are binding only within the City limits of Garden Ridge and compliance is required for all outdoor lighting fixtures installed on private and public property within a new development or redevelopment within City limits. This section does not apply to interior lighting.
3. All outdoor lighting fixtures existing and legally installed and operating before the effective date of this Ordinance will be exempt from this section unless they are determined to create a safety hazard. When any existing lighting fixture(s) become inoperable, their replacements are subject to the provisions of this Ordinance.
4. The following lighting instances are exempt from this section:
 - a. Publicly maintained traffic control devices.
 - b. Streetlights installed prior to the effective date of this Ordinance (until replaced as noted in previous section).
 - c. Temporary emergency lighting (e.g., for fire, police, repair crews, etc.).
 - d. Lighting fixtures and illumination requirements imposed by TxDOT within any TxDOT right-of-way.
 - e. Moving vehicle lights.
 - f. Navigation lights (e.g., aircraft warning beacons on water storage reservoirs and wireless transmission facilities, required by state or federal law).
 - g. Seasonal decorations with lights in place no longer than fifty (50) days.
 - h. Sports field lighting, until 10:00 p.m.
 - i. Other temporary uses approved by the City Council (e.g., festivals, carnivals, fairs, night-time construction, etc.).

- j. Covered porch lighting on residences, provided that each external light fixture does not exceed 0.25 foot-candles at the property line.
- k. Security lights of any output that are controlled by a motion sensor switch provided they do not exceed 0.25 foot-candles at the property line and do not remain illuminated for a duration not to exceed ten (10) minutes after activation.

B. Submittals

- 1. Applications for all building permits other than single family and duplex residential, or site development permits, including the installation of outdoor lighting fixtures for new construction, will provide proof of compliance with this Ordinance. Submittals must contain the following as part of the site plan:
 - a. Plans indicating the location, type, and height of lighting fixtures including both building mounted and ground mounted fixtures and details illustrating the foot candle power measured throughout the site.
 - b. A description of the lighting fixtures, including lamps, poles, or other supports and shielding devices, which may be provided as catalogue illustrations from the manufacturer.
 - c. Photometric data, which may be furnished by the manufacturer, showing the angle of light emission.
 - d. Additional information as may be required by the Planning and Zoning Commission in order to determine compliance.

C. General Lighting Standards

- 1. The following standards will apply to all outdoor lighting installed after the effective date of this Ordinance:
 - a. Outdoor lighting will be designed to provide the minimum lighting necessary to ensure adequate safety, night vision, and comfort, and not create or cause excessive glare onto adjacent properties and public street rights of way.
 - b. Outdoor lighting must be hooded, shielded, and/or aimed downward. The hood or shield must mask the direct horizontal surface of the light source. The light must be aimed to ensure that the illumination is only pointing downward onto the ground surface.
 - c. Any bright light shining onto an adjacent property or streets that would result in a nuisance or safety hazard is not permitted. Light trespass beyond property boundaries or above the horizontal plane will be considered non-compliant. All outdoor lighting fixtures will be designed, located, and maintained to minimize light trespass and all direct illumination will be kept within the boundaries of the property upon which the light fixture is positioned.

- d. Existing fixtures may be adapted to comply with this section by adding a properly designed hood or shield, or by redirecting any upward mounted fixture downward onto the ground surface, sign, or illuminated structure.
- e. Accent lighting will be directed downward onto the structure or object and not toward the sky or adjacent properties. Direct light emissions will not be visible above the roofline or beyond the building edge.
- f. Spotlights on landscaping and foliage will be limited to one hundred fifty (150) rated lumens. The light will be shielded and shall not create a nuisance or safety hazard.

D. Specific Nonresidential Lighting Requirements

1. Maximum Allowable Intensity

The maximum allowable intensity of lighting for any nonresidential use will be 0.25 foot-candles measured at the property line adjacent to any residentially zoned area or at the street right-of-way line when the residentially zoned area is separated by a public street right-of-way.

2. Light Poles

Light poles will be placed on the site at a minimum setback equal to their height from all adjacent residential property. Light poles will have a maximum height equal to the maximum height allowed for the main building in each zoning district.

2.06.11. Resource Conservation and Efficiency Design Techniques

A. Alternative Energy Systems

- 1. A small solar energy system is allowed as an accessory use in all zoning districts in which structures are permitted.
- 2. Small solar energy system devices must be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard, and must meet the following applicable requirements:
 - a. Ground-Mounted
 - i. Ground-mounted systems are considered structures and must meet applicable setbacks for the zoning district and shall be located in the rear yard.
 - ii. The solar panels and supporting framework cannot extend more than six (6) feet above the existing grade and shall not be visible from street view.

b. Roof-Mounted

- i. Roof-mounted systems shall be mounted as flush as possible to the roof but in any case, not more than twelve (12) inches above the existing roof surface.
- ii. Roof-mounted systems must also be in compliance with the maximum building height for the applicable zoning district.
- iii. Roof-mounted systems visible from the nearest edge of the street frontage Right-of-Way shall not have a highest finished pitch more than five (5) percent steeper than the roof pitch on which the system is mounted, and shall be no higher than sixteen (16) inches above the roof.

3. Coverage

Roof or building mounted solar energy systems, excluding building-integrated systems, shall not cover more than eighty (80) percent of the roof upon which the panels are mounted, and shall be set back from the roof edge by a minimum of one (1) foot. The surface area of pole or ground mount systems shall not exceed half the building footprint of the principal structure.

B. Rainwater and Graywater Harvesting

Refer to Ordinance No. 54 for regulations related to Rainwater and Graywater Harvesting.

C. Low-Impact Site Development

The following is a list of design element requirements and options for implementing Low Impact Design in residential and non-residential and mixed-use developments. This list is referenced throughout the Zoning Ordinance.

1. Developments seeking to qualify as Low Impact Design shall include all of the following Required Low Impact Design Elements:

a. Irrigation

All irrigation must comply with Ordinance No. 54, as amended.

b. Low-Flow

All fixtures must be WaterSense certified or certified by an equivalent successor program.

c. Topography

Cut-and-fill construction methods shall not exceed four (4) feet difference between existing grade, and existing drainage flow patterns must be maintained. Exceptions to this include a roadway right-of-way, construction of a building foundation, and utility construction or a wastewater drain field if the area is restored to natural grade.

d. Xeriscape:

- i. All landscaping shall be native-drought-tolerant. Less than ten (10) percent of lot shall be turf grass.
- ii. New residential and commercial properties and developments must use xeriscape landscaping on all areas of the yard that are not planted in turf and xeriscape landscaping requirements must be incorporated into subdivision covenants. Builders and developers shall offer xeriscape landscape plans consistent with this Ordinance.
- iii. Replacement landscape on existing residential and commercial properties must incorporate xeriscape landscaping consistent with this Ordinance.
- iv. For this section, lawn area does not include an area or areas of a property which have been allowed to remain in its native state.

2. Developments seeking to qualify as Low Impact Design shall include four (4) of the following Alternative Low Impact Design Elements in addition to the Required Low Impact Design Elements listed above:

a. Cool Roof

All roof surfaces are a “white” roof or “green” design, as follows:

i. White Roof

Entire roof painted with solar reflective white coating that reflects at least eighty (80) percent of sunlight to maintain the structure at a cooler temperature.

ii. Green Roof

Layer of vegetation on fifty (50) percent of the entire rooftop to reduce heating and cooling costs, improve water quality, and reduce runoff. Structural analysis of roof support is required.

b. Conservation

At least twenty-five (25) percent of the site is conserved in a natural state. Nature trails may be incorporated into this provided the trail surface is of decomposed granite or similar natural material.

c. Drainage

Disperse drainage and minimize the velocity of concentrated water flows through the use of check dams or landscaping and direct sheet flow to areas of vegetation.

d. Runoff and Erosion

Use at least two (2) permanent natural infiltration methods (multi-layered plantings, planter boxes, bioswales, bio-retention, ponds, tree box filters, and constructed wetlands) to treat and filter run-off.

e. Permeable

Use pervious surfaces that allow water to infiltrate in all on-site hardscape pedestrian areas.

f. Rainwater and Graywater

All structures are constructed with rainwater or graywater harvesting facilities for reuse with landscaping irrigation, toilets, and other approved uses for non-potable water. To qualify, harvesting facilities must be able to accommodate the equivalent to twenty (20) percent of the volume generated by a 1" storm based on the roof area.

g. Recycled

Use only recycled materials including asphalt for roadways, as approved by City Engineer.

h. Alternative Energy Systems

Install alternative energy systems designed to support fifty (50) percent of the building's energy demand.

i. Miscellaneous

The City may consider other low-impact site development controls on a case-by-case basis through the Specific Use Permit process.

2.06.12. Access Management

A. Intent of Access Management

1. Prohibit the indiscriminate location and spacing of driveways while maintaining reasonable vehicular access to and from the public street system.
2. Reduce conflicting turning movements and congestion and thereby reducing vehicular accidents.
3. Maintain and enhance a positive image for the attraction of new, high-quality developments in the City.

B. Applicability

1. A person commits an offense if the person constructs, reconstructs, relocates, or in any way alters the design or operation of any driveway without first obtaining a building permit issued by the Building Inspector.
2. A person commits an offense if the person constructs, reconstructs, relocates, or in any way alters the design or operation of any driveway along a roadway that is part of the Texas Department of Transportation system without first obtaining any necessary permits from the Texas Department of Transportation.

C. Common Access and Cross Access

1. To facilitate access management and internal circulation, Common Access and Cross Access Easements are required between and across adjacent lots used, zoned, or planned for nonresidential and mixed-use fronting on any street section unless the City Administrator or his/her designee authorizes an exemption due to site constraints.
2. Common Access and Cross Access Easement
 - a. The use of common driveways shall require the dedication of a joint-use public or private access easement on each affected property.
 - b. Properties which do not share a common driveway straddling a property line shall provide cross access easements to facilitate the flow of traffic between adjacent properties. Cross access shall begin at a driveway and extend side to side to adjacent properties.
 - c. The easement dedication shall be provided on the Final Plat when a public easement is used. Alternatively, a private access easement for access via neighboring property may be filed by separate instrument approved by the City Attorney with the County and a copy forwarded to the City. When a private access easement is used, it shall be filed prior to recordation of the Final Plat or prior to issuance of a Certificate of Occupancy, whichever comes first.
 - d. The plat or easement instrument shall state that the easement shall be maintained by the property owner or a property owner's association.

- e. The easement shall encompass the entire width of the planned driveway and drive isles.

D. Driveway and Access Spacing

The following standards shall be followed in the design and construction of driveways. The values in the following tables represent minimum standards to be applied in designing and locating driveways and are in addition to Texas Department of Transportation standards when driveways are located on roadways that are part of the Texas Department of Transportation system.

1. Driveway Dimensions and Spacing

The following table indicates the minimum dimensional values required for driveways. In the event of a discrepancy between the written language of a section and the following table, the table will control.

Table 7

Dimensions for Driveways at Roadways

Criteria	Street Classification	Nonresidential and Multi-Family Driveway	Service Driveway
Driveway Throat Width	Arterial Streets	24-40'	30-48'
	Collector Streets	24-40'	30-48'
	Local Streets	24-36'	28-40'
Driveway Curb Radius	Arterial Streets	20-30'	25-30'
	Collector Streets	10-20'	10-20'
	Local Streets	10-20'	10-20'
Minimum Distance to Intersection Along Roadway	Arterial Streets	400'	400'
	Collector Streets	150'	150'
	Local Streets	50'	100'
Minimum Centerline Driveway Spacing Along Roadway	Arterial Streets	250'	250'
	Collector Streets	150'	150'
	Local Streets	100'	100'

Notes:

- 1 The requirements for Driveway Throat Width and Driveway Curb Radius are for standard undivided two-way operation and may be varied by the City Engineer if traffic volumes, truck usage, common driveways, and other factors warrant such.
- 2 Minimum centerline spacing does not implicitly determine the number of driveways allowed. Driveways served by deceleration lanes may be spaced at closer intervals if approved by the City Engineer.
- 3 Distance measured from the intersection Right-of-Way line to the centerline of the proposed driveway.

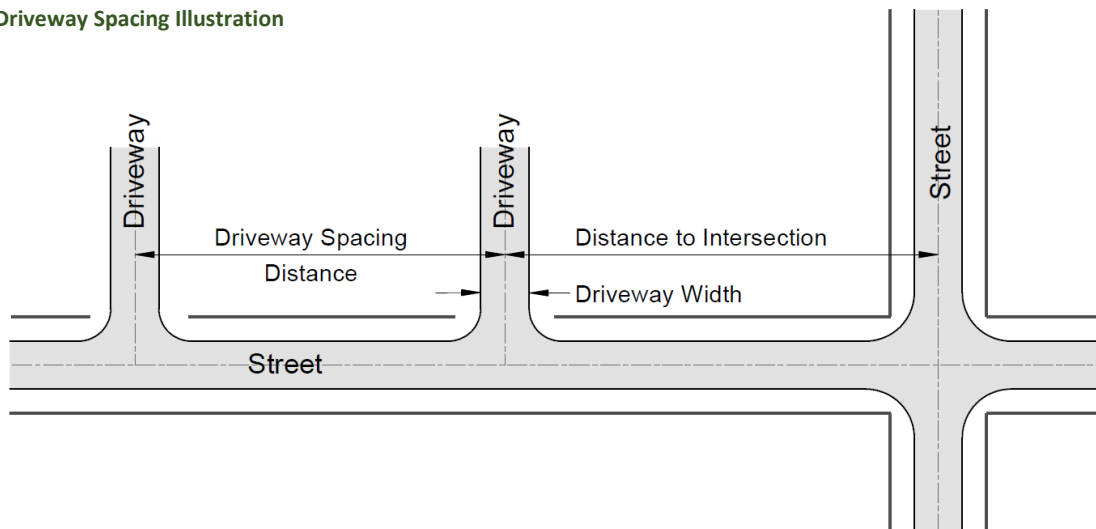
2. Deceleration Lanes for Driveways on Arterial Streets Required

Subject to Texas Department of Transportation approval when located on such roadways:

- a. When the turning volume for a driveway exceeds sixty (60) vehicles per hour during the peak hour, a deceleration lane shall be provided on Arterial Streets with a posted speed of forty (40) mph to forty-five (45) mph.
- b. When the turning volume for a driveway exceeds fifty (50) vehicles per hour during the peak hour, a deceleration lane shall be provided on Arterial Streets with a posted speed greater than forty-five (45) mph.

Figure 4

Driveway Spacing Illustration



E. Required Internal Storage (Minimum Throat Length/Driveway Stacking)

1. Minimum Throat Length

The driveway for any nonresidential or mixed-use property that connects to an Arterial Street, Collector Street, or Local Street shall extend onto private property a minimum distance of fifteen (15) feet, but not less than the required front landscape edge width, from the right-of-way line before intersecting any internal circulation drive.

2. Driveway Stacking

Driveway stacking shall be provided on mixed-use or nonresidential properties that provide ingress/egress to parking areas of twenty (20) or greater spaces for corresponding driveways in accordance with the following table. In the event of a discrepancy between the written language of a section and the following table, the table will control.

Table 8

Required Driveway Stacking

Average Number of Parking Spaces per Driveway*	Total Number of Parking Spaces**	Minimum Stacking Length
20-49	20-49	Landscape edge width +20'
	50-199	50'
	200+	75'
50-199	50-199	75'
	200+	100'
200+	200+	100'
Notes:		
1	The average number of parking spaces per driveway is calculated by dividing the total number of parking spaces by the number of commercial and multi-family driveways. (Service driveways are not included in the calculation.)	
2	The total number of parking spaces is the sum of all spaces accessible by a driveway or driveways both on-site and off-site. The internal storage shall be separated from parking areas by a five-foot (5') wide, raised curb island or median. Planting requirements for the island or median shall be one (1) Small Tree and one (1) five-gallon (5 Gal.) shrub for every fifteen (15) linear feet. Appropriate signage (e.g. stop, yield, etc.) shall be placed for any vehicular cross movement or internal circulation that intersects the ingress/egress circulation beyond the required internal storage.	

F. Adequate Sight Distance

1. Driveways shall be prohibited where adequate sight distance is not available for the established speed limit.
2. Sight distances shall be calculated in accordance with the latest edition of the American Association of State Highway and Transportation Officials (AASHTO) "A Policy on Geometric Design of Highways and Streets."
3. If a field inspection indicates that driveway sight distance may be insufficient, the Applicant will be required to submit vertical and horizontal information prepared by a registered professional engineer to the City Engineer that verifies adequate sight distance is available for the proposed driveway location.

G. Sight Visibility

See Subsection 3.01. Sight Visibility.

2.06.13. Nuisances

The following regulations serve to supplement regulations in Ordinance 162 and in the event of a conflict between Ordinance 162 and the provisions detailed below, the more stringent requirement shall prevail.

Proposed land uses shall be compatible in intensity, appearance, and operation with surrounding land uses in the area, and it shall not unduly impair the usefulness, enjoyment, or value of adjacent property due to the generation of excessive noise, dust, smoke, glare, spillover lighting, or other forms of environmental or visual pollution.

2.06.14. Development in the Aquifer Protection Overlay (APO) District

A. Applicability

Unless otherwise stated in this section, the following regulations apply to all properties within the Aquifer Protection Overlay (APO) District. The APO District is an overlay district, and the following regulations are in addition to the underlying base district regulations. In the event of a conflict, the more restrictive regulations shall apply.

B. Activities Prohibited

No use or activity is permitted that presents a danger of bacteriologic, chemical, or radiologic pollution of the ground water aquifer. 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 stations 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.

2.06.15. Development in the Natural Features Overlay (NFO) District

A. Applicability

Unless otherwise stated in this section, the following regulations apply to all properties within the Natural Features Overlay (NFO) District. The intent of this district is to preserve existing trees and landscaping to those areas that serve as gateways to the City. The following regulations are in addition to the underlying base district regulations. In the event of a conflict, the more restrictive regulations shall apply.

B. Buildings and Site Development

1. Street Frontage Buffer

In addition to the requirements of 2.06.01. Landscaping, a street frontage buffer forty (40) feet in width shall be provided along the Right-of-Way of each designated corridor. This street frontage buffer shall increase to sixty (60) feet to each side where a public or private street intersects the designated corridor.

- a. Parking areas are prohibited within this buffer.
- b. Eighty percent (80%) of Protected Trees or Heritage Trees shall be preserved in the street frontage buffer.
- c. Driveways shall incorporate a divided median at least twenty (20) feet in width for the entire depth of the street frontage buffer.
- d. The street frontage buffer shall be left in its natural state, except that it shall be augmented with additional trees and landscaping for each one hundred fifty (15) linear feet (or fraction thereof) of the street frontage buffer to achieve the following through combination of existing vegetation and new plantings:
 - i. A minimum of six (6) Shade Trees, of which at least four (4) shall be evergreen trees and no single tree species shall constitute more than one-third (1/3) of all required trees.
 - ii. A minimum of four (4) Ornamental Trees.
 - iii. A minimum of thirty (30) Shrubs.
 - iv. Certification of the street frontage buffer as a Texas Parks and Wildlife Department Texas Wildscape shall serve in lieu of ii. and iii. and shall reduce the number of required Shade Trees by fifty (50) percent.

2. Alternative Street Frontage Buffer Compliance

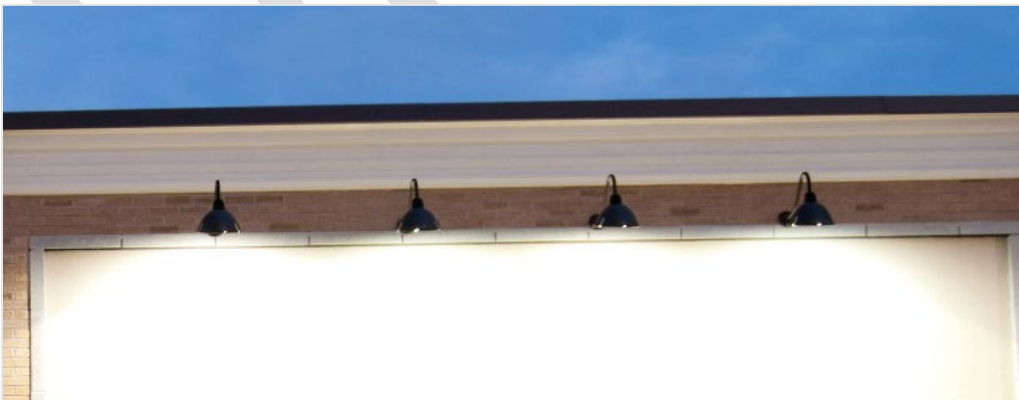
- a. Where conformance with the Street Frontage Buffer requirements above is not feasible or where doing so would be detrimental to the feel and function of the NFO district or compromise its purpose and intent, the applicant may request alternative compliance.
- b. The request for alternative compliance shall be accompanied by exhibits illustrating what strict compliance would look like on the site as well as what alternative is being proposed.
- c. A request for alternative compliance may be approved by City Council with a recommendation from the Planning and Zoning Commission and City Administrator or his/her designee.
- d. In acting on a request for alternative compliance, the following criteria should be considered:
 - i. The proposed alternative does not reduce a standard unless it is, to the greatest extent practical, equally mitigated or improved by increasing standards or other requirements;

- ii. The proposed alternative preserves and enhances quality existing landscaping to the greatest reasonable extent;
- iii. The proposed alternative is in agreement with, and shall promote, the recommendations and policies within the City's Comprehensive Plan;
- iv. The proposed alternative enhances the site, and therefore, the overall built environment of the City; and
- v. The proposed alternative meets the spirit and intent of the NFO overlay district.

3. Streetscape

- a. In addition to all other City Ordinances pertaining to signs, all lighted signs must use reverse channel lettering (i.e., backlighting) or fully shielded downward-facing lamps (i.e., gooseneck lighting).

Reverse Channel Lettering (Top) and Downward-Facing Lamps (Bottom)



C. Site Design Elements

All buildings or sites must incorporate at least four (4) of the following design elements:

1. Stained wood building accents (e.g., columns, shutters, trim).
2. No parking located in front of the building face.
3. Covered porch at least ten (10) feet deep and at least fifty (50) percent of the building face width (porch may extend into the required buffer above and must have a roof material consistent with remainder of structure).
4. Bicycle parking within fifty (50) feet of the main entrance, with dedicated spaces accessible without moving another bicycle to accommodate at least:
 - a. Five (5) bicycles for buildings less than seven thousand (7,000) square feet.
 - b. Ten (10) bicycles for buildings between seven thousand (7,000) and thirty thousand (30,000) square feet.
 - c. Twenty (20) bicycles for buildings larger than thirty thousand (30,000) square feet.
5. All hardscape in front of the building face constructed entirely of an enhanced design, such as stained concrete, pavers, or stone.
6. Pedestrian open space such as a park, square, piazza, green, or plaza. Pedestrian open space shall be programmed appropriately with seating and landscaping as to activate the space for pedestrian oriented activity.
7. Provide public art equivalent to one percent (1%) or more of the overall project cost. Examples of public art include but are not limited to sculpture, mosaics, earthworks, and wall murals. Public art must be outside and visually and physically accessible to the public. Public art shall not contain advertisements for businesses or products.
8. Achieve the requirements of 2.06.11. C Low-Impact Site Development.

Subsection 2.07. Zoning Procedures

2.07.01. Applicability, Completeness, and Expiration

A. Applicability

The following procedures shall apply to any zoning related plan or application that is required by the City and is submitted in accordance with this Ordinance.

B. Determination of Completeness for Zoning-Related Applications

A determination of completeness of an application shall be conducted in accordance with the following procedures:

1. Acceptance Standard

The application shall only be accepted by the Zoning Administrator for processing when it is accompanied by all documents required by, and prepared in accordance with, the requirements of this Ordinance.

2. Acceptance Procedures

- a. A determination of completeness shall be made by the Zoning Administrator not later than twenty (20) business days after date of receipt.
- b. If the submitted application is incomplete, the Applicant shall be notified in writing.
 - i. Such notice shall be served by depositing it in the U.S. Postal Service, or by electronic mail transmission.
 - ii. The notification shall specify the documents or other information needed to complete the application and shall state the date the application will expire if the documents or other information are not provided to the City.
- c. If the application is determined to be complete, the application shall be processed as prescribed by this Ordinance.

3. Acceptance shall not Constitute Compliance

A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this section.

4. Acceptance shall not Guarantee Approval

It is not guaranteed that an accepted, administratively complete application will be approved.

C. Re-Submittal after Notification of Incompleteness

1. If the application is re-submitted after a notification of incompleteness within the time allotted below, the application shall be processed upon receipt of the re-submittal. No additional fees are required for a resubmitted application.
2. To the extent that the information or documents submitted are not sufficient to enable the Zoning Administrator to apply the criteria for approval, the application may be denied on such grounds.

D. Expiration of a Zoning-Related Application due to Incompleteness

No vested rights accrue solely from the filing of an application that has expired pursuant to this section, or from the filing of a complete application that is subsequently denied.

E. Denial of Zoning Applications

1. A typographical error shall not constitute an incomplete application.
2. The Applicant may be notified of such denial or revocation for an incomplete application in writing. If additional information is not submitted within forty-five (45) days of the date of notice, the application will be considered closed.

F. Submission of Previously Decided Zoning-Related Application

After the denial on a specific application by the City Council, the same application shall not be submitted again until after six (6) months from the final action.

2.07.02. Zoning Upon Annexation

A. General

1. Procedural Steps

- a. Proceedings to establish zoning may be undertaken concurrently with annexation procedures (i.e., notified at the same time, public hearings scheduled at the same time as annexation, etc.).
- b. However, zoning approval and formal adoption of the Ordinance establishing zoning must occur after annexation approval of the Annexation Ordinance have occurred, and as a separate and distinct action by the City Council.

2. Cases Where No Initial Zoning Action Occurs Concurrently with Annexation

For any period of time following official annexation by the City until an initial zoning action has been officially adopted to zone the land, all zoning and development regulations of the AG District shall be adhered to with respect to the development and use of the land.

B. Necessary Studies for Initial Zoning

1. The City shall perform necessary studies to officially adopt a zoning district for the newly annexed land within one (1) year from the effective date of the Annexation Ordinance.
2. This zoning shall be deemed the initial zoning of the newly annexed property.

C. Initial Zoning of Newly Annexed Land

1. Within this one (1) year period, the City Council shall instruct the Planning and Zoning Commission and the Zoning Administrator to study and make recommendations concerning the use of land within said annexation to protect the general welfare and to be in accordance with the Comprehensive Plan.
2. Upon receipt of such recommendations, the City Council shall, after public hearings as required by law, establish the initial district classification of said annexed property; provided however, that this shall not be construed as preventing the City Council from holding public hearings prior to annexation and establishing the district classification at the time of said annexation.

D. Zoning Notice

The initial zoning of a land parcel, whether by initiation of the landowner or by initiation of the City, must meet the requirements for notification and public hearings as set forth in 2.07.04. Public Hearings and Notification Requirements and all other applicable State laws.

E. Within an Annexed Area Where No Initial Zoning has Occurred

1. No permit for the construction of a building or use of land shall be issued by the Building Inspector other than a permit which will allow the construction of a building or use permitted in the AG District until the Initial Zoning of Newly Annexed Land has been approved by the City Council, except as provided in 2 below.
2. If plans and preparations for developing a property for a use other than those specified in the AG District were already in progress prior to annexation of the property into the City, then the City Council may authorize construction of the project by a majority vote.

- a. Application of this subsection is contingent upon the Applicant's ability to demonstrate that plans and other preparations for developing the property commenced prior to (i.e., were already in progress at the time of) annexation into the City.
3. In its deliberations concerning authorization to proceed with construction of a project which meets the above criteria, the City Council shall take into consideration the appropriate land use for the area as shown on the City's Master Land Use Plan (Comprehensive Plan). Upon approval by the City Council, the Zoning Administrator shall notify the Building Inspector of such approval.

2.07.03. Zoning Text and Map Amendments

A. Process Requirements

1. Zoning Amendments Require City Council Approval

The City Council may, from time to time, amend, supplement or change by ordinance, the boundaries of the districts (i.e., Official Zoning District Map Amendment/Rezoning) or the regulations herein established (i.e., Zoning Text Amendment) as provided by the Statutes of the State of Texas.

2. Planning and Zoning Commission Recommendation Required for all Amendments

Before taking action on any proposed amendment, the City Council shall submit the same to the Planning and Zoning Commission for its recommendation and report.

3. Petitions Submitted to the City Council

- a. Any person or corporation having a proprietary interest in any property may petition the City Council for a change or amendment to the zoning provisions of this Ordinance.
- b. The Planning and Zoning Commission may, on its own motion or on request from the City Council, study and propose zoning changes and amendments for the City Council's consideration.

B. Two Types of Zoning Amendments

1. Official Zoning District Map Amendment (Rezoning)

An Official Zoning District Map Amendment (Rezoning) is a change or modification to the boundaries of any zoning district within the Official Zoning District Map.

2. Zoning Text Amendment

A Zoning Text Amendment is the change of the text within this Ordinance revising classification or properties but does not include minor revisions correcting punctuation, formatting, or similar non-substantive changes.

C. Planning and Zoning Commission Recommendation Requires Public Hearing

1. The Planning and Zoning Commission shall hold a public hearing on any application for any amendment or change prior to making its recommendation and report to the City Council.
2. In the case of an Official Zoning District Map Amendment (Rezoning):
 - a. Written notice of all public hearings before the Planning and Zoning Commission on a proposed amendment or change shall be sent to all owners of real property within two hundred (200) feet of the property on which the change is requested. Such notice shall be given not less than ten (10) calendar days before the date set for hearing by posting such notice, properly addressed and postage paid, to each taxpayer as the ownership appears on the last approved City tax roll or County tax roll for the area affected.
 - b. Consistency between an Official Zoning District Map Amendment (Rezoning) and the Comprehensive Plan shall be required.

D. City Council Decision and Public Hearing Required

1. A public hearing shall be held by the City Council before adopting any proposed amendment.
2. Notice of the time and place of the hearing must be published in a newspaper of general circulation in the City before the fifteenth (15th) calendar day prior to the date of the hearing.

E. Three-Fourths City Council Vote Required for Protested Amendments

1. If a protest against a proposed amendment consistent with 2 below has been filed with the City Secretary at least twenty-four (24) hours including a regular City business day before the date of the public hearings, then amendments shall not become effective except by a three-fourths (3/4) vote of the City Council.
2. Two Types of Eligible Protesters:
 - a. Interior Protesters

The property owners, duly signed and acknowledged, of twenty (20) percent or more of the lots or land area included within a proposed amendment boundary.

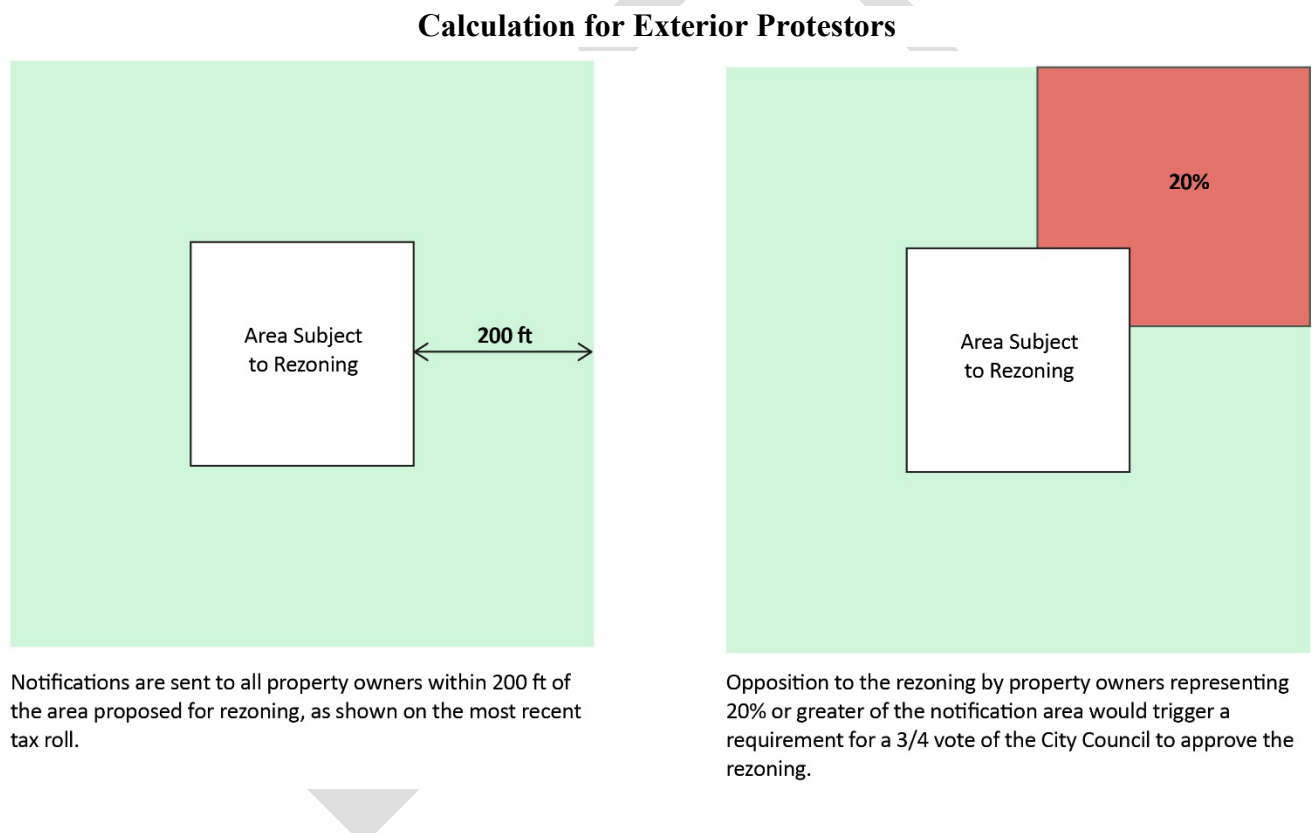
b. Exterior Protesters

The property owners, duly signed and acknowledged, of twenty (20) percent or more of the lots or land area within a two hundred (200) foot radius of the exterior boundary of the area included in a proposed amendment.

3. Calculation Example

Assume that the two hundred-foot (200') buffer surrounding the area subject to rezoning includes ten (10) acres. If an individual owns two (2) acres within the buffer, his/her protest would constitute twenty (20) percent.

Figure 5



F. Three-Fourths City Council Vote Required for Planning and Zoning Commission Denial

If the Planning and Zoning Commission has recommended denial of an application for amendment, a three-fourths (3/4) vote of the City Council is required to approve the application.

2.07.04. Public Hearings and Notification Requirements

A. Public Hearings

Public hearings shall be conducted for each review body per plan or application type according to the following table. In the event of a discrepancy between the written language of a section and the following tables, the tables will control.

Table 9

Review Bodies and Associated Public Hearings

Application Type	City Council	Planning and Zoning Commission	Board of Adjustment
Official Zoning District Map Amendment (Rezoning)	Hearing	Hearing	
Zoning Text Amendment	Hearing	Hearing	
Specific Use Permit	Hearing	Hearing	
Zoning Regulation Appeal			Hearing
Zoning Variance			Hearing
Zoning Special Exception			Hearing

B. Public Notices

Public notices shall be required according to the following table.

Table 10

Required Public Notice

Application Type	Published Notice	Written Notice	Posted Notice
Official Zoning District Map Amendment (Rezoning)	Required	Required	Required
Zoning Text Amendment	Required		Required
Specific Use Permit	Required	Required	Required
Zoning Regulation Appeal			Required (ZBA)
Zoning Variance		Required (ZBA)	Required (ZBA)
Zoning Special Exception		Required (ZBA)	Required (ZBA)

C. Types of Notice

1. Published Notice and Written Notice of Public Hearing for Zoning Changes Involving Real Property

a. Published Notice

Notice of the public hearing to occur before the City Council shall be accomplished by publishing the purpose, date, time, and place of the public hearing in a newspaper of general circulation in the City before the fifteenth (15th) calendar day prior to the date of the hearing.

b. Written Notice for Protest (also referred to as “Mailed Notice”)

- i. Before the tenth (10th) calendar day, written notice of the public hearing before the Planning and Zoning Commission on a proposed change in a zoning classification shall be sent to each owner, as indicated by the most recently approved municipal tax roll, of real property within two hundred (200) feet of the property on which the change in classification is proposed.
- ii. Said written notice shall be served by depositing the notice, postage paid, in the regular United States mail.
- iii. If written notice as required is not sent before the tenth (10th) calendar day prior to the date of the hearing, then the hearing must be delayed until this notice requirement is met.
- iv. Such notice shall include all of the following:
 - (a) Legal description of the property and the street address or approximate location within the City.
 - (b) Present zoning classification of the property and the zoning sought by the Applicant. If not a rezoning, then the nature or intent of the application shall be described.
 - (c) The date, time, and place of the hearing.
 - (d) The website that contains the Official Zoning District Map and information regarding the rezoning, if available.
 - (e) The phone number where questions may be answered.
 - (f) Other information as may be necessary to provide adequate and timely public notice.

b. Posted Notice.

The City will be responsible for posting notice along rights-of-way frontage of the subject property in a format approved by the City Administrator (or designee) not less than fifteen (15) days prior to the scheduled public hearing.

2. Published Notice of Public Hearing for Zoning Changes Involving Regulation Text

- a. For requests involving proposed changes to the text of the zoning regulations, notice of the City Council public hearing shall be accomplished by publishing the purpose, date, time, and place of the public hearing in a newspaper of general circulation in the City before the fifteenth (15th) calendar day prior to the date of the public hearing.
- b. Changes in the zoning text that do not change zoning district boundaries or classifications (i.e., that do not involve specific real property) do not require written notification to individual property owners.

3. Published Notice and Written Notice of an Appeal of a City Administrative or Interpretative Decision to the Board of Adjustment

- a. For an Appeal of a City Administrative or Interpretative Decision, the Board of Adjustment shall fix a reasonable time for the hearing of an appeal.
- b. The mailed notice shall be given before the tenth (10th) calendar day prior to the date for the hearing.
- c. The published notice shall be given before the fifteenth (15th) calendar day prior to the date for the hearing.
- d. At the hearing, any party may appear in person or by Attorney or by agent.

4. Additional Rules and Procedures Established

- a. The City Council may, at its option, establish additional rules and procedures for public notification of proposed zoning changes and development proposals (e.g., required plans, plats, etc.).
- b. The City Council may direct notice of an Official Zoning District Map Amendment (Rezoning) beyond two hundred (200) feet. Failing to adhere to such notice does not constitute a procedural violation and does not alter the protest area.
- c. Knowledge of and adherence to such rules and procedures, if so established by the City, shall be the responsibility of the Applicant and shall be required as part of a zoning change or development application.

2.07.05. Creation of a Building Site, Tract, or Lot

No permit for the construction of any building, fence, wall, or sign upon any tract or plot shall be issued until the lot or tract is part of a plat of record, approved by the City and filed in the Plat Records of Comal County, Texas, and compliant with all development regulations.

2.07.06. Certificate of Occupancy

A. Use

No building hereafter erected or structurally altered, shall be used, occupied, or changed in use until a Certificate of Occupancy has been issued by the Building Inspector, stating that the building or proposed use of the building or premises complies with the building code, electrical code, plumbing code, and the provisions of these and all other development regulations.

B. Change in Use

A change in use shall be construed to mean any change in the primary occupancy or type of business.

2.07.07. Specific Use Permit (SUP) Regulations and Procedures

A. General

The uses listed under the various districts within the Use Chart as “S” or Specific Use Permit (SUP) are so classified because they may have adverse effects or more intensely dominate the area in which they are located than do other uses permitted in the district.

B. Specific Use Permit (SUP) Application Process

1. Procedures for Processing a SUP

- a. The Zoning Administrator shall initiate review of the SUP.
- b. The Planning and Zoning Commission shall review and recommend approval, approval with conditions, or denial of the SUP to the City Council.
- c. After receiving recommendation from the Planning and Zoning Commission, City Council shall approve, approve with conditions, or deny the SUP. Although the approval of the SUP does not change the zoning classification.
- d. Both the Planning and Zoning Commission and City Council shall provide the required public hearing and notice in accordance with this Ordinance.

C. Specific Use Permit (SUP) Regulations

1. In considering a SUP for the premises, the City Council shall determine that such uses are harmonious and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration, and shall consider the following factors:
 - a. Safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site.
 - b. Adequate means of ingress and egress to public streets or approved access easements and appropriate paving widths of streets, alleys, and sidewalks to accommodate traffic generated by the proposed use.
 - c. Provisions for drainage.
 - d. Adequate off-street parking and loading.
 - e. Safety from fire hazard and measures for fire control.
 - f. Protection against negative effects of noise, glare, and lighting on the character of the neighborhood, protective screening, and open space.
 - g. Heights of structures.
 - h. Adverse effects of the concentration of the use.
 - i. Compatibility of buildings and such other measures as will secure and protect the public health, safety, and general welfare.
2. In granting a SUP, the City Council may impose conditions which shall be complied with by the owner or grantee before a Certificate of Occupancy may be issued by the Building Inspector for use of the building on such property pursuant to such SUP, and such conditions are precedent to granting of the Certificate of Occupancy.

D. Acceptance and Agreed Compliance by the Applicant, Owner, and Grantee

No SUP shall be granted unless the Applicant of the SUP shall be willing to accept and agree to be bound by and comply with the Ordinance adopting the SUP, as well as the attached Site Plan drawings approved by the City Council and shall comply with the minimum requirements provided in the zoning district in which the property is located.

E. Specific Use Permit Expiration and Extension

1. SUP Expiration
 - a. A SUP shall automatically expire upon change in ownership.
 - b. A SUP shall automatically expire if a building permit is not issued and construction begun within six (6) months of the granting of the SUP.

2. SUP Extension

The City Council may authorize an extension beyond the six (6) months upon recommendation by the Planning and Zoning Commission.

F. Amendments Required for Changes

No building, premise, or land used under a SUP may be enlarged, modified, structurally altered, or otherwise significantly changed, unless an amendment to the approved SUP is granted for such enlargement, modifications, structural alteration, or change.

G. Prohibition of Board of Adjustment Action

The Board of Adjustment shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the granting, extension, revocation, modification, or any other action taken relating to such SUP.

H. Three-Fourths City Council Vote Required for Planning and Zoning Commission Denial

If the Planning and Zoning Commission has recommended denial of a Site Plan for a Specific Use Permit, a three-fourths (3/4) vote of City Council is required to approve the application.

2.07.08. Planned Use Development (PUD) Regulations and Procedures

A. General Development Standards

1. Steps for Approval

The review process for a Planned Use Development (PUD) application may include the following steps:

- Pre-application conference
- Concept Plan
- Site Development Plan
- Rezoning Application
- Construction Timeline of Project
- Completeness of Application and Official Filing Date

All applications will be submitted to the City Administrator or the Designated Official for preliminary review and for administrative completeness. Within thirty (30) days, the notice of the required steps in the review process will be provided to the Applicant.

B. Application Requirements: Specific Items Required.

No application for a PUD shall be accepted by the City until the following items have been submitted to the City by the applicant.

1. A completed City application form, including all requirements as stated on the application form.
2. If the applicant is not the owner of record (by the appraisal district), a statement from the property owner giving authorization to the applicant to file the request for rezoning shall be required as part of the rezoning application.
3. A legal description of the property under consideration, which also shows that such property includes the minimum acreage required for a PUD.
4. A Concept Plan.
5. A description of any development standards or requirements that are different from those in the base zoning district.
6. A description of how the proposed PUD fulfills the ideals, goals, objectives, and/or concepts of the City's adopted Comprehensive Plan or any other formally adopted City planning document.
7. A description that lists and fully explains the specific modifications of the provisions of the base zoning district which are desired, as well as the purposes of the modifications (i.e., why they are necessary).
8. A development schedule outlining a timetable for completion of the entire project.
9. A copy of all agreements, provisions, or covenants which govern the use, maintenance, and continued protection of the PUD and any of its common areas, if applicable.
10. The required application fee.

C. Concept Plan

1. No PUD district may be established without approval of a Concept Plan.

The Concept Plan shall be a fully dimensioned map(s) of the land within the proposed PUD and shall be incorporated as a component part of the PUD district regulations and shall be construed in conjunction with the authorized uses and development standards set forth in such regulations.

2. Consistency Required

All development applications within the PUD district shall be consistent with the incorporated Concept Plan. Failure of a subsequent development application to conform to the approved Concept Plan for the PUD district shall result in denial of the application unless the PUD district regulations are first amended through incorporation of a Concept Plan with which the development application is consistent. The degree of conformity required between the Concept Plan and subsequent development applications shall be set forth in the adopting ordinance.

3. A site plan prepared in accordance with this Ordinance may be submitted in lieu of a concept plan and shall qualify as a concept plan.
4. The Designated Official may waive concept plan requirements in cases where the nature of the PUD is such that a concept plan is not appropriate.

D. Subsequent Development Applications

1. Development Applications Authorized

The development standards for a PUD district shall be applied to the authorized uses through a plat, Site Development Plan, general Site Plan, or other development applications as set forth in the adopting ordinance.

2. Minor Deviations from Approved Concept Plan

In determining whether development applications are consistent with the Concept Plan, minor deviations from the Concept Plan may be approved by the Planning Administrator. Unless otherwise specified in the adopting ordinance, minor deviations are limited to the following:

- a. Corrections in spelling, distances, and other labeling that does not affect the overall development concept.
- b. Change in building layout, when shown, that is less than a ten percent (10%) increase in size.
- c. Changes in the proposed property lines internal to the PUD as long as the originally approved district boundaries are not altered.
- d. Changes in parking layouts as long as the number of required spaces and general original design is maintained.

3. Major Deviations from Approved Concept Plan

All major deviations from the Concept Plan shall be submitted to the Planning and Zoning Commission and City Council for approval as an amendment to the PUD district.

E. Approval Criteria for a Planned Use Development (PUD)

1. Factors

The following criteria will be used by the City in deciding whether to approve, approve with modifications, or deny a petition for a PUD district:

- a. The extent to which the land covered by the proposed PUD district fits one or more of the special circumstances warranting a PUD district classification.
- b. The extent to which the proposed PUD district furthers the policies of the City's adopted Comprehensive Plan (as amended) and other formally adopted City planning documents.
- c. The extent to which the proposed PUD district will result in a superior development than could be achieved through conventional zoning classifications.
- d. The extent to which the proposed PUD district will resolve or mitigate any compatibility issues with surrounding development.
- e. The extent to which proposed uses and the configuration of uses depicted in the Concept Plan are compatible with existing and planned adjoining uses.
- f. The extent to which the proposed development is consistent with adopted public facilities plans, including those related to water, wastewater, transportation, drainage, and other public facilities.
- g. The extent to which the proposed open space and recreational amenities within the development provide a superior living environment and enhanced recreational opportunities for residents of the district and for the public generally.

2. Conditions

The City Council may impose such conditions to the PUD district regulations and Concept Plan as are necessary to assure that the purpose of the PUD district is implemented.

F. Adopting Ordinance

1. Items Specific to the Ordinance

The ordinance establishing a PUD district shall incorporate the approved Concept Plan as part of the district regulations and shall set forth the following:

- a. The base zoning district(s) to be overlaid, together with the boundaries of the district(s).
- b. A statement as to the purpose and intent of the PUD district established therein.
- c. The permitted, conditional, and accessory uses authorized in the district, the location of such uses, the residential densities or other measurements of development intensity associated with base districts or phases of the development in conformance with the approved Concept Plan.
- d. The general standards applicable to development within the district, with or without reference to the base district, including:
 - i. Density.
 - ii. Lot area, width, and depth.
 - iii. Yard depths and widths.
 - iv. Building height and elevations.
 - v. Coverage.
 - vi. Floor area ratio.
 - vii. Parking.
 - viii. Access.
 - ix. Accessory buildings.
 - x. Signs.
 - xi. Lighting and noise.
 - xii. Usable open space.
 - xiii. Adjacency.
 - xiv. Hours of operation.
 - xv. Project phasing or scheduling.
 - xvi. Management associations.
 - xvii. Sidewalks and bicycle facilities.
 - xviii. Such other requirements as the City Council may deem necessary in order to implement the Comprehensive Plan, and the purposes of the PUD District.

- e. Provisions stating that all zoning standards not expressly set forth for the district in the adopting ordinance shall be as provided in the base zoning district(s), and that any standard in this LDC that has not been expressly varied in the adopting ordinance shall be applicable to subsequent development permits for land within the PUD district.
- f. Design standards applicable to the development.
- g. A specific list of deviations from standards in the base zoning district(s), together with any standards in the ordinance which are to be varied for development within the PUD district.
- h. Required dedications of land or public improvements.
- i. A phasing schedule for the project, where applicable, setting forth the dates for submittal of site development plans and the timing of performance by the developer for dedications of land or public improvements and satisfaction of any conditions in relation to the phasing of development, where applicable.
- j. Identification of the levels of the deviation allowed between the Concept Plan and subsequent development applications that may be approved by the Planning Director.
- k. Specification of whether a Site Development Plan(s) is required to implement the district regulations.
- l. Such additional conditions as are established by the Council to assure that the PUD District and Concept Plan are consistent with the stated purposes of the district.

G. Documentation of Planned Use Development (PUD)

1. Planned Use Development Approved After Ordinance Adoption

All PUD zoning districts approved after adoption of this ordinance, as may be amended, shall be prefixed by a “PUD” designation, and assigned a unique identification number (e.g., PUD-1, PUD-2, PUD-3, and so on), and shall also be shown on the Zoning Map.

H. Reapplication Following Denial

1. Reapplication Time Period

Following denial of a zoning change request, another zoning change request for a PUD District may not be resubmitted within six (6) months of the date upon which the previous application was denied.

I. Notice Requirements

1. Published Notice

Whenever published notice of a public hearing before a Board, Commission, Committee, or the City Council is required, the Designated Official shall cause notice to be published in the City's official newspaper or a newspaper of general circulation in the City before the fifteenth (15th) day before the date set for the required hearing. Said notice shall set forth the date, time, place, and purpose of the hearing as required under LGC section 211.006(a).

2. Written Notice

Whenever written notice of a public hearing before a Board, Commission, Committee, or the City Council is required, the Designated Official shall cause written notice to be sent to each owner, as indicated by the most recently approved municipal tax roll, of real property within 200 feet of the exterior boundary of the property in question before the tenth (10th) day before the hearing date. Said notice shall set forth the date, time, place, and purpose of the hearing as required under LGC section 211.007(c). The notice may be served by its deposit, properly addressed with postage paid, in the United States mail.

3. Posted Notice

Whenever posted notice of a public hearing is required, notification signs shall be posted by the applicant a minimum of eleven (11) days prior to the scheduled public hearing and shall remain posted during the course of the public hearings, until such time that final action has been taken on the permit application. Signs shall be posted on the subject property and/or along public right-of-way in a format approved by the Designated Official.

2.07.09. Non-conforming Lots, Structures, and Uses

A. Intent of Provisions

1. Nonconforming uses are lawful uses within a zoning district that do not conform to the requirements of this Ordinance when it is adopted, or when any amendments thereto, take effect. The purpose of this section is to provide for recognition of such uses and procedures for bringing such uses into conformance.
 - a. Any use of property existing at the time of the passage of this Ordinance or that exists when land is annexed into the city that does not conform with the regulations prescribed in the preceding Ordinance shall be deemed a nonconforming use, except that any single-family use existing at the time of passage of this Ordinance shall be thereafter deemed a conforming use.

- b. A nonconforming use of land may be continued, but if said nonconforming use is discontinued for a period of time in excess of six (6) consecutive months, any future use of said premises shall be in conformance with the provisions of this Ordinance.
- c. A nonconforming use of a building may be continued although such does not conform to the provisions hereof, and such use may be extended throughout the building provided no structural alterations except those required by law or ordinance are made therein.
- d. The right to maintain the nonconforming use shall be subject to such regulations as to maintenance of the premises and conditions of operation as may, in the judgment of the Board of Adjustment, be reasonably required to protect the health and safety of adjacent property.
- e. A nonconforming use shall not be extended or rebuilt in case of obsolescence or total destruction by fire or other cause. In cases of partial destruction by fire or other causes, not exceeding fifty (50) percent of its value, the Building Inspector shall issue a permit for reconstruction. If greater than fifty (50) percent and less than the total, the Board of Adjustment, may grant a permit for repair after public hearing and having due regard for the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the designated nonconforming use and of the conservation and preservation of property.
- f. A violation of this code provision and a request for a nonconforming designation or request for relief under this designation shall not create an estoppel of the trial of any lawsuit which may be filed in any court.
- g. Notwithstanding any other provisions of this Ordinance, legal nonconforming uses of property existing as of the date of this Ordinance that does not conform to the regulations prescribed in this Ordinance, shall be deemed a non-conforming use, subject to the provisions contained in this section.

Subsection 2.08. Zoning Relief Procedures

2.08.01. Zoning Regulation Appeal

A. Types of Appeals

The following are the types of Zoning Regulations Appeals contained within this Ordinance.

1. Appeal of a City Administrative or Interpretative Decision

- a. Any person, department, board, or bureau of the City affected by any City Administrative Official acting pursuant to this Ordinance's Zoning Regulations shall appeal to the Board of Adjustment.
- b. In exercising the Board of Adjustment's authority herein, the Board of Adjustment may reverse or affirm, in whole or in part, or modify the City Administrative Official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the Board of Adjustment has the same authority as the City's Administrative Official.
- c. Public hearings shall be held in accordance with 2.07.04. Public Hearings and Notification Requirements.

2. Appeal to the City Council of a Zoning Vested Rights Petition Decision

3. Appeal to District Court of a decision of the City Council or Board of Adjustment

Any person, department, board, or bureau of the City affected by a decision of the City Council or Board of Adjustment may appeal to District Court.

B. Appeals Procedure to the City Council or Board of Adjustment

1. Timing and Fee

An appeal to the City Council or Board of Adjustment shall be taken within ten (10) calendar days from the date of the decision by filing with the City Secretary a notice of appeal specifying the grounds thereof, and by paying a filing fee at the Office of the City Secretary at the time the notice is filed.

2. Transmission of Record

The Administrative Official involved in the appeal shall forthwith transmit to the Board of Adjustment, through the City Secretary, all the papers constituting the record upon which the action appealed from was taken.

3. Stays of Proceedings

An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrative Official involved in the appeal certifies to the City Council or Board of Adjustment that by reason of facts stated in the certificate a stay would, in that Administrative Official's opinion, cause imminent peril to life or property.

C. Appeals Procedure to District Court

1. Timing and Fee

An appeal from any action, decision, ruling, judgment, or order of the City Council or Board of Adjustment may be taken to the District or County Court by any person or persons, jointly or severally; any taxpayer; or any officer, department, board, or bureau of the City. An appeal to the District or County Court shall be taken within (20) calendar days from the date of the decision by filing with the City Secretary and the Board of Adjustment a notice of appeal specifying the grounds thereof.

2. Transmission of Record

Upon filing of the notice of appeal as herein provided, the court may grant a writ of certiorari directed to the board in this event and the City Council or Board of Adjustment shall transmit to the Court Clerk and the petitioner the original or certified copy of the papers constituting the record in the case, together with the order, decision, or ruling.

3. Stays of Proceedings

An appeal to the district court from the City Council or Board of Adjustment stays all proceedings in furtherance of the action appealed from, unless the Mayor or Chair of the Board of Adjustment, from which the appeal is taken certifies to the Court Clerk, after the notice of appeal shall have been filed, that by reasons of fact stated in the certificate, a stay would, in her/his opinion, cause imminent peril to life or property.

D. Fees

All fees for all types of applications, forms, plans, notifications, appeals, and petitions required under this Ordinance shall be established by the City Council within the Fee Schedule.

2.08.02. Zoning Variance

A. Purpose

1. The Board of Adjustment is authorized in specific cases to grant a Zoning Variance from the Zoning Regulation terms, standards, and criteria that pertains to an allowed use within a zoning district.
2. A Zoning Variance is authorized by this Ordinance when such cases are shown not to be contrary to the public interest if, owing to special conditions, a literal enforcement of the provisions of the Ordinance will result in an undue hardship and so that the spirit of the Ordinance shall be observed and substantial justice done; provided, however, the Board of Adjustment shall have no power to authorize a Zoning Variance provided in E below.

B. Zoning Variance Applicability

The Board of Adjustment is authorized in specific cases to grant a Zoning Variance from the terms of this Ordinance if the variance is not contrary to the public interest and, 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 done.

C. Granting Authority

1. Undue Hardship Shall Exist

The Board of Adjustment may authorize a Zoning Variance from these Zoning Regulations when, due to special conditions, an undue hardship will result from requiring compliance.

2. Harmony with the Ordinance's General Purpose and Intent Shall Exist

A Zoning Variance may be granted only when the Zoning Variance is not contrary to the public interest and is in harmony with the general purpose and intent of this Ordinance so that the public health, safety, and general welfare may be protected.

3. Zoning Variance Processing and Review

The Zoning Administrator shall process and review a Zoning Variance.

4. Board of Adjustment Conditions of Approval

In granting a Zoning Variance, the Board of Adjustment shall prescribe only conditions that it deems necessary for, or desirable to, the public interest.

5. Board of Adjustment Considerations

In making the findings within the Criteria for Zoning Variance Approval, the Board of Adjustment shall take into account:

- a. The nature of the proposed use of the land involved.
- b. Existing uses of land in the vicinity.
- c. The probable effect such Zoning Variance will have upon traffic conditions and upon the public health, safety, convenience, and general welfare of the community.
- d. Such findings of the Board of Adjustment, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Board of Adjustment meeting at which such Zoning Variance is granted.

D. Criteria for Zoning Variance Approval

No Zoning Variance shall be granted without first providing public notice and holding a public hearing on the Zoning Variance request in accordance with this Ordinance and unless the Board of Adjustment finds all the following criteria are met.

1. Unique Circumstances

That there are special circumstances or conditions affecting the land involved such that the application of the Ordinance's provisions would deprive the Applicant of the reasonable use of his/her land.

2. Minimum Necessary Relief Required to Alleviate the Undue Hardship

The Zoning Variance, if granted, would be the minimum necessary relief required to alleviate the undue hardship.

3. Preservation of Property Rights

That the Zoning Variance is necessary for the preservation and enjoyment of a substantial property right of the Applicant.

4. No Substantial Detriment to the Public Good

That the granting of the Zoning Variance will not be detrimental to the public health, safety, or general welfare, impair the purposes and intent of this Ordinance and the Comprehensive Plan or be injurious to other property within the area.

5. Orderly Use of Land

That the granting of the Zoning Variance will not have the effect of preventing the orderly use of other land within the area in accordance with this Ordinance.

6. Finding of Undue Hardship

In order to grant a Zoning Variance, the Board of Adjustment must make findings that an undue hardship exists, using the following criteria:

- a. That the requested variance does not violate the intent of the zoning regulations.
- b. That special conditions of restricted area, topography or physical features exist that are peculiar to the subject parcel of land and not applicable to other parcels of land in the same zoning district.
- c. That the relief sought will not injure the permitted use of adjacent conforming property.
- d. That the granting of a Zoning Variance will be in harmony with the spirit and purpose of these regulations.
- e. That the hardship is in no way the result of the applicant's own actions.
- f. That the interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district that comply with the same provisions.
- g. In considering a variance as applied to a structure, the Zoning Board of Adjustment may consider the following as grounds to determine whether an unnecessary hardship would result from compliance with the ordinance:
 - i. The financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01, Tax Code;
 - ii. Compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;
 - iii. Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;
 - iv. Compliance would result in the unreasonable encroachment on an adjacent property or easement; or
 - v. The municipality considers the structure to be a nonconforming structure.

E. Limitations on the Authority of Board of Adjustment to Grant Zoning Variances

1. Land Use Zoning Variance

The Board of Adjustment may not grant a Zoning Variance authorizing a land use other than those permitted in the district for which the Zoning Variance is sought, except as specifically provided for in this Ordinance.

2. Specific Use Permit Provision

The Board of Adjustment shall have no power to grant or modify provisions of a SUP authorized under 2.07.07. Specific Use Permit (SUP) Regulations and Procedures.

3. Zoning Amendments

- a. The Board of Adjustment shall have no power to grant Zoning Text and Map Amendments.
- b. In the event that a request for a Zoning Text Amendment or Official Zoning District Map Amendment (Rezoning) is pending before the Planning and Zoning Commission or the City Council, the Board of Adjustment shall neither hear nor grant any Zoning Variance with respect to the subject property until final disposition of the Zoning Text Amendment or Official Zoning District Map Amendment (Rezoning) by the Planning and Zoning Commission and the City Council.

4. Pending Action

- a. The Board of Adjustment shall not grant a Zoning Variance for any parcel of property or portion thereof upon which a required Site Plan or any Plat is pending on the agenda of the Planning and Zoning Commission or the City Council.
- b. All administrative and procedural remedies available to the Applicant shall have been exhausted prior to hearing by the Board of Adjustment.

F. Concurring Vote of 75 Percent Required

Pursuant to Texas Local Government Code 211.009.(c), the concurring vote of seventy-five (75) percent of the members of the Board of Adjustment is necessary to grant a Zoning Variance.

2.08.03. Zoning Special Exception

A. Purpose

The Board of Adjustment is authorized to hear and decide a Zoning Special Exception to the Zoning Regulations which are not permitted by right in a particular district because of potential adverse effect, but which if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted by the Board of Adjustment, where specifically authorized by D below, and in accordance with the substantive and procedural standards of this Ordinance.

B. Zoning Special Exception Defined

A Zoning Special Exception is an allowed variation from the Zoning Regulations, but is differentiated from a Zoning Variance as the term is used in this Ordinance by the following:

1. A Zoning Special Exception does not require a finding of an undue hardship.
2. Approval of a Zoning Special Exception by the Board of Adjustment is specifically provided for and defined by this Ordinance.

C. Requests for a Zoning Special Exception

1. Upon written request of the property owner, the Board of Adjustment may grant a Zoning Special Exception in accordance to the provisions of D below.
2. The Zoning Administrator shall process and review a Zoning Special Exception.

D. Zoning Special Exception Authorized

When, in the Board of Adjustment's judgment, the public convenience and general welfare will be substantially served and the appropriate use of the neighboring property will not be substantially injured, the Board of Adjustment may, in specific cases, after public notice and public hearing and subject to appropriate conditions and safeguards, authorize the following Zoning Special Exceptions to the regulations herein established:

1. Reduction in the required number of parking spaces if the Board of Adjustment determines sufficient parking exists or is not necessary for the specified location.
2. Adjust any numerical standard by ten (10) percent.

E. The Board May Impose Conditions

In granting Zoning Special Exceptions, the Board may impose such conditions as are necessary to protect adjacent property owners and to ensure the public health, safety and general welfare, including but not limited to conditions specifying the period during which the nonconforming use may continue to operate or exist before being brought into conformance with the provisions of this Ordinance.

Section 3. Supplemental Development Regulations

Subsection 3.01. Sight Visibility Triangle

3.01.01. Purpose and Applicability

- A. The intent of this subsection is to promote safe roadways by ensuring adequate visibility at intersections.
- B. These regulations are effective whenever any development is occurring or any objects are placed or modified within the Sight Visibility Triangle as defined below.

3.01.02. Regulations

- A. The Sight Visibility Triangle shall remain open and completely unobstructed at a height between two (2) feet and eight (8) feet above the top of the adjacent curb. This includes signage, plantings, fences, or any other items.
- B. No development requiring a permit shall occur within the Sight Visibility Triangle at any height.
- C. Sight Visibility Triangle shall be identified on Site Plans.
- D. Sight Visibility Triangle minimum leg dimensions shall be determined according to the following:

Figure 6. Street/Street Intersection: Twenty-five (25) feet

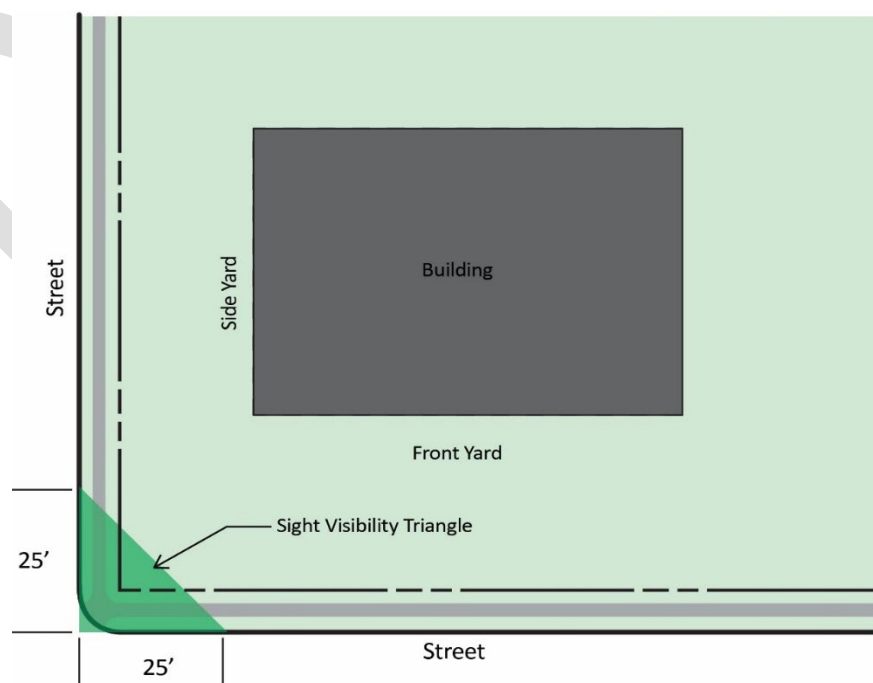
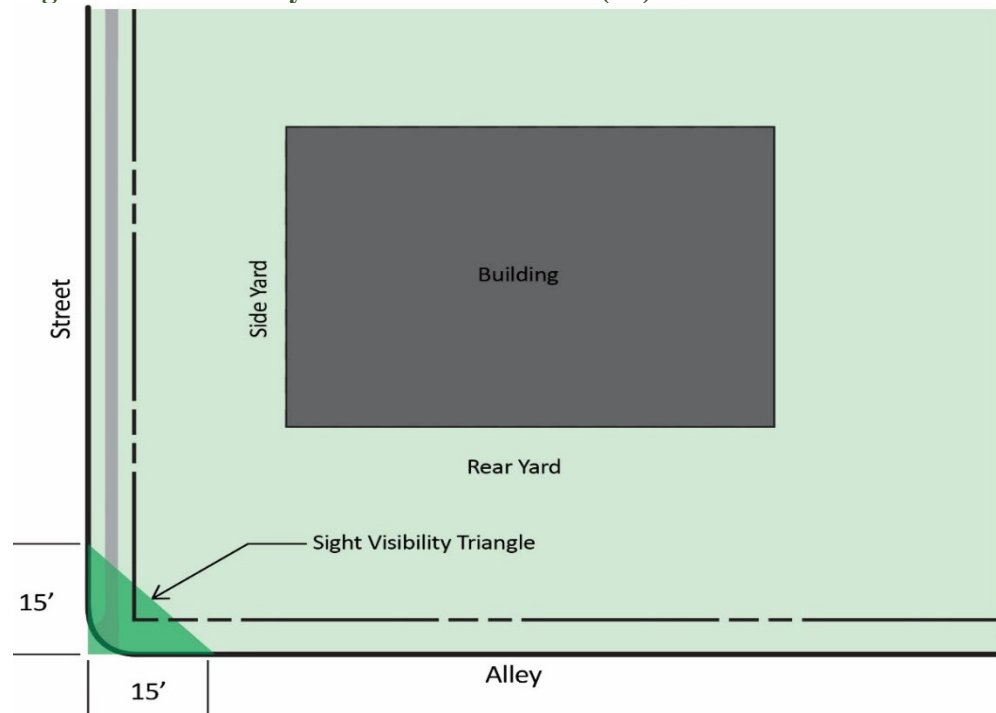
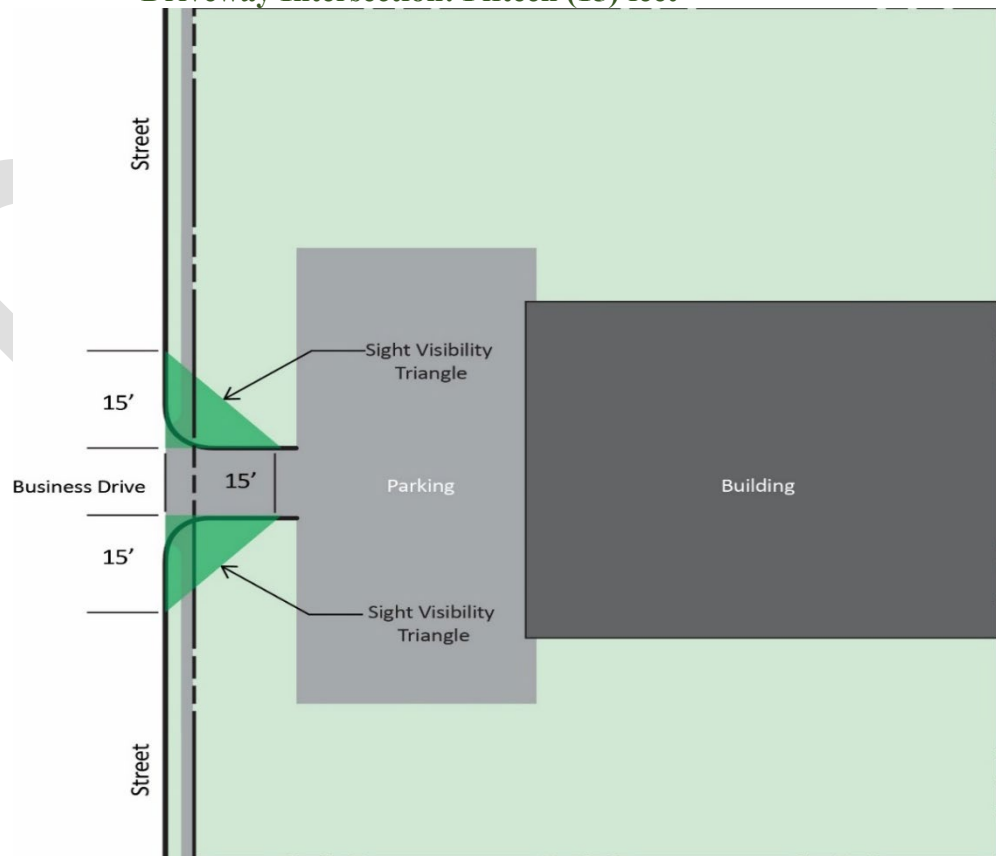


Figure 7. Street/Alley Intersection: Fifteen (15) feet



**Figure 8. Driveway/Street Intersection and Internal Circulation
Driveway Intersection: Fifteen (15) feet**



E. Modified Dimensions

1. Reduction

The required dimensions above may be reduced by the City Engineer if the City Engineer determines that the reduction is necessary due to site-specific constraints and does not negatively impact the safety of the intersection.

2. Increase

The required dimensions above may be increased by the City Engineer if the City Engineer determines that the increase is appropriate due to site-specific constraints and roadway speeds to ensure the safety at the intersection.

- a. Increased sight distances shall be calculated in accordance with the latest edition of the AASHTO "A Policy on Geometric Design of Highways and Streets."
- b. If a field inspection indicates that driveway sight distance may be insufficient, the Applicant will be required to submit vertical and horizontal information prepared by a registered professional engineer to the City Engineer that verifies adequate sight distance is available for the proposed driveway location.

3. Intersection Sight Distance

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner so as to materially impair the Intersections Sight Distance (ISD) as defined in the current edition of the American Association of State Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets; without approval of a variance by the City, except that fences, walls, or hedges may be permitted provided that such fences, walls, or hedges do not impair vision from three (3) feet to six (6) feet above the curb line elevation.

Subsection 3.02. Sign Regulations

3.02.01. General Provisions and Applicability

A. Cross Reference and Purpose

The following sign regulations serve to supplement regulations in Ordinance No. 55.

B. Applicability

Sign regulations of the City shall apply in the City limits and extraterritorial jurisdiction of the City and must be in full compliance with rules governing signs within the City. In the event of a conflict between Ordinance No. 55 and the provisions detailed below, the more stringent requirement shall prevail.

3.02.02. Signs in Residential Zoning Districts

Sign regulations in residential zoning districts are as follows:

A. Church or School Signs

One (1) sign, which shall not exceed fourteen (14) feet in perimeter and six (6) feet in height, is authorized for placement on the church or school property.

B. Realty or Realtor Signs:

One (1) unlighted sign, which shall not exceed ten (10) feet in perimeter and six (6) feet in height and is pertaining to the sale or lease of a house/building or premises. The sign must be posted on the property being leased or sold and the sign must be removed immediately upon the sale or lease of such house/building or premises. On residential real estate, property on which an "open House" showing is being held, not more than two (2) unlighted signs not to exceed ten (10) feet (each) in perimeter and six (6) feet in height are authorized for a maximum period of three days preceding the date of the "open House" showing and must be removed within twenty-four (24) hours after the scheduled date for the "Open House" showing. In no instance will an open house sign be allowed to remain in place for more than five (5) days at any one time or for more than ten (10) days in any single month.

C. Construction Signs:

One (1) unlighted sign not exceeding ten (10) feet in perimeter and six (6) feet in height is authorized for the primary contractor building a residence or premises, or at a location where ongoing construction such as swimming pools, sprinkler systems, fences, room additions, etc. are in progress. Such signs shall not be attached to a tree. Additional signs for subcontractors, such as individuals or companies hired to install plumbing, wiring, landscaping, roofing, etc., or for banking or lending institutions are prohibited on the premises. The primary contractors sign will be removed immediately upon occupancy of the residence/building.

3.02.03. Signs in Nonresidential and Mixed-Use Zoning Districts

Sign regulations in the nonresidential and mixed-use zoning districts are as follows:

A. Business Advertising Signs

One (1) business advertising sign not exceeding twenty-four (24) feet in perimeter is authorized for each business in the district. Advertising signs shall be attached to the building and will advertise only articles, services or products which are offered within the building to which said sign is attached. Such signs shall not protrude above the outside walls of such buildings and will protrude no more than one foot from the face of the walls of such buildings.

B. Commercial Real Estate Signs

One (1) business advertising sign not exceeding twenty (20) feet in perimeter and six (6) feet in height may be erected on the premises to advertise the sale or lease of a commercial building. The sign must be posted on the property being sold or leased and must be removed immediately upon the sale or lease of such property or premises.

C. Master Pylon Signs

One free standing master pylon sign not exceeding six (6) feet in width and sixteen (16) feet in height shall be used within a business complex, shopping center, office, or professional park to advertise multiple tenant units and activities. Each separate complex or park may have a separate master pylon sign.

Subsection 3.03. Outdoor Antennas

3.03.01. Direct Broadcast System (DBS) Video Reception

- A. 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.
- B. In residential districts, antennas shall be mounted below the roofline and to the side or rear of the residence.
- C. 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.
- D. Installation shall conform to applicable safety and electrical codes.

3.03.02. Other Video or Internet Reception Systems

- A. Antennas less than one (1) 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.
- B. Antennas greater than one (1) meter in diameter are allowed in nonresidential zoning districts and in residential districts subject to a Specific Use Permit. Antennas located in residential districts or located on lots adjoining a residential district shall be subject to City granting a Specific 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 Specific Use Permit shall be considered and processed in accordance with the provisions of this Ordinance.
- C. Installation shall conform to applicable safety and electrical codes.

3.03.03. Wireless Communication Service Towers

- A. Towers are allowed in all non-residential zoning districts subject to the City granting a Specific Use Permit. An application for such a Specific Use Permit shall be considered and processed in accordance with the provisions of this Ordinance.
- B. Electromagnetic radiation levels produced by tower power supplies, wave guides and other power transmission components and emitters shall conform to Federal Communications Commission regulations.

- C. The City may require operators to share space on existing towers before allowing the construction of additional wireless towers.
- D. 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.
- E. Only monopole or stealth towers are permitted within the City.

3.03.04. Amateur Communications

- A. 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.
- B. Antenna structures, such as yagi antennas, more than twelve (12) feet long shall require a Specific 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 a Specific Use Permit shall be considered and processed in accordance with the provisions of this Ordinance.
- C. Pole, mast, or tower structures extending more than twelve (12) feet above the roofline shall require a Specific 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.
- D. 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.
- E. Installations shall conform to applicable safety and electrical codes.

3.03.05. Commercial and Industrial Radio Service

- A. Towers and antennas for commercial or industrial radio service are not allowed in residential districts.
- B. Pole, mast, or tower structures extending more than twelve (12) feet above the roofline shall require a Specific 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.
- C. 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.

Subsection 3.04. Tree Preservation, Maintenance, and Disease Prevention

3.04.01. Purpose

The purpose of this section is to conserve, protect and enhance existing healthy and safe trees and natural landscape.

3.04.02. Applicability and Exemptions

- A. The provisions of this section are applicable to the following:
 - 1. All new residential and nonresidential development, including public land, within the City limits.
 - 2. Redevelopment of any residential or nonresidential property, including public land, within the City limits that results in an increase in the increase of impervious cover.
 - 3. Single family residential properties are exempt from these regulations pursuant to Texas Local Government Code 212.905(b).
- B. Trees located within the area of a proposed on-site sewage facility (OSSF) if authorized by the City Engineer are subject to the Tree Mitigation requirement but are exempt from the Tree Removal Permit requirement.
- C. Trees located within a Right-of-Way to be dedicated to and maintained by the City are exempt from the Tree Preservation requirement.
- D. The regulations in this division shall not apply to the clearing of understory necessary to perform boundary surveying of real property or to conduct tree surveys or inventories. Clearing for surveying may not exceed a width of two (2) feet for general survey (i.e. of easement boundary, etc.) and eight (8) feet for survey of property boundary lines. Except for surveys done in connection with residential development, no tree twelve (12) inches or larger may be removed in any manner during such boundary or general surveying.
- E. Exempted Trees
 - 1. A dead or diseased tree, which is deemed beyond the point of recovery and at risk of spreading the disease, as determined by a certified arborist.
 - 2. Any protected or heritage trees or areas of tree canopy determined to be causing a danger or be in hazardous condition as a result of a natural event such as tornado, storm, flood, or other act of God that endangers the public health, safety, or general welfare and requires immediate removal.
 - 3. Trees planted and growing on the premises for sale at a nursery.

4. The following tree species:
 - a. Hackberry (*Celtis occidentalis*).
 - b. Eastern Red Cedar (*Juniperus virginiana*).
 - c. Common Ashe Juniper (*Juniperis ashei*).
 - d. Chinaberry (*Melia azedarach*).
 - e. Mesquite (*Prosopis* spp.).
 - f. Ligustrum (*Ligustrum* spp.).
 - g. Chinese Pistache (*Pistacia chinensis*).
 - h. Chinese Tallow (*Sapium subiferum*).
 - i. Tree of Heaven (*Ailanthus altissima*).
 - j. Salt Cedar (*Tamerix* species).
 - k. Nandina (*Nandina domestica*).
 - l. Paper Mulberry (*Broussonetia papyrifera*).
 - m. Red Oak (*Quercus texana*).

3.04.03. Categories of Protected Trees

A. Protected Tree

Trees between twelve (12) and twenty-four (24) Caliper inches are designated as “Protected Trees”. Any Protected Trees not exempt from preservation in 3.04.02. E above may be removed upon approval of a Tree Removal Permit by the Zoning Administrator. Any decision of the Zoning Administrator regarding a Tree Removal Permit may be appealed to the Board of Adjustment. Tree size must be confirmed in writing by certified arborist.

B. Heritage Tree

Trees of twenty-four (24) Caliper inches or greater are designated as “Heritage Trees”. Any Heritage Trees not exempt from preservation in 3.04.02. E above may only be removed upon approval of a Tree Removal Permit by the Planning and Zoning Commission. Any decision of the Planning and Zoning Commission regarding a Tree Removal Permit may be appealed to the City Council.

3.04.04. Tree Mitigation

Any trees that are removed or damaged as a result of the approval of a Tree Removal Permit or under the provisions of 3.04.02. above shall be mitigated for on the same site as the proposed development, in addition to landscape requirements.

In the event that mitigation is not feasible on the same site as the proposed development, an Applicant may request to donate trees, meeting the mitigation requirements of this section, to be planted at public parks, schools, or other approved public facilities throughout the City or provide a fee in lieu of payment which will be used to place trees at public parks, schools, or other approved public facilities throughout the City.

A. Protected Tree

Protected Trees shall be mitigated at a one-to-one (1:1) Caliper inch ratio for every tree removed. Replacement trees shall have a minimum Caliper of three (3) inches. Standards for planting shall conform to current Texas Forest Service standards.

B. Heritage Tree

Heritage Trees shall be mitigated at a three-to-one (3:1) Caliper inch ratio for every tree removed. Replacement trees shall have a minimum Caliper of three (3) inches.

C. Fee In Lieu of Tree Mitigation

1. The City may establish a fee in lieu of replacement trees. The fee shall be placed in a separate account and shall be used for a tree enhancement or preservation project. The fee shall be equal to the cost of the replacement trees and shall include the installation or planting cost. The Applicant shall submit a written estimate from a nursery as verification of the cost.
2. The fee in lieu option is available for only the following cases:
 - a. If the proposed subdivision or site is heavily treed and the existing tree canopy would prohibit the growth of the replacement trees.
 - b. If the required replacement trees were to be installed, then the replacement trees would be planted under the canopy of an existing tree.

3.04.05. Critical Root Zone Protection

- A. Each Protected Tree or Heritage Tree shall have a Critical Root Zone surrounding the tree, measured at the drip line.
- B. The following activities are prohibited in the Critical Root Zone:
 1. Storage or parking vehicles, building materials, refuse, excavated spoils or dumping of poisonous or hazardous materials on or around tree and roots. Poisonous or hazardous materials include, but are not limited to, paint, petroleum products, concrete or stucco mix, dirty water or any other material which may be harmful to tree health.
 2. The use of tree trunks as a winch support, anchorage, temporary power pole, signposts, or other similar function.

3. Cutting of tree roots by utility trenching, foundation digging, placement of curbs and trenches and other miscellaneous excavation without prior approval of the City.
 4. Soil disturbance or grade change.
 5. Impervious paving.
 6. Vehicular traffic.
 7. Drainage changes.
- C. The following restrictions apply during construction near the Critical Root Zone:
1. All trees shall be protected by a fence, frame, or box constructed around the drip line of the preserved tree.
 2. A minimum of three (3) inches of mulch or compost shall be spread beneath the drip line of the preserved tree.
 3. No person shall excavate any ditches, tunnels or trenches, place any paving material or place any drive or parking area within the drip line of any Protected Tree or Heritage Tree without prior written approval of the City at the time of Site Plan approval.
 4. No person shall attach any rope, wire, nails, advertising posters, or other contrivance to any Protected Tree or Heritage Tree.

3.04.06. Tree Preservation Credits

Protected Trees and Heritage Trees may be counted toward landscape requirements contained in 2.06.01.

- A. A Protected Tree may be counted as three (3) Shade Trees.
- B. A Heritage Tree may be counted as eight (8) Shade Trees.

3.04.07. Tree Removal Permit and Tree Preservation Plan

- A. A Tree Removal Permit is required for the removal of any tree not exempted in 3.04.02. above.
- B. An Application for a Tree Removal Permit shall be submitted with any Site Plan Application that proposes removal of any trees and may be integrated into the Site Plan.
- C. The application shall contain a Tree Preservation Plan showing the following:
 1. Existing/proposed topography.
 2. Location of property lines, easement, rights of ways, setbacks, parking areas, and sidewalks.

3. Location, species, size (in caliper inches), and Critical Root Zone of each Protected Tree and Heritage Tree, except those trees exempted by 3.04.02. above.
4. A tree inventory that summaries the following:
 - a. Total number of Caliper inches on the site, with subtotals for Protected Trees and Heritage Trees.
 - b. Total number of Caliper inches to be removed, with subtotals for Protected Trees and Heritage Trees.
 - c. Total number of Caliper inches to be preserved, with subtotals for Protected Trees and Heritage Trees.
 - d. Total inches of mitigation required, with subtotals for Protected Trees and Heritage Trees.
 - e. Location of any proposed tree mitigation.
 - f. Any proposed tree preservation credits.
 - g. Designation of Protected Trees and Heritage Trees.
 - h. A summary of the tree protection methods to be utilized.

3.04.08. Removal of a Protected Tree Without a Tree Removal Permit

Any Protected Tree or Heritage Tree that is damaged or removed without a Tree Removal Permit, including those damaged during construction or within two (2) years following issuance of a Certificate of Occupancy, shall be subject to the following penalties:

- A. Fine equivalent to three (3) times the cost of replacement trees, including installation or planting cost.
- B. Mitigation of the removed tree(s) in accordance with 3.04.04.
- C. Conservation of the area in which the tree was located and the tree's Critical Root Zone for a period two (2) years.

3.04.09. Additional Provisions for Arbor Disease Centers

If project location is within one-half (1/2) mile of a documented arbor disease center according to the Texas Forest Service, then the City is authorized to prescribe and restrict tree species use in landscaping or mitigation. Exempt Trees are not protected and are prohibited as a mitigation tree or landscape tree.

Subsection 3.05. Flag Poles

3.05.01. General Provisions and Applicability

- A. Flag poles are not considered a structure and shall not be installed in an easement or public right of way.
- B. In Residential Zoning Districts, flag poles shall not exceed twenty-five (25) feet in height and shall not be installed closer than the greater of the distance of ten (10) feet or the height of the flagpole from a paved roadway, street, or structure.
- C. In all other Zoning Districts, flag poles shall not exceed thirty-five (35) feet in height and shall not be installed closer than the greater of the distance of ten (10) feet or the height of the flagpole from a paved roadway, street, or structure.

Section 4. Definitions

Subsection 4.01. General Provisions

4.01.01. Usage and Interpretation

A. For the purpose of this Ordinance, certain terms or words herein shall be interpreted or defined as follows:

- Words used in the present tense include the future tense.
- The singular includes the plural.
- The word “person” includes a corporation as well as an individual.
- The term “shall” is always mandatory and the term “may” is discretionary.

B. Words and Terms not Expressly Defined

Words and terms not expressly defined herein are to be construed according to the normally accepted meaning of such words or terms or, where no definition appears, then according to their customary usage in the practice of municipal planning and engineering, as determined by the Zoning Administrator.

Subsection 4.02. Words and Terms Defined

For the purpose of this Ordinance, certain terms and words are herewith defined and shall have the meaning applied herein.

1. **Abandonment**

To cease or discontinue a use or activity but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation/seasonal closure.

2. **Accessory Structure**

A subordinate structure used for the purpose customarily incidental to the main structure, such as but not limited to a private garage for automobile storage, carport, RV-port, tool house, greenhouse as a hobby, home workshop, children's playhouse, storage house, gazebo, garden shelter, swimming pool, sportscape, or ground-mounted alternative energy systems. A pool, deck, or patio that is attached or connected to the main structure is considered part of the main structure.

3. **Administrative Officers**

Any officer referred to in this Ordinance by title shall be the person so retained in this position by the City, or his/her duly authorized representative.

4. **Adult Day Services Center**

A facility that provides services under an Adult Day Care Program on a daily or regular basis, but not overnight, to four (4) or more elderly or handicapped persons who are not related by blood, marriage, or adoption to the facility owner. Adult Day Services Centers (Adult Day Care Centers) must be licensed by Texas Department of Human Services.

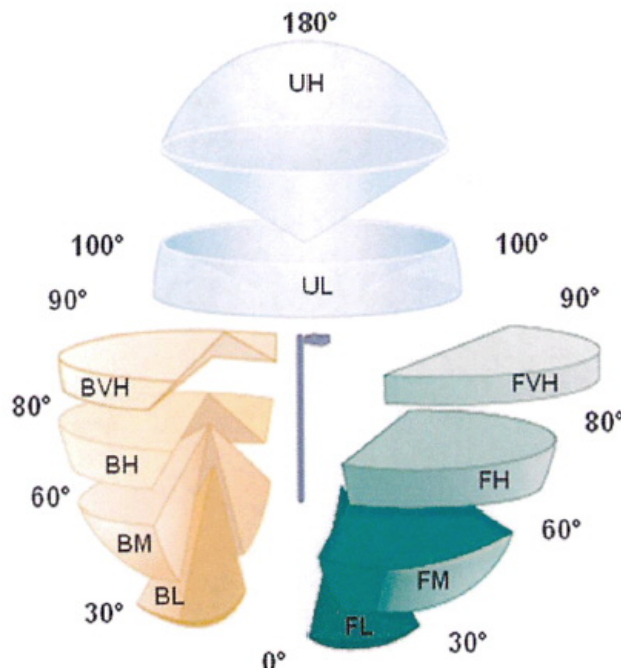
5. **Agricultural Use**
Land where the commercial production, keeping, or maintenance for sale, lease, or personal use of plants and animals, including, forages and sod crops; grains and seed crops, dairy animals, poultry, and livestock. Refer to Ordinance 18 for regulations related to animals.
6. **Alley**
A public Right-of-Way or private roadway used primarily for emergency services and vehicular service access to the back or sides of properties otherwise abutting on a street.
7. **Alteration**
Any act or process that changes one or more historic, architectural, or physical features of an area, site, place, and/or structure including, but not limited to the erection, construction, reconstruction or removal of any structure.
8. **Amateur Radio Antenna**
A radio communication antenna used by a person holding an amateur station license from the Federal Communications Commission.
9. **Ambulance Service**
A privately-owned facility for the dispatch, storage, and maintenance of emergency medical care vehicles.
10. **Amusement, Commercial (Indoors)**
An amusement enterprise offering entertainment or games of skill to the general public for a fee wholly enclosed in a building that does not generate noise perceptible at the bounding property line and including, but not limited to, a climbing wall center, video game arcade, batting cages, indoor skydiving, bowling alley, or billiard parlor.
11. **Amusement, Commercial (Outdoors)**
An amusement enterprise offering entertainment or games of skill to the general public for a fee wherein any portion of the activity takes place in the open including, but not limited to, a golf driving range, paintball field, go-cart racing, and miniature golf course. Note that the City's noise and nuisance regulations apply to such uses.
12. **Animal Shelter or Pet Boarding (with Outside Yard/Kennels)**
Facility with a fenced yard or outside kennels in which three (3) or more dogs, cats, or other domestic animals are held for adoption or accepted for boarding for which payment is received. Sometimes referred to as "doggy day care" or a "pet hotel".
13. **Animal Shelter or Pet Boarding (without Outside Yard/Kennels)**
Facility entirely indoors in which three (3) or more dogs, cats, or other domestic animals are held for adoption or accepted for boarding for which payment is received. Sometimes referred to as "doggy day care" or a "pet hotel".

14. **Animal Veterinary Office or Grooming (with Outside Yard/Kennels)**
Facility with a fenced yard or outside kennels in which dogs, cats, or other domestic animals are accepted for medical treatment, grooming, bathing or other treatment for which payment is received.
15. **Animal Veterinary Office or Grooming (without Outside Yard/Kennels)**
Facility entirely indoors in which dogs, cats, or other domestic animals are accepted for medical treatment, grooming, bathing, or other treatment for which payment is received.
16. **Antenna**
A device used in communications, which transmits or receives radio signals, television signals, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.
17. **Antenna, Building Attached**
An antenna attached to an existing structure in two general forms: (1) roof-mounted, in which antennas are placed on the roofs of buildings, or (2) building-mounted, in which antennas are placed on the sides of buildings. These antennas can also be mounted on structures such as water tanks, billboards, church steeples, electrical transmission towers, etc.
18. **Antenna Facilities**
The antenna and any mast, pole, structure, tower, building, equipment, and other supporting material used to mount the antenna and equipment, equipment storage buildings and concealing or screening structures needed to operate an antenna.
19. **Antique Shop**
An establishment offering for sale, within a building, articles such as glass, china, furniture or similar furnishing and decorations that have value and significance as a result of age, design and sentiment.
20. **Applicant**
The person or entity responsible for the submission of an application. The Applicant must be the actual owner of the property for which an application is submitted or shall be a duly authorized representative of the property owner. Also see Developer.
21. **Application**
The package of materials, including but not limited to an Application Form, Plat, completed checklist, tax certificate, Construction Plans, special drawings or studies, and other informational materials, that is required by the City to initiate City review and approval of a development project.
22. **Application Form**
The written form (as provided by and as may be amended by the Zoning Administrator) that is filled out and executed by the Applicant and submitted to the City along with other required materials as a part of an application.

23. **Approval**
Approval constitutes a determination by the official, board, commission, or City Council responsible for such determination that the application is in compliance with the minimum provisions of this Ordinance. Such approval does not constitute approval of the engineering or surveying contained in the plans, as the design engineer or surveyor that sealed the plans is responsible for the adequacy of such plans.
24. **Appurtenant Features**
Features that define the design of a building or property including but not limited to porches, railings, columns, shutters, steps, fences, attic vents, sidewalks, driveways, garages, carports, outbuildings, gazebos, and arbors.
25. **Architectural Concrete Block**
Concrete block with a highly textured finish, such as split faced, indented, hammered, fluted, ribbed, or similar architectural finish.
26. **Architectural Details**
Small details like moldings, carved woodwork, etc. that add character to a building.
27. **Art Gallery or Museum**
An institution for the collection, display, distribution of objects of art, and that is sponsored by a public or quasi-public agency and is open to the general public.
28. **Articulation**
The visual variation to both the height and depth dimensions of a building through the use of materials, colors, fenestration and details.
29. **Artisan's Studio**
Nonresidential workspace for one or more photographers, artists, or artisans, including the accessory sale of art produced on the premises. These studios are less than one thousand five hundred (1,500) square feet in area.
30. **Assisted Living/Nursing Home**
A home operated by a business or non-profit organization where ill or elderly people are provided with lodging and meals, with or without nursing care, inclusive of Hospice.
31. **Automobile or Other Motorized Vehicle Sales**
A business providing indoor or outdoor sales display and incidental service of new and used motorized vehicles, including motorcycles, RVs, and boats. This use is not considered Outside Display.
32. **Automobile Parts Store**
Stores selling new automobile parts and accessories.
33. **Automobile Service Garage (Major)**
A facility for the general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, or providing collision services, including body, frame, or fender repair, and overall painting, where all work is conducted inside the building.

34. **Automobile Service Garage (Minor)**
A facility for routine automobile services or minor repairs, such as tire services, quick-lubes, batteries, with all work being conducted inside the building and within the same day.
35. **Awning**
A roof-like shelter of canvas or other material extending from a building's façade.
36. **Bank or Financial Institution**
A financial institution that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities. Note that this definition does not include Nondepository Financial Institution/Payday Lending Establishments.
37. **Banquet Hall, Reception Facility, Wedding Chapel, or Other Special Events Center**
A building, facility, room, or portion thereof, that is rented, leased or otherwise made available to any person or group for a private event function that is not open to the general public, whether or not a fee is charged.
38. **Bar/Tavern**
An establishment that serves alcoholic beverages by the drink for on-site consumption and that derive seventy-five (75) percent or more of the gross revenue from the on-premises sale of alcoholic beverages.
39. **Barber or Beauty Shop**
A fixed establishment or place where one or more persons engage in the practice of barbering or cosmetology.
40. **Barn**
An accessory building used exclusively for the storage of grain, hay, and other farm products, or the sheltering of livestock or farm equipment.
41. **Basement**
Any area of the building having its floor subgrade (below ground level) on all sides.
42. **Beacon**
Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.
43. **Bed & Breakfast Inn**
A lodging facility with up to ten (10) rooms available for overnight guests. A Bed & Breakfast Inn may provide for guest stays up to fourteen (14) consecutive calendar days; however, Bed & Breakfast Inns do not offer weekly rental rates. Kitchen and dining facilities may be included to provide meals for guests only; however, no food preparation occurs in guest bedrooms. A Bed & Breakfast Inn does not include restaurants, banquet facilities, or similar services.

44. **Bluff**
A bluff with a vertical change in elevation of more than forty (40) feet and an average gradient greater than four hundred (400) percent.
45. **Board of Adjustment**
The City's Board of Adjustment as established by this Ordinance.
46. **Brewery, Micro**
An establishment that produces up to 10,000 barrels of beer per year, which may be consumed on-site. Sometimes referred to as a brewpub or taproom. Such businesses hold a Brewpub License issued and regulated by the Texas Alcoholic Beverage Commission. This definition also includes the secondary use of food service.
47. **B-U-G Ratings**
A luminaire classification system with ratings for backlight (B), uplight (U), and glare (G). The backlight component of the rating system takes into account the amount of light in the BL, BM, BH and BVH zones depicted in figure A below. The uplight component takes into account the amount of light in the UH and UL zones. The glare component takes into account the amount of light in the FH, FVH, BH and BVH zones.



48. **Building**
Any structure built for support, shelter or enclosure of persons, animals, personal property, records, or other movable property and when separated in a manner sufficient to prevent fire, each portion of such building shall be deemed a separate building.

49. **Building Coverage**
Percentage of the lot covered by the main structure and any Accessory Structures.
50. **Building Height**
The vertical distance measured from the average grade level to the highest point of the roof, excluding ornamental features that do not contain floor area (e.g., a church steeple or bell tower).
51. **Building Material Sales**
An establishment for the sale of materials customarily used in the construction of buildings and other structures, including outside storage or display of materials or merchandise. Sometimes referred to as a “Contractor’s Yard”. Note that this definition does not include home improvement store that provide goods to the general public (e.g., Home Depot or Lowe’s).
52. **Building inspector**
The Building Inspector of the City or designee.
53. **Building Permit**
A permit issued by the City before a building or structure is started, improved, enlarged, or altered as proof that such action is in compliance with the City code.
54. **Building Setback Line**
The line within a property defining the minimum horizontal distance between a building or other structure and the adjacent street Right-of-Way/property line.
55. **Caliper**
The diameter of a tree measured four feet (4’) above finished grade. For multi-trunk species, caliper measurement will be based on the diameter of the main trunk plus one-half (1/2) of the diameter of the remaining trunks measured at the same height.
56. **Caregiver**
A person employed by an individual or family for the purposes of assisting the individual or family in caring for medical needs of a family member located on the same premises or to assist in maintaining the premises. Examples include, but are not limited to in-home nursing care, hospice care, gardeners, etc.
57. **Carpentry Shop**
A shop involving woodworking and the assembly of wood products.
58. **Car Wash, Full Service**
A facility where a customer does not wash the vehicle and can have a motorcycle, automobile and light load vehicle washed by employees of the car wash facility in exchange for financial consideration.

59. **Car Wash, Self Service**
A facility with an automatic wash tunnel or hand wash provisions for use by the customer to wash motorcycles, automobiles, and light load vehicles in exchange for financial consideration.
60. **Catering Service**
A service providing meals or refreshments for public or private entertainment for a fee.
61. **Ceramic, Pottery, or Glass Studio**
Small-scale studio site for ceramic, pottery, or glass goods, in which dust, odor, and fumes are controlled. This definition does not include large-scale manufacturing.
62. **Certificate of Occupancy**
An official certificate issued by the City that indicates conformance with the City's rules and regulations and which authorizes legal use of the premises.
63. **Child Care Facility (Daycare)**
A business for the care of children at a location other than a caretaker's residence for less than twenty-four (24) hours a day. See Chapter 42 of the Human Resources Code, Regulation of Certain Facilities, Homes, and Agencies that Provide Child Care Services.
64. **Church or Other Place of Worship, including Parsonage/Rectory**
A place of worship and religious training of recognized religions, including but not limited to the on-site housing of ministers, rabbis, priests, nuns, and similar staff personnel.
65. **City**
The City of Garden Ridge, Texas, together with all its governing and operating bodies.
66. **City Attorney**
The person(s) so designated by the City Council to provide oversight for and have legal responsibility for the City. This term shall also include any designee of the City Attorney.
67. **City Council**
The duly elected governing body of the City of Garden Ridge, Texas.
68. **City Engineer**
The person or person(s) designated by the City to carry out the duties of the City Engineer as described under this Ordinance.
69. **City Secretary**
The person(s) so designated by the City Council to provide clerical and official services for the City Council. This term shall also include any designee of the City Secretary.
70. **College or University**
An academic institution of higher learning accredited or recognized by the State and offering a program or series of programs of academic study, including career programs.

71. **Colonnade**
A sequence of columns attached to an awning, second floor overhang or second floor balcony of a building.
72. **Commercial Message**
Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.
73. **Commission**
The Planning and Zoning Commission of the City.
74. **Comprehensive Plan**
The plan, including all revisions and addenda thereto, adopted by the City Council as the official policy regarding the guidance and coordination of the development of land in the City. The plan indicates the general location recommended for various land uses, transportation routes, public and private buildings, streets, utilities, parks, other public and private developments and improvements, and population projections.
75. **Construction Plans**
A set of drawings or specifications, including paving, water, wastewater, drainage, or other required plans, submitted to the City for review in conjunction with a subdivision or a development.
76. **Contractors Yard or Storage Yard**
A building, part of a building, or land area for the construction or storage (inside or out) of materials, tools, products, and vehicle fleets.
77. **County**
Comal County.
78. **Court**
An open unoccupied space other than a yard, on the same lot with a building which is bounded on three (3) or more sides by the building.
79. **Critical Root Zone**
A circle on the ground corresponding to the drip line of the tree. The Critical Root Zone is intended to protect the root structure of a tree.
80. **Cul-de-Sac**
A short street, that is typically in a residential setting, with one vehicular access to another street, and terminated on the opposite end by a vehicular turnaround.
81. **Dance, Music, or Drama Studio**
Studio for performing arts education or similar activities.

82. **Dead-End Street**
A street, other than a cul-de-sac, with only one outlet.
83. **Decision-Maker**
The City official or group responsible for deciding action on an application authorized by this Ordinance.
84. **Developer**
A person or entity, limited to the property owner or duly authorized representative thereof, who proposes to undertake or undertakes the division, developments, or improvement of land and other activities covered by this Ordinance. The word Developer is intended to include the terms property owner and Applicant.
85. **Development**
Any human-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials.
86. **Development Application**
An application developed and updated by the Zoning Administrator, for any type of plan, permit, plat, or Construction Plans/drawings authorized or addressed by this Ordinance.
87. **Development Application Forms**
A collection of application Forms created, updated, and managed by the Zoning Administrator.
88. **Director of Public Works**
The person(s) so designated by the City to provide oversight for and have responsibility of the City's Public Works Department. This term shall also include any designee of the Director of Public Works.
89. **Distillery, Micro**
An establishment that produces up to 100,000 proof gallons of distilled alcohol, such as whiskey, rum, gin, vodka, and other spirits not defined elsewhere in this Ordinance. Such businesses hold a Distiller's and Rectifier's Permit issued and are regulated by the Texas Alcoholic Beverage Commission.
90. **Dwelling, Accessory**
See Guest House.
91. **Dwelling, Multi-Family (Loft)**
Any building, or portion thereof, that is designed, built, rented, leased, owned, or let to be occupied as one (1) or up to three (3) dwelling units occupied as a home or place of residence. Must be located above retail or office space and used as independent and separate housekeeping units.

92. **Dwelling, Single Family (Attached – Duplex)**
A building designed for occupancy for two (2) families living independently of each other. May be located on a single lot or may have a lot line dividing the building and separating the building's two (2) dwellings units onto two (2) separate lots.
93. **Dwelling, Single Family (Attached – Townhouse)**
A dwelling that is joined to another dwelling at one or more sides by a party wall or abutting separate wall, and that is designed for occupancy by one family and is located on a separate lot delineated by front, side, and rear lot lines.
94. **Dwelling, Single Family (Detached)**
A dwelling designed and constructed for occupancy by one family and located on a lot or separate building tract and having no physical connection to another building and occupied by one family.
95. **Dwelling, Single Family (Medium Density)**
A detached dwelling designed and constructed for occupancy by one family. The intent of this development type is to allow for more compact development that provides for usable open space.
96. **Dwelling Unit**
One or more rooms that are arranged, designed, used, or intended to be used for occupancy by a single person, single family, or group of persons living together as a family.
97. **Easement**
Authorization by a property owner for another to use any designated part of the owner's property for a specified purpose or use and evidenced by an instrument or plat filed with the County Clerk.
98. **Engineer**
A person duly authorized under the provisions of the Texas Engineering Practice Act, as amended, to practice the profession of engineering and who is specifically qualified to design and prepare Construction Plans and specifications for public works improvements.
99. **Equipment Sales**
Retail establishment selling or renting construction, farm, or other heavy equipment. Examples include cranes, earth moving equipment, tractors, combines, heavy trucks, etc. This use is not considered Outside Display.
100. **Exterior Architectural Feature**
Includes but is not limited to architectural style and general arrangement of such portion of the exterior of a structure as is designed to be open to the view from a public way. Exterior Architectural Features are often used to describe decorative features attached to the structure such as: doors, windows, windowsills, cornices, decorative plaster work or stone, shutters, columns, canopies or awning, etc.

- 101. Exterior Temporary Items**
Includes items such as landscaping, fences and sheds that do not require a slab, which are easily altered, relocated, or removed.
- 102. Façade or Front Façade**
A façade directly visible from any public street or main circulation drive and the façade used as the primary entrance to the building.
- 103. Family**
A person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities; any number of people related by blood, marriage, adoption, guardianship, or other duly authorized custodial relationship.
- 104. Farmer's/Open Air Market**
An occasional or periodic market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages (but not to include second-hand goods) dispensed from booths located on-site.
- 105. Fee Schedule**
A listing of fees for various City Applications, which is approved by City Council and may be amended periodically.
- 106. Feed Store**
An establishment engaged in retail sale of supplies directly related to the day-to-day activities of agricultural production.
- 107. Final Acceptance**
The acceptance by the City of all infrastructure improvements constructed by the Developer in conjunction with the development of land.
- 108. Fire Lane**
Path of egress whether on public roads and highways, or on private property, that is a continuous path of travel from any one point at a building or structure, to any other point along that structure, so posted and marked as a fire lane.
- 109. Fix-It Shop, Bicycle Repair, Blade Sharpening, Small Engine Repair**
Business providing basic repair services for mechanical equipment.
- 110. Flag**
Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

111. **Flag, Decorative**
A flag other than national, state, municipal or other governmental flags, other than such flags located on property zoned as a Residential District.
112. **Floor Area**
The habitable area of a building that is served by a conditioned air system, but specifically excluding porches, patios, breezeways, automobile storage areas, garages, workshops, attic storage areas, and basements.
113. **Food Truck and Mobile Retail Park**
A vendor who operates or sells food for human consumption, hot or cold, from a cart, trailer, or kitchen mounted on chassis, or sells merchandise or services, with an engine for propulsion or that remains connected to a vehicle with an engine for propulsion. This is inclusive of trailers towed behind a vehicle.
114. **Frontage**
All the property abutting on one (1) side of the street, or between two (2) intersecting streets, measured along the street line.
115. **Full Cut-Off Lighting Fixtures**
Fixtures, as installed, that are designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.
116. **Furniture Repair and Upholstering Shop**
A business that repairs and replaces upholstery to household and office furnishings; does not include motor vehicle upholstery or repair.
117. **Garage Sale**
A sale of used household or personal articles held on the seller's premises, inside or outside. This shall include yard sales and estates sales.
118. **Gasoline Filling or Service Station/Car Wash**
Any lot or parcel of land or portion thereof used partly or entirely for storing or dispensing flammable liquids, combustible liquids, liquefied flammable gas, or flammable gas into the fuel tanks of motor vehicles. May include a car wash facility.
119. **Green Space**
The portion of developable land that must be allocated for landscaped uses such as lawn space, planting areas, swales, rain gardens, and other pervious land uses.
120. **Grocery, Convenience Store**
A retail establishment, less than 7,000 square feet in gross floor area, that sells food and other consumable and non-consumable products for off-premises use or consumption.

121. Grocery, Market

A retail establishment, that is between 7,000 and 15,000 square feet in gross floor area, primarily selling prepackaged and perishable food as well as other convenience and household goods.

122. Grocery, Supermarket

A retail establishment, that is more than 15,000 square feet in gross floor area, that is more than 15,000 square feet in gross floor area primarily selling prepackaged and perishable food as well as other convenience and household goods.

123. Groundcover

Grasses and other living plant materials that are designed to grow low to the ground, generally less than one (1) foot in height.

124. Guest House

A type of accessory dwelling comprised of living quarters operated as an incidental/accessory use that is either attached or detached from the principal residence and that is occupied as a residence by either guests or family.

125. Gym or Health/Fitness Center

A facility where members or nonmembers use equipment or space for the purpose of physical exercise.

126. Heavy Industrial or Manufacturing Operations

An establishment engaged in manufacturing or other industrial processing of products primarily from extracted/raw materials or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors or vibration beyond its property line. Differs from Light Industrial and Assembly Processes use classification due to the potential impacts on surrounding properties.

127. Highest Adjacent Grade

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

128. Holiday Lighting

Temporary lighting customarily associated with any national, state, local or religious holiday or celebration, which may be one of the following types:

- Festoon type low-output lamps, limited to small individual bulbs on a string.
- Low-output lamps used to internally illuminate yard art.
- Flood or spotlights producing less than 2,000 lumens each, whose light source is not visible from any other property, and which are used only as temporary lighting.

129. Home-Based Business

A business, occupation, or profession conducted within a residential dwelling unit.

130. Homeowners' or Property Owners' Association

A formal nonprofit organization operating under recorded land agreements through which:

- Each lot or property owner in a specific area is automatically a member; and
- Each lot or property interest is automatically subject to a charge for a proportionate share of the expense for the organization's activities, such as the maintenance of common property; and
- The charge if unpaid, becomes a lien against the nonpaying member's property.

131. Hospital, Acute Care

An institution where sick or injured patients are given medical or surgical treatment intended to restore them to health and an active life, and that is licensed by the State of Texas.

132. HUD-Code Manufactured Home

See Manufactured Home under the definition of Manufactured Housing.

133. Impervious Cover

Roads, parking areas, buildings, swimming pools, patios, and other impermeable construction covering the natural land surface.

134. Improvement

Any constructed fixed item that becomes part of or placed upon real property, see also Public Improvement.

135. Infrastructure

All streets, alleys, sidewalks, storm drainage, water, and wastewater facilities, utilities, lighting, transportation, and other facilities as required by the City.

136. Institutional Purpose

Institutional purpose shall mean primary and secondary schools, churches, hospitals, institutions of higher education and any governmental purpose.

137. Junk

The term Junk is defined to mean and shall include scrap metals and their alloys, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old cotton, used machinery, used tools, used appliances, used fixtures, used utensils, used boxes or crates, used pipe or pipe fittings, used automobiles, used boats or airplanes, tires, and other manufactured goods that are so worn, deteriorated, or obsolete as to make them unusable in their existing condition, and subject to being dismantled for Junk.

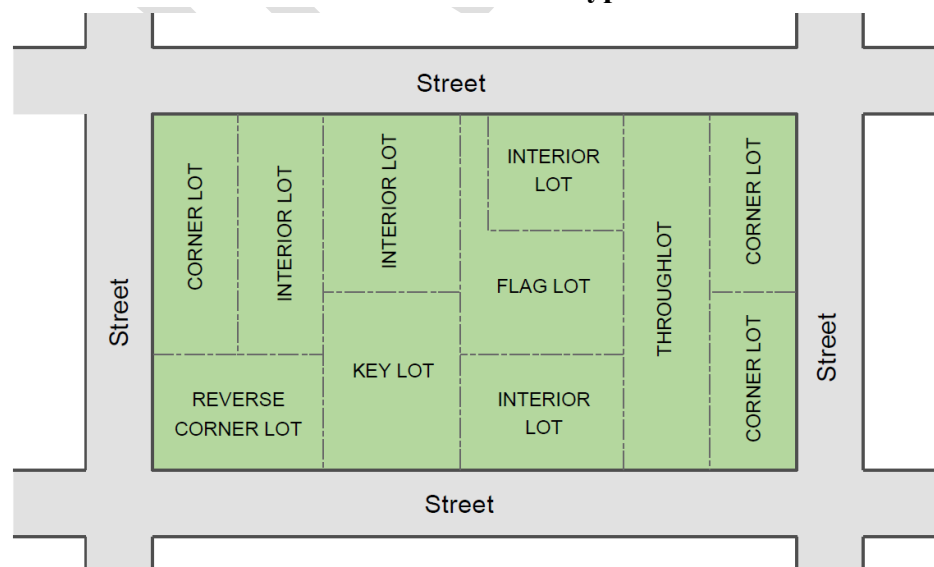
138. Kindergarten

A school or class of young children four (4) to six (6) years old that develops basic skills and social behavior by games, handicraft, and other means.

139. **Kiosk**
A freestanding structure located within a pedestrian circulation area and used for the posting of notices or advertisements, or the sale of food, flowers, newspapers, or other goods approved by the City.
140. **Land Planner**
A person(s) other than Surveyors or Engineers who also possess and can demonstrate a valid proficiency in the planning of residential, commercial, industrial, and other related developments; such proficiency often having been acquired by education in the field of landscape architecture or other specialized planning curriculum or by actual experience and practice in the field of land planning and who is a member of the American Planning Association.
141. **Laundry, Dry Cleaning Drop-Off/Pick-Up**
Fabrics, clothes, and linens cleaning shop or drop-off/pick-up station that serves as an outlet for a larger off-site facility and does not exceed six thousand (6,000) square feet of Floor Area.
142. **Library**
A resource center open to the public that typically contains collections of books, periodicals, films, and recorded music for its patrons to read, borrow, or refer to; in addition, these facilities often include computer/internet access, meeting room space, study rooms, and snack bars.
143. **Light Industrial and Assembly Processes**
The fabrication, assembly, and packaging of finished products or parts, predominantly from previously prepared materials, but excluding basic industrial processing. Processes may not emit detectable dust, odor, smoke, gas or fumes beyond the bounding property lines of the lot or tract upon which the use is located and may not generate noise or vibration at the property boundary that is generally perceptible in frequency or pressure above the ambient level of noise in the adjacent areas. Differs from Heavy Industrial or Manufacturing Operations use classification due to the minimal impacts on surrounding properties.
144. **Light Trespass**
Light emitted from fixtures designed or installed in a manner that unreasonably causes light to fall on a property other than the one where the light is installed.
145. **Lighting**
Any source of light that does not include natural light emitted from celestial objects or fire. The term includes any type of lighting, fixed or movable, designed or used for outdoor illumination of buildings or homes, including lighting for billboards, streetlights, canopies, gasoline station islands, searchlights used for advertising purposes, externally or internally illuminated on- or off-premises advertising signs, and area-type lighting. The term includes luminous elements or lighting attached to structures, poles, the earth, or any other location.

146. **Liquor Store**
Establishments engaged in the sale of alcoholic beverages for off-premises consumption.
147. **Lot**
Land occupied or to be occupied by a building and its Accessory Structures, together with such open spaces as are required under this Ordinance and having its principal frontage upon a street or officially approved place.
148. **Lot, Corner**
A lot situated at the junction of two (2) or more streets.
149. **Lot, Flag**
A lot located behind another lot connected to the street by an area narrower than the full lot width.
150. **Lot, Interior**
A lot that does not have side lot frontage on any street.
151. **Lot, Key**
A lot that adjoins the rear property line of a corner lot and fronts on a secondary street.
152. **Lot, Reverse Corner Lot**
A corner lot in which the side lot line (along the corner side yard) intersects with the front yard line of the adjoining lot.
153. **Lot, Through**
An interior lot having frontage on two streets. Such through lot shall provide a front yard on each street.

Illustration of Lot Types



154. **Lot Depth**
The mean horizontal distance from the front street line to the rear line.
155. **Lot Frontage**
The horizontal distance between the side lot lines measured at the point where the side lot lines intersect the street right-of-way. All sides of a lot that abuts a street shall be considered frontage.
156. **Lot Lines**
The lines bounding a lot as defined herein.
157. **Lot of Record**
A lot that is part of a subdivision, a map of which has been recorded in the office of the County Clerk.
158. **Lot Width**
The mean horizontal distance between side lines measured at right angles to the depth.
159. **Low Impact Design**
Low Impact Design is an approach to land planning and engineering to promote green infrastructure. It emphasizes conservation and use of on-site natural features to protect storm water quality, alternative energy systems, water conservation, use of recycled materials, and other similar attributes in order to minimize the ecological footprint of a development.
160. **Lumen**
The unit of measurement used to quantify the amount of light produced by a bulb or emitted from a fixture (as distinct from “watt,” a measure of power consumption). For the purposes of this Ordinance, the lumen output values shall be the initial lumen output ratings of a lamp as defined by the manufacturer, multiplied by the lamp efficiency. Lamp efficiency of 95% shall be used for all solid-state lamps and 80% for all other lamps, unless an alternate efficiency rating is supplied by the manufacturer. The initial lumen rating associated with a given lamp is generally indicated on its packaging or may be obtained from the manufacturer. (Abbreviated lm).
161. **Lumens per Acre**
The total number of lumens produced by all lamps utilized in outdoor lighting on a property divided by the number of acres, or part of an acre, with outdoor illumination on the property.
162. **Luminous Elements (of a light fixture)**
The lamp (light bulb), any diffusing elements, and surfaces intended to reflect or refract light emitted from the lamp individually or collectively comprise the luminous elements of a light fixture (luminaire).

163. Manual on Uniform Traffic Control Devices

The Manual on Uniform Traffic Control Devices “MUTCD” defines the standards used by road managers nationwide to install and maintain traffic control devices on all public streets, highways, bikeways, and private roads open to public traffic.

164. Manufactured Housing

Any one of three types of prefabricated housing products that are typically manufactured or assembled at a location other than the end user's permanent site, and that are regulated by the Texas Manufactured Housing Standards Act (Article 5221f and 5221f-1, V.A.C.S.) and the Texas Occupations Code Chapter 1202. Industrialized Housing and Buildings. For the purpose of this Ordinance, there are three types of manufactured homes:

a. Mobile Home

A mobile home is any manufactured home that was constructed prior to June 15, 1976. As governed by the definition within the Texas Manufactured Housing Standards Act (Article 5221f), a movable dwelling designed to be transported on its own chassis on the highway (either intact or in major sections) by a prime mover, that is constructed with a base section so as to be independently self-supporting, and that does not require a permanent foundation for year-round living.

b. Manufactured Home

Manufactured Homes are regulated by HUD Code. A HUD-Code manufactured home is also defined as a movable manufactured home that was constructed after June 15, 1976. A HUD-Code manufactured home will display a red certification label on the exterior of each transportable section. As governed by the definition within the Texas Manufactured Housing Standards Act (Article 5221f), a movable dwelling designed to be transported on the highway, either intact or in major sections, by a prime mover, that can be used as a residential dwelling either with or without a permanent foundation.

c. Modular Home

Modular Homes are regulated the same as a traditional home. Industrialized homes must meet all applicable local codes and zoning regulations that pertain to construction of traditional site constructed ("stick built") homes. As governed by the definition within the Texas Manufactured Housing Standards Act (Article 5221f-1.), a structure or building module that is transportable in one or more sections on a temporary chassis or other conveyance device, and that is designed to be installed and used by a consumer as a permanent residence on a permanent foundation system. The term includes the plumbing, heating, air-conditioning and electrical systems contained in the structure. The term does not include a Mobile Home or Manufactured Home as defined in the Texas Manufactured Housing Standards Act (Article 5221f, V.A.C.S.).

165. Marquee

A shelter projecting from and supported by the exterior wall of a building constructed of rigid materials on a supporting framework. A marquee is distinguished from a canopy in that a marquee is cantilevered, whereas a canopy is supported by posts or other devices beyond the building wall.

- 166. Medical Clinic**
A group of offices for one or more physicians, surgeons, chiropractors, dentists, or other related healthcare professionals engaged in treating the sick or injured, but not including rooms for the abiding of patients.
- 167. Mixed-Use**
A development that integrates a variety of land uses typically including residential, office, and retail uses.
- 168. Mixed-Use Building**
A structure that integrates a variety of uses typically including residential, office, and retail.
- 169. Multitenant Center**
A commercial, office or industrial development where there are located several separate business activities having appurtenant shared facilities, such as driveways, parking and pedestrian walkways, and that is designed to provide a single area in which the public can obtain varied products and services. Distinguishing characteristics of a multitenant center may, but need not, include common ownership of the real property upon which the development is located, common wall construction, and multiple occupant use of a single structure. A Multitenant Center is commonly referred to as a “commercial strip center”, “business park” or “office building”. This specifically excludes flea markets.
- 170. Multi-Use Path**
A path in the public right-of-way that is physically separated from motor vehicle traffic by an open space or barrier primarily for use by bicyclists and pedestrians for transportation and recreation purposes.
- 171. Net Site Area**
Includes only the portions of a site that lie in an uplands zone and have not been designated for wastewater irrigation. Net site area is also the aggregate of: one hundred (100) percent of the land with a gradient of fifteen (15) percent or less; forty (40) percent of the land with a gradient of more than fifteen (15) percent and not more than twenty-five (25) percent; and twenty (20) percent of the land with a gradient of more than twenty-five (25) percent and not more than thirty-five (35) percent.
- 172. Net Site Depth**
The depth of all developable land.
- 173. Net Site Width**
The width of all developable land along and fronting onto the primary street.
- 174. Nonconformance**
A condition that occurs when, on the effective date of adoption of this code or a previous ordinance or on the effective date of an ordinance text amendment or rezoning, an existing lot, structure, building, sign, development, or use of an existing lot or structure does not conform to one or more of the regulations currently applicable to the district in which the lot, structure, building, sign, development, or use is located.

175. Nondepository Financial Institution/Payday Lending Establishment

Any check cashing business, payday advance/loan business, car title or credit access business, pawnshop, including such businesses leasing space within another business to perform such functions. Nondepository financial institution excludes: a state or federally chartered bank, savings and loan association or credit union. See also Texas Finance Code Chapter 393, as amended.

176. Nonresidential Use

Any use other than a residential use.

177. Object

A physical item associated with a specific setting or environment that is movable by nature or design, such as statuary in a designed landscape. The term object is used to distinguish from buildings and structures those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed.

178. Octave Band

A level of frequency measured in cycles per second detected by a Sound Level Meter used for measurement of noise. "Noise" consists of two characteristics – frequency (octave bands) and loudness (decibels). Higher frequencies have a higher-pitched sound, while lower frequencies have lower-pitched sounds that are less noticeable to the human ear; therefore, lower octave bands can have higher decibels while producing an equivalent level of disturbance.

179. Official Vesting Date

The date Pursuant to Texas Local Government Code Chapter 245, an Applicant secured permitted for a project under previous regulations.

180. Official Zoning District Map

The official map upon which the boundaries of the various zoning districts are drawn and which is maintained by the City.

181. Open Space Building

An open space building includes decks, fountains, pavilion, picnic shelter, public art display, sport courts, terrace, playground equipment or other structures that add a recreational element to the primary use of the land.

182. Operated or Causes to be Operated

Operated or causes to be operated means to cause to function or to put or keep in operation. A person may be found to be operating or causing to be operated a use, whether or not that person is an owner, part owner, licensee, or manager of the establishment.

183. Ordinary Maintenance

Repair of any exterior or architectural feature of a landmark or property within a historic district which does not involve a change to the architectural or historic value, style, or general design. In-kind replacement or repair is included in this definition of ordinary maintenance.

184. **Ornamental Grasses**
Decorative grasses used in landscaping.
185. **Ornamental Tree**
A smaller tree intended to provide aesthetic benefit rather than significant shade.
186. **Outdoor Amenity Zone**
The portion of developable land that must be allocated for outdoor uses.
187. **Outside Display**
The temporary outside display of finished goods for retail purposes during business operating hours. Finished goods are specifically intended for immediate retail sales and are not intended nor used as an area for the continuous keeping or storage (i.e., Outside Storage) of such finished goods. Outside display does not include products in closed boxes, crates, other kinds of containers, or uses considered outdoor storage.
188. **Outdoor Lighting**
Nighttime illumination of an outside area or object by any manmade device that is located outdoors and produces light.
189. **Outside Storage**
The continuous keeping or storage of any finished or unfinished goods, materials, merchandise, or equipment outside of a building for more than twenty-four (24) hours.
190. **Overlay District**
Zoning, applied over one or more other districts, creates a second, mapped zone that is superimposed over the conventional zoning districts. Overlay district typically provides for a higher level of regulations in certain designated areas.
191. **Owner**
The individual, corporation, partnership, or other legal entity in whom is vested the ownership, or title of property.
192. **Park or Playground, Public**
An open recreational facility or park available to the general public.
193. **Parking Setback**
The minimum amount of space required between a lot line and the parking area line.
194. **Parking Space**
Open space or garage space reserved exclusively for the parking of a vehicle.
195. **Pavement Width**
The portion of a street available for vehicular traffic. Where curbs are laid, it is the portion between the face of the curbs.
196. **Pawn Shop**
An establishment where money is loaned on the security of personal property.

- 197. Pedestrian Zone**
The area between the private lot line and the edge of the vehicular lane. A public frontage usually includes walkways, planters, and lighting (i.e. such as the public sidewalk).
- 198. Perimeter Street**
A street that abuts a parcel of land to be subdivided on one side.
- 199. Person**
An individual, firm, association, organization, partnership, trust, foundation, company, or corporation.
- 200. Planning and Zoning Commission**
The Planning and Zoning Commission of the City.
- 201. Plat**
A map or chart of the subdivision, lot, or tract of land. It shall include the term plan, plat, or re-plat, in either singular or plural.
- 202. Pre-Application Meeting**
A meeting between the prospective Applicant and City staff to exchange information in a non-binding manner.
- 203. Primary Street**
A street that is predominately bordered by front lot lines and which the front façade of a structure would normally face.
- 204. Principal Use**
The primary or predominant use of any lot or building.
- 205. Printing Press/Duplication Shop or Mailing Center**
An establishment in which the principal business consists of duplicating and printing services using photocopy, blueprint, or offset printing equipment, including publishing, binding, and engraving; or a commercial business that conducts the retail sale of stationery products, provides packaging and mail services (both U.S. Postal Service and private service), and provides mailboxes for lease.
- 206. Progress towards Completion**
Progress towards completion of the project shall include any one of the following:
- a. An Application for a Final Plat or plan for development is submitted.
 - b. A good-faith attempt is made to file with the City or County an Application for a Permit necessary to begin or continue towards completion of the project.
 - c. Costs incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed in whole or in part to serve the project (exclusive of land acquisition) in the aggregate amount of five (5) percent of the most recent appraised market value of the real property on which the project is located.
 - d. Fiscal security is posted with a regulatory agency to ensure performance of an obligation required by the regulatory agency.
 - e. Utility connection fees for the project have been paid to a regulatory agency.

207. Public Improvement

Any Improvement, facility, or service together with its associated public site, Right-of-Way or easement necessary to provide transportation, storm drainage, public or private utilities, parks or recreational, energy or similar essential public services and facilities, for which the City ultimately assumes the responsibility, upon a Letter of Final Acceptance being issued, for maintenance, operation, or ownership.

208. Record Drawings (“As Builts”)

A group of drawings or plans that depicts the final configuration of the installed or constructed improvements of a development. Improvements must have been verified by the contractor as their installation or construction occurs during development. The Record Drawings shall reflect the Construction Plans (or working drawings) used, corrected, or clarified in the field.

209. Recreational Vehicle

A vehicle that is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

210. Regularly

Featuring, promoting, performing, permitting, doing, or advertising an event or other happening or occurrence on a recurring or routine basis involving any length of time.

211. Residential District

A district where the majority of land is used for residential purposes as defined in the Zoning Regulations.

212. Residential Use

Use of a structure as a residence.

213. Restaurant or Cafeteria, with Curb or Drive-Thru Service

An establishment engaged primarily in the business of preparing food and purveying it. Customer orders or service may be by means of a window designed to accommodate automobile traffic. Consumption may be either on or off the premises.

214. Retail, Big Box

A singular retails or wholesale user who occupies not more than 50,000 square feet of gross floor area, typically requires high parking to building area ratios, and has a regional sales market.

215. Retail Store, Shop

An establishment engaged in selling of goods/merchandise to the general public for personal/household consumption and rendering services incidental to such sales.

216. Retaining Wall

A non-building, structural wall supporting soil loads.

217. Right-of-Way

A parcel of land occupied or intended to be occupied by a street or alley. A Right-of-Way may be used for other facilities and utilities, such as sidewalks, railroad crossings, electrical communication, oil or gas, water or sanitary or storm sewer facilities, or for any other use. The use of Right-of-Way shall also include parkways and medians outside of pavement. For platting purposes, the term “Right-of-Way” shall mean that every Right-of-Way shown on a Final Plat is to be separate and distinct from the lots or parcels adjoining such Right-of-Way and not included within the dimensions or areas of such lots or parcels.

218. Rock/Crushed Rock Landscape Base

Stone or crushed stone material used for landscaping.

219. School, Private or Public

Includes all school facilities providing Pre-K–12 education (pre-kindergarten, kindergarten, elementary schools, middle schools, and high schools).

220. Seamstress or Tailor Shop

Establishments primarily engaged in manufacturing or modifying clothing.

221. Secondary Street

A street not bordered by front lot lines of any lots. For example, a secondary street might be fronted by only corner lots, with the front lot lines for those lots being located only on streets perpendicular to the secondary street.

222. Setback

The minimum amount of space required between a lot line and a building line.

223. Setback Line

A line within a lot, parallel to and measured from a corresponding lot line, establishing the minimum required yard, and governing the placement of structures and uses on the lot.

224. Shade Tree

A plant having at least one well-defined stem or trunk at least three (3) inches in caliper and has a canopy that screens and filters the sun.

225. Short Term Rental

The rental for compensation of a dwelling, as defined in the IRC (International Residential Code), for the purpose of overnight lodging for a period of not less than one (1) night and not more than thirty (30) days other than ongoing month-to-month tenancy granted to the same renter for the same unit. Short Term Rental is a commercial use and not permitted in residential districts.

226. Shrubs

Woody plants that usually remain low and produces shoots or trunks from the base; it is not usually tree-like or single-stemmed.

- 227. Site**
The location of a significant event, a prehistoric or historic occupation or activity, or a structure, whether standing, ruined, or vanished, where the location itself possesses historical, cultural, or archeological value regardless of the value of any existing structure.
- 228. Site Plan**
A Site Plan is a detailed, scaled drawing of all surface improvements, structures, and utilities proposed for development.
- 229. Small Solar Energy Systems**
Any device that relies upon direct sunlight as an energy source, including but not limited to any device that collects sunlight for generating energy for use on-site; used to produce power for the same property/building on which the system is located.
- 230. Specific Use Permit**
An approval for a specific use that has been determined to be more intense or to have a potentially greater impact than a use permitted-by-right within the same zoning district.
- 231. Stable**
An accessory building having stalls or compartments where animals, excluding dogs and cats, are sheltered and fed.
- 232. Stadium or Play Field**
An athletic field or stadium owned and operated by a public agency for the general public including a baseball field, golf course, football field or stadium.
- 233. Start of Construction**
The date the building permit was issued, provided the actual Start of Construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.
- 234. Storage Units, Mini**
A building(s) containing separate, individual self-storage units for rent or lease. The conduct of sales, business, or any activity other than storage may not occur within any individual storage unit.
- 235. Storefront**
Storefronts are defined as the part of the building that fills the structural bay on the front façade at ground level.
- 236. Story**
That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

237. **Street**
A public Right-of-Way that provides vehicular traffic access to adjacent lands.
238. **Street, Arterial**
An Arterial Street as indicated by the Garden Ridge Transportation Master Plan.
239. **Street, Collector**
A Collector Street as indicated by the Garden Ridge Transportation Master Plan.
240. **Street, Local**
A Local Street as indicated by the Garden Ridge Transportation Master Plan.
241. **Street Width**
The shortest distance between the property or easement lines that delineate the Right-of-Way of a street.
242. **Structural Alterations**
Any change in any supporting member of a building, such as a bearing wall, column, partition, beam, or girder, or a change in the pitch or height of the roof.
243. **Structure**
A term used to distinguish specific types of functional constructions from buildings that are usually made for purposes other than creating shelter. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
244. **Subdivider**
Any person or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision. In any event, the term “subdivider” shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner, of land to be subdivided.
245. **Subdivision**
The division of a tract or parcel of land into two or more parts or lots for the purpose, whether immediate or future, of sale or building development or transfer of ownership with the exception of transfer to heirs of an estate and shall include re-subdivision. Any other subdivision or re-subdivision of land contemplated by the provisions of Chapter 212, Local Government Code.
246. **Substantial Damage**
Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the fair market value of the structure before the damage occurred. Substantial damage is cumulative of the total value of restorations from all flood events to that structure.

247. Substantial Improvement

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before "Start of Construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to insure safe living conditions.

248. Surveyor

A licensed State Land Surveyor or a Registered Professional Land Surveyor, as authorized by the State to practice the profession of surveying.

249. TCEQ

Texas Commission on Environmental Quality and its successor agencies.

250. Temporary Building

A temporary, modular structure or shelter used in connection with the construction of a development or building project, or for the temporary placement of offices, classrooms, or similar purposes.

251. Temporary Lighting

Lighting intended for uses which by their nature are of limited duration, for example holiday decorations, civic events, or construction projects.

252. Thoroughfare

See Arterial Street.

253. Trailer

A portable unit designed to move on wheels from location to location by automobile or truck.

254. Transparency

Glass or other transparent or translucent materials that are installed on the exterior façade.

255. Transportation Master Plan

The plan that guides the development of adequate circulation within Garden Ridge and connects the Garden Ridge street system to regional traffic carriers. Also, referred to as the Thoroughfare Plan.

256. Travel Lane

A lane used for the movement of vehicles traveling from one destination to another, not including shoulders.

257. **Turf Grass**
Grassy groundcovering used for landscaping.
258. **Uplighting**
Lighting that is directed in such a manner as to project light rays above the horizontal plane running through the lowest point on the fixture where light is emitted.
259. **Underground Storage Tank**
Any one or combination of underground tanks and any connecting underground pipes used to contain an accumulation of regulated substances, the volume of which, including the volume of the connecting underground pipes, is ten (10) percent or more beneath the surface of the ground. See Texas Administrative Code Title 30 Environmental Quality.
260. **Vertical Clearance**
A space left open and unobstructed by fences, structures, shrubs, trees, or other plant life along streets at the corner in front of the building line of lots contiguous to intersecting streets.
261. **Vested Rights Petition**
A request for relief from any standard or requirement of the Ordinance's Zoning Regulations or Subdivision Regulations and Development Standards based on an assertion that the Applicant (petitioner for relief) has acquired a vested right under previous regulations.
262. **Water Department**
The City of Garden Ridge's Water Department.
263. **Water Quality Control**
A structure, system, or feature that provides water quality benefits by treating stormwater run-off. These are also referred to as best management practices ("BMPs").
264. **Warehouse**
Facilities characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or nuisances such as dust, noise, and odors, but not involved in manufacturing or production.
265. **Wholesale Center**
An establishment or place of business primarily engaged in selling or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users; and to other wholesalers.
266. **Winery, Micro**
An establishment that produces up to 250,000 gallons of wine, which may be consumed on or off site. Such businesses hold a Winery Permit issued and regulated by the Texas Alcoholic Beverage Commission.

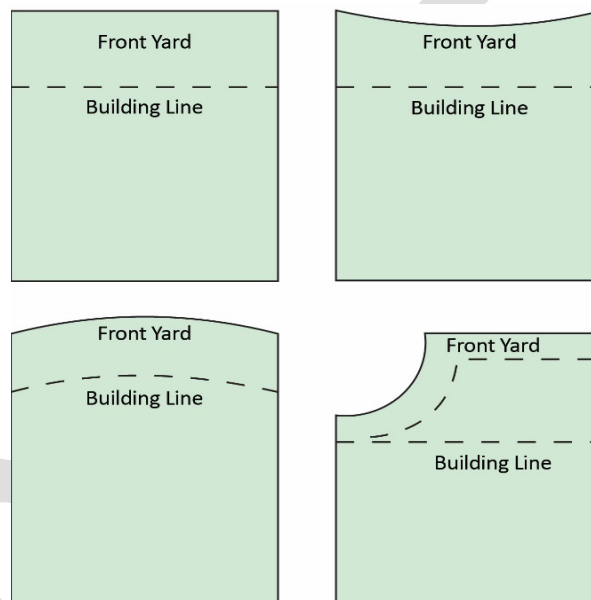
267. Yard

An open space other than a court, on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein. In measuring to determine the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used.

268. Yard, Front

A yard across the full width of a lot extending from the front line of the main building to the front street line of the lot.

Front Yard Determination



269. Yard, Rear

A yard extending across the full width of the lot and measured between the rear line of the lot and rear line of the main building, except that area included in the side yard as defined below.

270. Yard, Side

A yard between the building and the side line of the lot and extending from the front yard to the required minimum rear yard.

271. Yard, Side Exterior

The side yard on a corner lot or reverse corner lot that is adjacent to a street.

272. Yard, Side Interior

A side yard which is not adjacent to a street.

273. Zoning

A police power measure, enacted by a municipality, including the City, in which the community is divided into districts or zones within which permitted and special uses are established as are regulations governing lot size, building bulk, placement, and other development standards.

Section 5. Fee Schedule

Zone Change

Rezoning (Zoning Map Amendment)	\$ 1,200.00
Zoning Regulation Appeal Fee	\$ 1,500.00
Zoning Special Exception	\$ 1,500.00

Variance

Variance to Zoning Ordinance – Residential	\$ 500.00
Variance to Zoning Ordinance – Non-residential	\$ 1,000.00
Variance for Land Use Zoning – Residential	\$ 1,000.00
Variance for Land Use Zoning – Non-residential	\$ 2,000.00

Specific Use Permit (SUP)

Specific Use Permit (SUP)	\$ 2,000.00*
Specific Use Permit (SUP) Extension (per extension)	\$ 500.00

* \$50.00 per lot plus engineering fees incurred by the City for consultation/review

Specific Use Permit (SUP) for Outdoor Antennas

Video or Internet Reception Systems (Section 3.03.02.) – Residential	\$ 750.00
Video or Internet Reception Systems (Section 3.03.02.) – Non-residential	\$ 2,000.00
Amateur Communications (Section 3.03.04.) – Residential	\$ 500.00
Amateur Communications (Section 3.03.04.) – Non-residential	\$ 1,000.00
Wireless Communication Service Towers (Section 3.03.03.)	SEE BELOW
Commercial and Industrial Radio Service (Section 3.03.05.)	SEE BELOW

Network Nodes Permit Application and Fees

The following are due at time of application submittal for the small cell right-of-way permit:

- \$500.00 for each permit application containing up to five (5) network nodes; maximum of 30 (thirty) network nodes per application.
- \$250.00 for each additional network nodes beyond five (5).
- \$250.00 per year per network node site rental fee; annual CPI adjustment with 60 (sixty) days written notice.

Nodes Support Poles Permit Application and Fees

- \$1,000.00 for each new network-node-support pole.
- \$250.00 per year per network node site rental fee; annual CPI adjustment with 60 (sixty) days written notice.

Transfer Facility Application and Fees

- \$500.00 for each permit application containing up to five (5) network nodes; maximum of 30 (thirty) network nodes per application.
- \$250.00 for each additional network nodes beyond five (5).
- \$28.00 per node, per month rental fee for transport facilities.

Planned Use Development (PUD)

Planned Use Development (PUD) \$ 2,000.00*

* \$50.00 per lot plus engineering fees incurred by the City for consultation/review

Platting

Annexation \$ 1,000.00

Master Plan \$ 1,000.00*

Minor Plat \$ 500.00*

Amending Plat/Vacating Plat/Replat \$ 1,000.00*

Preliminary Plat \$ 1,200.00*

Final Plat \$ 1,500.00*

Recording Fees Comal County Fee Schedule

* \$50.00 per lot plus engineering fees incurred by the City for consultation/review

Tree Mitigation

Tree Removal Permit \$ 500.00

Fee in Lieu of Tree Mitigation cost of replacement tree + installation

Short Term Rental

Short Term Rental Operating License Fee \$ 206.00

Short Term Rental Operating License Renewal Fee (annual) \$ 128.00

City Inspection Fee \$ 100.00

Garage Sale

Garage Sale Permit Fee (per sale) \$ 10.00

City Secretary

From: royleather
Sent: Wednesday, February 16, 2022 3:05 PM
To: City Secretary
Subject: [EXTERNAL] Comments on the Impervious cover increase

Marisa, Jessie Valdez asked me to forward the below to you to include in the commissioners packet. I will send another email that I received from Mr. Vandertulip, TCEQ, in reference to the impervious cover increase. It has a link plus three downloads. The below is a condensed version of the 100 + pages I read from the email plus those from the EAA. Increasing the percentage of impervious cover for residential zoning is just a bad idea, on many levels. I do not know the procedure for withdrawing my consensus, but I wish to do so. It is far better to admit a screw up on my part than to fix something that isn't broken. Roy Leatherberry

The email from Mr. Vandertulip, TCEQ, stated, the Edwards Aquifer has three zones: Recharge, Contributing, and Transition with the rules verifying for each. Garden Ridge, is unique in that it sits on all three of the zones. Interstate 35, appears to have been built to skirt the zones to the south of the same, but sits to the north of most of San Antonio. The Edwards Aquifer Authority rules, for Comal county were established in 1974 while Garden Ridge was established in 1972, exempting it, for the most part. What appears to me happened is, at some point, the city adopted rules for impervious cover that were close to what the EAA established for single homes built over the aquifer, no more than 20% of impervious cover. Since Garden Ridge has both types of septic systems, the more restrictive has to be used. Our 35% rule seems to have been established *after* aerobic type septic tanks were introduced to, and became part of, the building code. Just as when water is poured through a window screen, the water passing through is almost evenly spread. When the holes in the screen are restricted, the volume is more concentrated into the areas where they can drain. With the concentration, the flow is faster forcing contaminants further into the aquifer. Just as our 1500 foot zone around wells is more restrictive than the 150 feet established by TCEQ, so should be our requirement for impervious cover. If the requirement is so stated in our ordinance, and has been reviewed by the city attorney, then it is the rule. We have, or should have, a fiduciary responsibility to protect the aquifer...since we are directly over part of it. As to fairness to single family dwellings that are large on the established 3/4 acre being too restrictive and not fair, there is a song by the Rolling Stones, 'You don't always get what you want'. Other words in the song say, '...but if you try, you might get what you need'. Seems like good advice to me.

City Secretary

From: City Secretary
Sent: Tuesday, March 1, 2022 11:06 AM
To: City Secretary
Subject: Maximum Impervious Cover for Septic Systems in Residential Areas Over the Edwards Aquifer
Attachments: 213b.pdf; 213a.pdf; 285e.pdf

From: Roy Leatherberry
Sent: Wednesday, February 16, 2022 3:12 PM
To: City Secretary <CitySecretary@ci.garden-ridge.tx.us>
Subject: [EXTERNAL] Fwd: Maximum Impervious Cover for Septic Systems in Residential Areas Over the Edwards Aquifer

Marisa, the below is the email I received from Mr. Vandertulip, TCEQ, in reference to the increase in impervious cover increase for residential zoning. My email that I sent to him is also included. I am sorry for the extra work that my ignorance of the proceeding caused, but this needs to be fixed before it becomes official. Again, sorry. Roy Leatherberry

Mr. Leatherberry:

Yes I did receive your e-mail and two voice messages. However, I work a 4 day schedule, 10 hours per day so was not in on Friday.

Several steps in response to your question. First is a link to the TCEQ Edwards Aquifer Viewer that will provide you quick map view of the three Edwards Aquifer Zones, Recharge, Contributing, and Transition as the rules are a bit different in each. Follow this Link:

<https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=2e5afa3ba8144c30a49d3dc1ab49edcd>

Garden Ridge appears to be included in the Recharge Zone, Contributing Zone within the Transition Zone and the Transition Zone. I have attached 30 TAC 213 Sub-Chapters a and b that are the Edwards Aquifer Rules that have evolved since 1984 for the multiple zones. There is limited reference to lot size with most references based on the detail to be provided in EAPP Applications based on the size of the property and amount of acreage to be disturbed. Note that there are effective dates for each section of the Edwards Rules and since much of Garden Ridge pre-dates development of the Edwards Rules, the properties developed prior to creation of the Edwards Rules are grandfathered under the old rules.

Septic Tank Regulations are in 30 TAC 285 with the application for approvals of On-Site Sewerage Facilities (OSSF) reviewed and approved by County Officials unless that authority is yielded to TCEQ. Comal County OSSF is managed by Mr. Robert Boyd, PE. I have attached 30 TAC 285 Sub-Chapter E which is Special Requirements for OSSFs Located in the Edwards Aquifer Recharge Zone. For current development, there is a minimum of 1-acre lot size. Note that in Section 285.40 (e)(1) properties platted prior to specific dates are exempt from the 1-acre lot size. For Comal County, that date is March 26, 1974. There may still be a requirement for an Edwards Aquifer Protection Plan covering other regulated activities.

Sub-Chapter A of 30 TAC 285 does contain minimum lot size based on date of platting and whether a lot is served by a public water system. See 285.4(1)Residential Lot sizing. When served by a public water system, a single family lot shall be at least 0.5 acre (unless over the RZ). Without public water system, the minimum lot size is 1 acre.

The ¾-acre size you mention may have been an early requirement for OSSF or may have been a developer preference to provide lots larger than were provided in other developments.

TCEQ does not regulate the percent impervious cover but does use the amount of impervious cover to calculate the amount of additional total suspended solids (TSS) that must be removed from property that is developed/disturbed.

I will be out of the office until about 10 am this morning but back in later if you would like to discuss.

Don Vandertulip, PE, BCEE
TCEQ Region 13
14250 Judson Road
San Antonio, Texas 78233
210.403.4057

From: Roy Leatherberry
Sent: Friday, February 11, 2022 10:05 AM
To: William Vandertulip
Subject: Maximum Impervious Cover for Septic Systems in Residential Areas Over the Edwards Aquifer

I am Roy Leatherberry, in Garden Ridge, TX. I am one of the commissioners on the Planning and Zoning Commission. We are revising our ordinance for the Planning and Zoning Commission. The existing ordinance states that land zoned under residential estate must have a minimum of three-quarters of an acre and no more than 35% impervious cover. This requirement (I think) is because all homes in Garden Ridge are on septic systems, and, part, if not all, of the city is over the Edwards Recharge Zone. The notion that the 35% can be raised to 50% has been made. I, and one of the city council members have researched this and cannot find any historical reference to when, or why, these numbers became part of the ordinance.

I would appreciate any advice, or knowledge, of where I can find some definitive direction before we publish something that is incorrect, or is not in compliance with the TCEQ.

The general consensus seems to be that the three-quarter acre and 35% need to stand.

Thank you in advance for any help.

Roy Leatherberry
(210) 314-2509 or (210) 286-4847

**SUBCHAPTER B: CONTRIBUTING ZONE TO THE EDWARDS AQUIFER IN MEDINA,
BEXAR, COMAL, KINNEY, UVALDE, HAYS, TRAVIS, AND WILLIAMSON COUNTIES**

§§213.20 - 213.28

Effective April 24, 2008

§213.20. Purpose.

(a) The purpose of this subchapter is to regulate activities in the contributing zone to the Edwards Aquifer having the potential for polluting surface streams which recharge the Edwards Aquifer and to protect existing and potential beneficial uses of groundwater in the Edwards Aquifer.

(b) Nothing in this subchapter is intended to restrict the powers of the commission or any other governmental entity to prevent, correct, or curtail activities in the contributing zone that result or may result in pollution of the Edwards Aquifer or hydrologically connected surface waters. This subchapter is not exclusive and other rules also apply. In addition to the rules of the commission, the Texas general and individual permits for storm water discharges from construction activities and local ordinances and regulations providing for the protection of water quality may also apply to activities in the contributing zone.

(c) The executive director must review and act on contributing zone plans subject to this subchapter. The applicant or a person affected may file with the chief clerk a motion to overturn, under §50.139 (a), (b), and (d) - (g) of this title (relating to Motion to Overturn Executive Director's Decision), of the executive director's final action on a contributing zone plan or modification to a plan.

Adopted August 10, 2005

Effective September 1, 2005

§213.21. Applicability and Person or Entity Required to Apply.

(a) This subchapter applies only to the contributing zone as defined in §213.22 of this title (relating to Definitions) of the Edwards Aquifer. This subchapter is not intended to be applied to any other contributing zones for any other aquifers in the State of Texas.

(b) This subchapter applies only to regulated activities disturbing at least five acres, or regulated activities disturbing less than five acres which are part of a larger common plan of development or sale with the potential to disturb cumulatively five or more acres.

(c) Areas identified as contributing zone within the transition zone described by §213.22 of this title and delineated on the official recharge and transition zone maps of the agency as provided by §213.3 of this title (relating to Definitions), are subject to both the requirements of this subchapter governing the contributing zone and to the provisions of the recharge zone in §213.5(a)(3) and (4), (c)(3)(K), and (d) - (f) of this title (relating to Required Edwards Aquifer Protection Plans, Notification, and Exemptions); §213.6(a) and (b) of this title (relating to Wastewater Treatment and Disposal Systems); §213.7 of this title (relating to Plugging of Abandoned Wells and Borings); and to the transition zone provisions of §213.8(b) of this title (relating to Prohibited Activities).

(d) Unless otherwise provided under this subchapter, executive director approval of a contributing zone plan must be obtained prior to beginning construction of a new or additional regulated activity.

(e) Regulated activities are allowed to be conducted under this subchapter only by applicants who have a letter of contributing zone plan approval issued by the executive director. This letter is issued under §213.23 of this title (relating to Plan Processing and Approval).

(f) Applicable regulation for projects in progress when contributing zone or contributing zone within the transition zone designations are revised.

(1) For areas designated as contributing zone or contributing zone within the transition zone on official maps prior to the effective date of this subsection, and for which this designation did not change on the effective date of this subsection, all plans submitted to the executive director, on or after the effective date of this section, will be reviewed under all the provisions of this subchapter in effect on the date the plan is submitted.

(2) For areas that were newly designated as contributing zone or contributing zone within the transition zone on official maps on the effective date of this subsection, regulated activities will be considered to have commenced construction and will be regulated under the provisions of this chapter that were in effect at the time the plan was approved by the executive director if, on the effective date, all federal, state, and local approvals or permits required to begin physical construction have been obtained, and if either on-site construction directly related to the development has begun or construction commences within six months of the effective date of this section.

(3) The effective date of this subsection is September 1, 2005.

(g) Assumption of program by local government.

(1) A local governmental entity may assume the rights, duties, and responsibilities to review and either approve or deny contributing zone protection plan applications within its boundaries and monitor and enforce compliance with plans if the local government obtains certification from the executive director.

(2) In order to obtain certification, the local government must demonstrate:

(A) it has a water quality protection program equal to or more stringent than the rules contained in this subchapter, including, but not limited to, a program that:

(i) regulates activities covered under this chapter; and

(ii) has performance standards equal to or more protective of water quality;

(B) it has adopted ordinances or has other enforceable means sufficient to enforce the program throughout the local governmental entities jurisdiction; and

(C) it has adequate resources to implement and enforce the program.

(3) Upon approval of a request for certification under this subsection, the executive director shall enter into an agreement with the local governmental entity to provide for the terms and conditions of program assumption, including executive director oversight. Nothing in a certification or agreement shall affect the commission's ability to enforce its water quality protection rules or applicable state law.

(4) An agreement under paragraph (3) of this subsection shall not provide for the payment of fees required by this chapter to the local entity, and shall not provide for partial assumption of the program unless expressly authorized by the commission. Fees shall be paid to the commission.

(5) Certification must be for a term not to exceed five years, subject to renewal.

(6) Upon written notice, certification may be revoked or suspended by the executive director if the local entity does not meet the terms and conditions of the agreement provided under paragraph (4) of this subsection or fails to meet the criteria for certification provided under paragraph (2) of this subsection.

(7) A decision by the executive director under this subsection is not subject to appeal to the commission.

Adopted August 10, 2005

Effective September 1, 2005

§213.22. Definitions.

The definitions in Texas Water Code, §§26.001, 26.263, and 26.342, and in §213.3 of this title (relating to Definitions) apply to this subchapter. Those definitions have the same meaning unless the context in which they are used clearly indicates otherwise, or those definitions are inconsistent with the definitions listed in this section.

(1) **Best management practices** - Schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to the Edwards Aquifer and hydrologically connected surface streams. Best management practices also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

(2) **Contributing zone** - The area or watershed where runoff from precipitation flows downgradient to the recharge zone of the Edwards Aquifer. The contributing zone is illustrated on Contributing Zone (Southern Part) for the Edwards Aquifer and Contributing Zone (Northern Part) for the Edwards Aquifer. The contributing zone is located upstream (upgradient) and generally north and northwest of the recharge zone for the following counties:

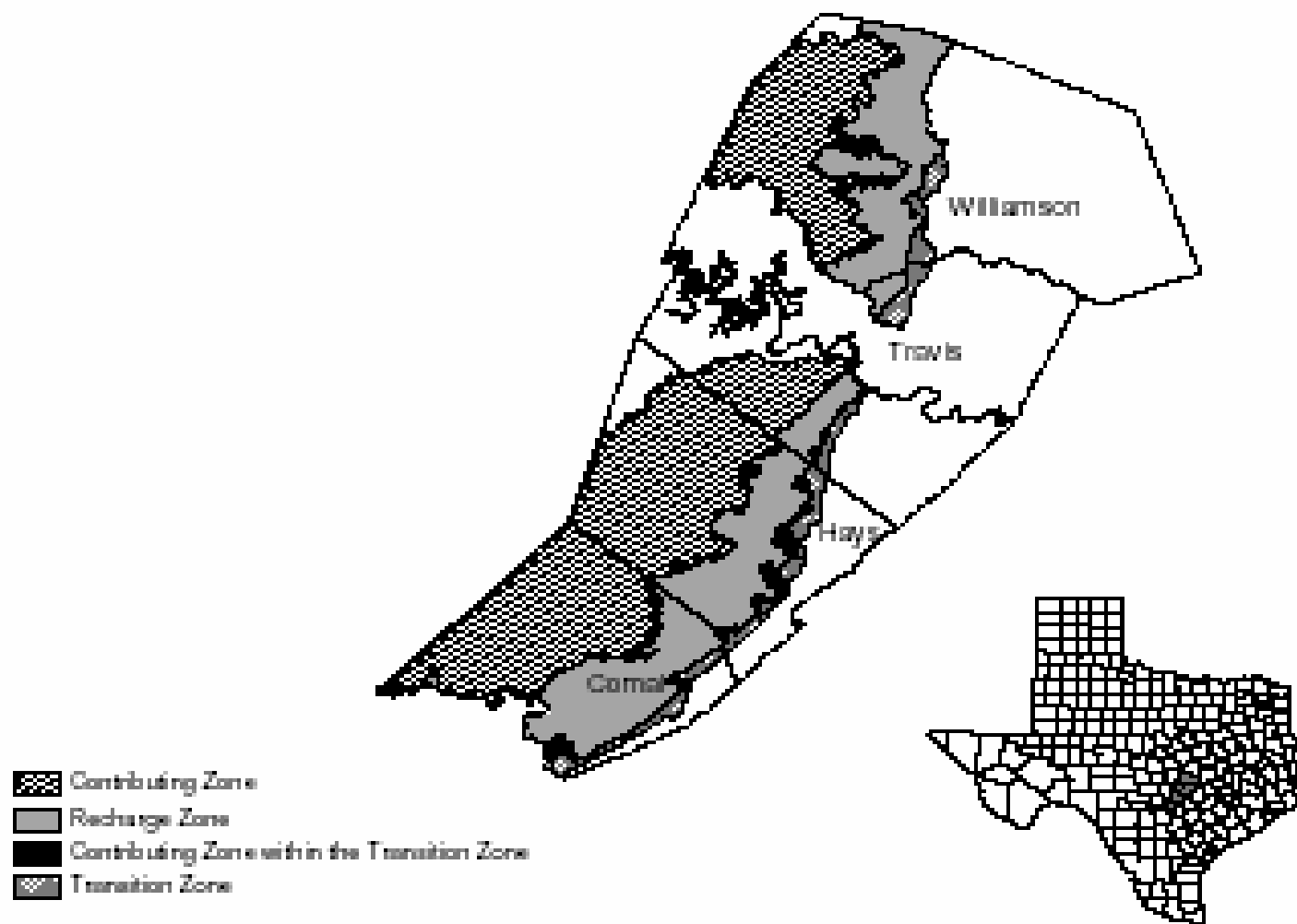


Figure 2: § 213.22 Contributing Zone(Northern Part) for the Edwards Aquifer

(A) all areas within Kinney County, except the area within the watershed draining to Segment 2304 of the Rio Grande Basin;

(B) all areas within Uvalde, Medina, Bexar, and Comal Counties;

(C) all areas within Hays and Travis Counties, except the area within the watersheds draining to the Colorado River above a point 1.3 miles upstream from Tom Miller Dam, Lake Austin at the confluence of Barrow Brook Cove, Segment 1403 of the Colorado River Basin; and

(D) all areas within Williamson County, except the area within the watersheds draining to the Lampasas River above the dam at Stillhouse Hollow reservoir, Segment 1216 of the Brazos River Basin.

(3) **Contributing zone within the transition zone** - The area or watershed where runoff from precipitation flows downgradient to the recharge zone of the Edwards Aquifer. The contributing zone within the transition zone is depicted in detail on the official recharge and transition zones maps of the agency as provided for in §213.3 of this title (relating to Definitions). The contributing zone within the transition zone is located generally south and east of the recharge zone and includes specifically those areas where stratigraphic units not included in the Edwards Aquifer crop out at topographically higher elevations and drain to stream courses where stratigraphic units of the Edwards Aquifer crop out and are mapped as recharge zone.

(4) **Texas Pollutant Discharge Elimination System permits for storm water discharges from construction activities (TPDES permits)** - Texas Pollutant Discharge Elimination System general or individual permits issued by the agency for storm water discharges from construction activities in Texas.

(5) **Notice of intent (NOI)** - Notice of intent required by the Texas Pollutant Discharge Elimination System general permits for storm water discharges from construction activities.

(6) **Regulated activity** -

(A) Any construction or post-construction activity occurring on the contributing zone of the Edwards Aquifer that has the potential for contributing pollution to surface streams that enter the Edwards Aquifer recharge zone.

(i) These activities include construction or installation of:

(I) buildings;

(II) utility stations;

(III) utility lines;

(IV) underground and aboveground storage tank systems;

(V) roads;

(VI) highways; or

(VII) railroads.

(ii) Clearing, excavation, or other activities which alter or disturb the topographic or existing storm water runoff characteristics of a site are regulated activities.

(iii) Any other activities that pose a potential for contaminating storm water runoff are regulated activities.

(B) "Regulated activity" does not include:

(i) the clearing of vegetation without soil disturbance;

(ii) agricultural activities, except feedlots/concentrated animal feeding operations that are regulated under Chapter 321 of this title (relating to Control of Certain Activities by Rule);

(iii) activities associated with the exploration, development, and production of oil or gas or geothermal resources under the jurisdiction of the Railroad Commission of Texas;

(iv) routine maintenance of existing structures that does not involve site disturbance including, but not limited to:

(I) the resurfacing of existing paved roads, parking lots, sidewalks, or other development-related impervious surfaces; and

(II) the building of fences, or other similar activities that present little or no potential for contaminating hydrologically-connected surface water;

(v) routine maintenance that involves little or no change to the topographic or geologic features; or

(vi) construction of single-family residences on lots that are larger than five acres, where no more than one single-family residence is located on each lot.

(7) **Site** - The entire area within the legal boundaries of the property described in the application. Regulated activities on a site located partially on the recharge zone and the contributing zone must be treated as if the entire site is located on the recharge zone, subject to the requirements under Subchapter A of this chapter (relating to Edwards Aquifer in Medina, Bexar, Comal, Kinney, Uvalde, Hays, Travis, and Williamson Counties).

§213.23. Plan Processing and Approval.

(a) Approval by executive director.

(1) No person may begin the construction of any regulated activity until a contributing zone plan or modification to a plan as required by §213.21 of this title (relating to Applicability and Persons or Entity Required to Apply) has been:

(A) filed with the appropriate regional office, and

(B) the application has been reviewed and approval letter issued by the executive director.

(2) The appropriate regional office shall provide copies of applications to affected incorporated cities, groundwater conservation districts, and counties in which the proposed regulated activity will be located. These copies will be distributed within five days of the application being determined to be administratively complete. Any person may file comments within 30 days of the date the application is mailed to local governmental entities. The executive director shall review all comments that are timely filed.

(3) A complete application for approval of a contributing zone plan, as described in this section, must be submitted with a copy of the notice of intent and the appropriate fee as specified in §213.27 of this title (relating to Contributing Zone Plan Application and Exception Fees). The application may be submitted to the executive director for approval prior to the submittal of the notice of intent to the EPA.

(b) Contents of application. Applications for contributing zone plan approval filed under this subchapter must be made on forms provided by or approved by the executive director. Each application must, at a minimum, include the following:

(1) the name of the development, subdivision, or facility for which the application is submitted and the name, address, and telephone number of the owner or any other persons signing the application;

(2) a narrative description of the location of the project or facility for which the application is submitted, presenting sufficient detail and clarity so that the project site and its boundaries can be located during a field inspection;

(3) a technical report as described under §213.24 of this title must accompany the application for plan approval; and

(4) any additional information needed by the executive director for plan approval.

(c) Submission of application.

(1) Submit one original and one copy for the executive director's review and additional copies as needed for each affected incorporated city, groundwater conservation district, and county in which the proposed regulated activities will be located. The copies must be submitted to the appropriate regional office.

(2) Only the following may submit an application for review and approval by the executive director:

(A) owner(s);

(B) the owner(s)' authorized agent(s); or

(C) those persons having the right to possess and control the property which is the subject of the contributing zone plan.

(d) Signatories to applications. All applications must be signed as specified under §213.4(d)(1) of this title (relating to Required Signature). The executive director requires written proof of authorization for any person signing an application.

(e) Executive director review. The executive director must complete the review of an application within 90 days after determining that it is administratively complete. The executive director must declare that the application is administratively complete or deficient within 30 days of receipt by the appropriate regional office. Grounds for a deficient application include, but are not limited to, failure to include all information listed in this section and failure to pay all applicable application fees.

(f) Additional provisions. As a condition of contributing zone plan approval, the executive director may impose additional provisions necessary to protect the Edwards Aquifer from pollution. The executive director may conditionally approve a contributing zone plan or impose special conditions on the approval of a contributing zone plan. Upon inspection, the executive director may require the applicant to take additional measures if the activities do not conform to an approved plan or the plan did not address all potential sources of pollution as required by these rules.

(g) Term of approval. The executive director's approval of a contributing zone plan will expire two years after the date of initial issuance, unless prior to the expiration date, substantial construction related to the approved plan has commenced. For purposes of this subsection, substantial construction is where more than ten percent of total construction has commenced. If a written request for an extension is filed under the provisions of this subsection, the approved plan continues in effect until the executive director acts on the request for an extension.

(1) A written request for an extension must be received not earlier than 60 days prior to the expiration date of an approved contributing zone plan or a previously approved extension. Requests for extensions are subject to fees outlined in §213.28 of this title (relating to Fees Related to Requests For Contributing Zone Plan Approval Extension).

(2) An executive director's approved extension will expire six months after the original expiration date of the approved contributing zone plan or a previously approved extension unless prior to the expiration date, commencement of construction, repair, or replacement related to the approved plan has occurred.

(3) A plan approval will expire and no extension will be granted if less than 50 percent of the total construction has been completed within ten years from the initial approval of a plan. A new plan must be submitted to the appropriate regional office with the appropriate fees for review and approval by the executive director prior to commencing any additional regulated activities.

(4) Any requests for extensions received by the executive director after the expiration date of an approved contributing zone plan or a previously approved extension will not be accepted. A new application for the purposes of this subchapter must be submitted to the appropriate regional office with the appropriate fees for the review and approval by the executive director.

(5) An extension will not be granted if the proposed regulated activity under an approved plan has changed.

(h) Legal transfer of property. Upon legal transfer of property, the new owner(s) is required to comply with all terms of the approved contributing zone plan. If the new owner intends to commence any new regulated activity on the site, a new application for plan approval for the new activity must be filed with and approved by the executive director beforehand.

(i) Modification of a previously approved plan. The holder of any approved contributing zone plan letter must notify the appropriate regional office in writing and obtain approval from the executive director prior to initiating any of the following:

(1) any physical or operational modification of any best management practices or structure(s), including but not limited to temporary or permanent ponds, dams, berms, silt fences, and diversionary structures;

(2) any change in the nature or character of the regulated activity from that which was originally approved;

(3) a change that would significantly impact the ability to prevent pollution of the Edwards Aquifer and hydrologically connected surface water; or

(4) any development of land previously identified in a contributing zone plan as undeveloped.

(j) Compliance. The holder of the approved or conditionally approved contributing zone plan letter is responsible for compliance with this subchapter and the approved plan. The holder is also responsible for any special conditions of an approved plan through all phases of plan implementation. Failure to comply with any rule or condition of the executive director's approval is a violation of this rule and is subject to administrative orders and penalties as provided under §213.25 of this title (relating to Enforcement). Such violations may also be subject to civil penalties and injunction.

(k) Responsibility for maintenance of permanent best management practices (BMPs) and measures after construction is complete.

(1) The applicant shall be responsible for maintaining the permanent BMPs after construction until such time as the maintenance obligation is either assumed in writing by another entity having ownership or control of the property (such as without limitation, an owner's association, a new property owner or lessee, a district, or municipality) or the ownership of the property is transferred to the entity. Such entity shall then be responsible for maintenance until another entity assumes such obligations in writing or ownership is transferred.

(2) A copy of the transfer of responsibility must be filed with the executive director at the appropriate regional office within 30 days of the assumption of the obligation or the transfer of ownership.

(3) This section applies to:

(A) multiple single-family residential developments, multi-family residential, and

(B) non-residential developments such as commercial, industrial, institutional, schools, and other sites where regulated activities occur.

Adopted June 26, 2002

Effective July 19, 2002

§213.24. Technical Report.

For all regulated activities, a technical report must accompany the application for contributing zone plan approval. The report must address the following issues. The site description, controls, maintenance, and inspection requirements for the storm water pollution prevention plan (SWPPP) developed under the Texas Pollutant Discharge Elimination System (TPDES) general permits for storm water discharges may be submitted to fulfill paragraphs (1) - (5) of this section, providing the following requirements are met.

(1) The report must contain a location map and the site plan.

(A) The location map must be a legible road map with directions, including mileage, which would enable the executive director to locate the site for inspection.

(B) The site plan must be drawn at a minimum scale of one inch to 400 feet. The site plan must show:

(i) the 100-year floodplain boundaries (if applicable);

(ii) the layout of the development, and existing and finished contours at appropriate, but not greater than ten foot contour intervals; and

- surface streams;
- (iii) a drainage plan showing all paths of drainage from the site to
- grading activities;
- (iv) the drainage patterns and approximate slopes anticipated after major
- (v) areas of soil disturbance and areas that will not be disturbed;
- (vi) locations of major structural and nonstructural controls identified in
- the technical report;
- (vii) locations where stabilization practices are expected to occur;
- (viii) surface waters (including wetlands); and
- (ix) locations where storm water discharges to a surface water.

(2) The report must describe the nature of the regulated activity (such as residential, commercial, industrial, or utility), including:

- (A) the size of the site in acres;
- (B) the projected population for the site;
- (C) the amount and type of impervious cover expected after construction is complete, such as paved surface or roofing;
- (D) the amount of surface area expected to be occupied by parking lots; and
- (E) other factors that could affect the surface water quality.

(3) The report must describe the volume and character of storm water runoff expected to occur. Estimates of storm water runoff quality and quantity should be based on area and type of impervious cover, as described in paragraph (2)(C) of this section. An estimate of the runoff coefficient of the site for both the pre-construction and post-construction conditions should be included in the report.

(4) The report must describe any activities or processes that may be a potential source of contamination and must provide the following information:

- (A) the intended sequence of major activities that disturb soils for major portions of the site (e.g., grubbing, excavation, grading, utilities, and infrastructure installation);
- (B) estimates of the total area of the site that is expected to be disturbed by excavation, grading, or other activities;

(C) a site map indicating the following: approximate slopes anticipated after major grading activities; areas of soil disturbance; areas that will not be disturbed; locations of major structural and nonstructural controls identified in the technical report; locations where stabilization practices are expected to occur; surface waters (including wetlands); and locations where storm water discharges to a surface water;

(D) location and description of any discharge associated with industrial activity other than construction; and

(E) the name of the receiving water(s) at or near the site that will be disturbed or will receive discharges from disturbed areas of the project.

(5) The report must describe the temporary best management practices (BMPs) and measures that will be used during construction. The technical report must clearly describe for each major activity identified in paragraph (4) of this section appropriate control measures and the general timing (or sequence) during the construction process when the measures will be implemented. The SWPPP developed under the TPDES general permits for storm water discharges may be submitted to fulfill this part of the technical report providing the following requirements are met.

(A) BMPs and measures must prevent pollution of surface water or storm water that originates upgradient from the site and flows across the site.

(B) BMPs and measures must prevent pollution of surface water that originates on-site or flows off the site, including pollution caused by contaminated storm water runoff from the site.

(C) A plan for the inspection of the temporary BMPs and measures and for their timely inspection, maintenance, repair, and, if necessary, retrofit must be included in the report.

(D) BMPs and measures must meet the requirements contained in §213.5(b)(4)(D)(i) of this title (relating to Required Edwards Aquifer Protection Plans, Notification, and Exemptions).

(E) Temporary sediment pond or basin construction plans and design calculation for a proposed temporary BMP or measure must be prepared by or under the direct supervision of a Texas licensed professional engineer. All construction plans and design information must be signed, sealed, and dated by the Texas licensed professional engineer.

(F) The construction-phase erosion and sediment controls should be designed to retain sediment on site to the extent practicable.

(G) All control measures must be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices. If periodic inspections by the applicant or the executive director or other information indicates a control has been used inappropriately, or incorrectly, the applicant must replace or modify the control for site situations.

(H) If sediment escapes the construction site, off-site accumulations of sediment must be removed at a frequency sufficient to minimize off-site impacts (e.g., fugitive sediment in street could be washed into surface streams or sensitive features by the next rain).

(I) Sediment must be removed from sediment traps or sedimentation ponds when design capacity has been reduced by 50%.

(J) Litter, construction debris, and construction chemicals exposed to storm water must be prevented from becoming a pollutant source for storm water discharges (e.g., screening outfalls, picked up daily).

(6) The report must describe the permanent BMPs and measures that will be used after construction.

(A) BMPs and measures must prevent pollution of surface water or storm water originating on-site or upgradient from the site and flows across the site.

(B) BMPs and measures must prevent pollution of surface water downgradient of the site, including pollution caused by contaminated storm water runoff from the site.

(C) BMPs and measures must meet the requirements contained in §213.5(b)(4)(D)(ii) of this title.

(i) Construction plans and design calculations for the proposed permanent BMPs and measures must be prepared by or under the direct supervision of a Texas licensed professional engineer. All construction plans and design information must be signed, sealed, and dated by the Texas licensed professional engineer.

(ii) The technical report must contain a plan for the inspection of the permanent BMPs and measures and for their timely inspection, maintenance, repair, and, if necessary, retrofit, if requirements contained in §213.5(b)(4)(D) of this title are not being met. This plan must be prepared by the engineer designing the permanent BMPs and measures and signed by the owner or responsible party.

(iii) Pilot-scale field testing (including water quality monitoring) may be required for permanent BMPs and measures that are not contained in technical guidance recognized by or prepared by the executive director.

(I) When pilot-scale field testing of an innovative technology (including water quality monitoring) is required, only one pilot site will be approved.

(II) No additional approvals will be granted until the pilot study is complete and the applicant demonstrates adequate protection of surface water that enters the recharge zone of the Edwards Aquifer.

(III) If the innovative technology demonstrates adequate protection, additional units may be approved for use as permanent BMPs and measures on the contributing zone.

(IV) If the innovative technology demonstrates inadequate protection of surface streams that enter the recharge zone of the Edwards Aquifer, a retrofit of the permanent BMP may be required to achieve compliance with §213.5(b)(4)(D) of this title and no additional units will be approved for use on the contributing zone.

(7) The technical report must describe the measures that will be taken to avoid or minimize surface stream contamination, or changes in the way that water enters a stream as a result of construction and development. The measures should address the following:

(A) increased stream flashing;

(B) the creation of stronger flows and instream velocities; and

(C) other instream effects caused by the regulated activity that increase erosion that results in water quality degradation.

(8) The technical report must describe the method of disposal of wastewater from the site.

(A) If wastewater is to be disposed of by conveyance to a sewage treatment plant for treatment and disposal, the existing or proposed treatment facility must be identified.

(B) If wastewater is to be disposed of by an on-site sewage facility, the application must be accompanied by a written statement from the appropriate authorized agent, stating that the site is suitable for the use of private sewage facilities and will meet or exceed the requirements for on-site sewage facilities as specified under Chapter 285 of this title (relating to On-Site Sewage Facilities), or identifying those areas that are not suitable.

(C) If wastewater is to be discharged in the contributing zone, requirements under §213.6(c) of this title (relating to Wastewater Treatment and Disposal Systems) must be satisfied.

(9) The technical report must describe the measures that will be used to contain any spill of static hydrocarbons or hazardous substances such as on a roadway or from a pipeline or temporary aboveground storage tank system of 250 gallons or more.

(A) Temporary storage facilities are those used on site for less than one year.

(B) Temporary aboveground storage tank systems of 250 gallons or more cumulative storage capacity must be located a minimum horizontal distance of 150 feet from the five-year floodplain of any stream drainage.

(10) The technical report must indicate the placement of permanent aboveground storage tank facilities. Permanent aboveground storage tank facilities for static hydrocarbons and hazardous substances with cumulative storage capacity of 500 gallons or greater must be constructed, and spills removed using the standards contained in §213.5(e)(1) of this title.

(11) Exemption.

(A) Regulated activities exempt from the contributing zone plan application requirements under this section are:

(i) the installation of underground utilities, including:

(I) storm and sanitary sewage lines;

(II) natural gas lines;

(III) telephone lines;

(IV) electric lines; and

(V) water lines; and

(ii) the installation of underground tanks for the storage of static hydrocarbons and hazardous substances.

(B) An individual land owner who seeks to construct his/her own single-family residence or associated residential structures on the site is exempt from the contributing zone plan application requirements under this subchapter, provided that the land owner does not exceed 20% impervious cover on the site.

(C) Temporary erosion and sedimentation controls are required to be installed and maintained for exempted activities on the contributing zone. All temporary erosion and sedimentation controls must meet the requirements contained in paragraph (5) of this section, must be installed prior to construction, must be maintained during construction, and may be removed only when vegetation is established and the construction area is stabilized. This subparagraph does not apply to single-family residences on a site greater than five acres or on a site less than five acres and not a part of a common plan of development or sale with the potential to disturb cumulatively five or more acres.

(D) The executive director may monitor storm water discharges from these projects to evaluate the adequacy of the temporary erosion and sedimentation control measures. Additional protection will be required if the executive director determines that these controls are inadequate to protect water quality.

Adopted August 10, 2005

Effective September 1, 2005

§213.25. Enforcement.

Liability for penalties may result and may subject a noncompliant person to enforcement proceedings initiated by the executive director if there is failure to comply with:

- (1) any provision of this subchapter,
- (2) an approved or conditionally approved contributing zone plan or letter, or
- (3) any applicable regulation or order of the commission issued pursuant to this chapter and in accordance with Chapter 26 and other relevant provisions of the Texas Water Code or Texas Health and Safety Code.

Adopted September 23, 1998

Effective June 1, 1999

§213.26. Exceptions.

(a) Granting of exceptions. Exceptions to any substantive provision of this subchapter related to the protection of water quality may be granted by the executive director if the requestor can demonstrate equivalent water quality protection for surface streams which enter the recharge zone of the Edwards Aquifer. Prior approval under this section must be obtained from the executive director for the exception to be authorized.

(b) Procedure for requesting an exception. A person requesting an exception to the provisions of this subchapter relating to the protection of water quality must file an original and one copy of a written request with the executive director at the appropriate regional office stating in detail:

- (1) the name, address, and telephone numbers of the requestor;
- (2) site and project name and location;
- (3) the nature of the exception requested;
- (4) the justification for granting the exception as described in subsection (a) of this section; and
- (5) any other pertinent information that the executive director requests.

(c) Fees related to requests for exceptions. A person submitting an application for an exception, as described in this section, must pay \$500 for each exception request. The fee is due and payable at the time the exception request is filed, and should be submitted as described in §213.27 of this title (relating to Application Fees). If the exception request fee is not submitted in the correct amount, the executive director is not required to consider the exception request until the correct fee is submitted.

Adopted April 2, 2008

Effective April 24, 2008

213.27. Application Fees.

(a) The person submitting an application for approval or modification of any contributing zone plan under this subchapter must pay an application fee in the amount set forth in subsection (b) of this section. The fee is due and payable at the time the application is filed. The fee must be sent to either the appropriate regional office or the cashier in the agency headquarters located in Austin, accompanied by an Edwards Aquifer Contributing Zone Fee Application Form, provided by the executive director. Application fees must be paid by check or money order, payable to the "Texas Commission on Environmental Quality." If the application fee is not submitted in the correct amount, the executive director is not required to consider the application until the correct fee is submitted.

(b) For contributing zone plans and modifications to those plans, the application should be based on the classification and the total acreage of the site where regulated activities will occur as specified in Table 2 of this subsection.

Figure 30 TAC §213.27(b)

Table 2

CLASSIFICATION/NUMBER OF ACRES	FEE
One single-family residential dwelling on less than 5 acres	\$650
Multiple single-family residential dwellings and parks	
Less than 5 acres	\$1,500
5 acres to less than 10 acres	\$3,000
10 acres to less than 40 acres	\$4,000
40 acres to less than 100 acres	\$6,500
100 acres to less than 500 acres	\$8,000
500 acres or more	\$10,000
Non-residential (Commercial, industrial, institutional, multi-family residential, schools, and other sites where regulated activities will occur)	
Less than 1 acre	\$3,000
1 acre to less than 5 acres	\$4,000
5 acres to less than 10 acres	\$5,000
10 acres to less than 40 acres	\$6,500
40 acres to less than 100 acres	\$8,000
100 acres or more	\$10,000

Adopted April 2, 2008

Effective April 24, 2008

§213.28. Fees Related to Requests for Extensions.

The person submitting an application for an extension of an approval of any contributing zone plan under this subchapter must pay \$150 for each extension request. The fee is due and payable at the time the extension request is filed, and should be submitted as described in §213.27 of this title (relating to Application Fees). If the extension fee is not submitted in the correct amount, the executive director is not required to consider the extension request until the correct fee is submitted. The extension request must be submitted to the appropriate regional office and must include a copy of the contributing zone plan application and approval letter that is the subject of the extension request.

Adopted April 2, 2008

Effective April 24, 2008

**SUBCHAPTER A: EDWARDS AQUIFER IN MEDINA, BEXAR, COMAL, KINNEY, UVALDE,
HAYS, TRAVIS, AND WILLIAMSON COUNTIES**

§§213.1 - 213.14

Effective April 24, 2008

§213.1. Purpose.

The purpose of this chapter is to regulate activities having the potential for polluting the Edwards Aquifer and hydrologically connected surface streams in order to protect existing and potential uses of groundwater and maintain Texas Surface Water Quality Standards. The activities addressed are those that pose a threat to water quality.

(1) Consistent with Texas Water Code, §26.401, the goal of this chapter is that the existing quality of groundwater not be degraded, consistent with the protection of public health and welfare, the propagation and protection of terrestrial and aquatic life, the protection of the environment, the operation of existing industries, and the maintenance and enhancement of the long-term economic health of the state.

(2) Nothing in this chapter is intended to restrict the powers of the commission or any other governmental entity to prevent, correct, or curtail activities that result or may result in pollution of the Edwards Aquifer or hydrologically connected surface waters. In addition to the rules of the commission, an applicant may also be required to comply with local ordinances and regulations providing for the protection of water quality.

(3) The executive director shall review and act on an application subject to this chapter. The applicant or a person affected may file with the chief clerk a motion to overturn, under §50.139(a), (b), and (d) - (g) of this title (relating to Motion to Overturn Executive Director's Decision), of the executive director's final action on an Edwards Aquifer protection plan, modification to a plan, or exception.

Adopted August 10, 2005

Effective September 1, 2005

§213.2. Applicability and Person or Entity Required to Apply.

These rules specifically apply to the Edwards Aquifer and are not intended to be applied to any other aquifers in the state of Texas. Unless otherwise provided under this chapter, the owner of an existing or proposed site, such as a residential or commercial development, sewage collection system, or aboveground or underground storage tank facility for static hydrocarbons or hazardous substances, who proposes new or additional regulated activities under this chapter, must file and receive executive director approval of all appropriate applications prior to commencement of construction of new or additional regulated activities.

Adopted December 4, 1996

Effective December 27, 1996

§213.3. Definitions.

The following words and terms, when used in this chapter, have the following meanings.

(1) **Abandoned well** - A well that has not been used for six consecutive months. A well is considered to be in use in the following cases:

(A) a non-deteriorated well that contains the casing, pump, and pump column in good condition; or

(B) a non-deteriorated well that has been properly capped.

(2) **Aboveground storage tank facility** - The site, tract, or other area where one or more aboveground storage tank systems are located, including all adjoining contiguous land and associated improvements.

(3) **Aboveground storage tank system** - A non-vehicular device (including any associated piping) that is made of nonearthen materials; located on or above the ground surface, or on or above the surface of the floor of a structure below ground, such as a mineworking, basement, or vault; and designed to contain an accumulation of static hydrocarbons or hazardous substances.

(4) **Appropriate regional office** - For regulated activities covered by this chapter and located in Hays, Travis, and Williamson Counties, the appropriate regional office is Region 11, located in Austin, Texas. For regulated activities covered by this chapter and located in Kinney, Uvalde, Medina, Bexar, and Comal Counties, the appropriate regional office is Region 13, located in San Antonio, Texas.

(5) **Best management practices (BMPs)** - A schedule of activities, prohibitions, practices, maintenance procedures, and other management practices to prevent or reduce the pollution of water in the state. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. BMPs are those measures that are reasonable and necessary to protect groundwater and surface water quality, as provided in technical guidance prepared by the executive director or other BMPs that are technically justified based upon studies and other information that are generally relied upon by professionals in the environmental protection field and are supported by existing or proposed performance monitoring studies, including, but not limited to, the United States Environmental Protection Agency, American Society of Civil Engineers, and Water Environment Research Foundation guidance.

(6) **Capped well** - A well that is closed or capped with a covering capable of preventing surface pollutants from entering the well. The cap must be able to sustain a weight of at least 400 pounds. The cap must not be easily removed by hand.

(7) **Commencement of construction** - The initial disturbance of soils associated with clearing, grading, or excavating activities or other construction or regulated activities.

(8) **Edwards Aquifer** - That portion of an arcuate belt of porous, waterbearing, predominantly carbonate rocks known as the Edwards (Balcones Fault Zone) Aquifer trending from west to east to northeast in Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, and Williamson Counties; and composed of the Salmon Peak Limestone, McKnight Formation, West Nueces Formation, Devil's

River Limestone, Person Formation, Kainer Formation, Edwards Group, and Georgetown Formation. The permeable aquifer units generally overlie the less-permeable Glen Rose Formation to the south, overlie the less-permeable Comanche Peak and Walnut formations north of the Colorado River, and underlie the less-permeable Del Rio Clay regionally.

(9) **Edwards Aquifer protection plan** - A general term that includes a water pollution abatement plan, organized sewage collection system plan, underground storage tank facility plan, aboveground storage tank facility plan, or a modification or exception granted by the executive director.

(10) **Edwards Aquifer protection plan holder** - The person who is responsible for compliance with an approved water pollution abatement plan, organized sewage collection system plan, underground storage tank facility plan, aboveground storage tank facility plan, or a modification or exception granted by the executive director.

(11) **Concentrated animal feeding operation** - As defined in §321.32 of this title (relating to Definitions).

(12) **Geologic or manmade features** - Features including, but not limited to, closed depressions, sinkholes, caves, faults, fractures, bedding plane surfaces, interconnected vugs, reef deposits, wells, borings, and excavations.

(13) **Geologic assessment** - A report that is prepared by a geologist describing site-specific geology.

(14) **Geologist** - A Texas licensed professional geoscientist who has training and experience in groundwater hydrology and related fields that enable that individual to make sound professional judgments regarding the identification of sensitive features located in the recharge zone or transition zone.

(15) **Groundwater conservation district** - Any groundwater district created by the legislature or the commission subject to Texas Water Code, Chapter 36, to conserve, preserve, and protect the waters of a groundwater water reservoir.

(16) **Hazardous substance** - Any substance designated as such by the administrator of the United States Environmental Protection Agency under the Comprehensive Environmental Response, Compensation, and Liability Act; regulated in accordance with Federal Water Pollution Control Act, Chapter 311; or any solid waste, or other substance that is designated to be hazardous by the commission, in accordance with Texas Water Code, §26.263 or Texas Health and Safety Code, §361.003.

(17) **Impervious cover** - Impermeable surfaces, such as pavement or rooftops, that prevent the infiltration of water into the soil. Rainwater collection systems for domestic water supplies are not considered impervious cover.

(18) **Industrial wastewater discharge** - Any category of wastewater except:

(A) those that are primarily domestic in composition; or

(B) those emanating from feedlot/concentrated animal feeding operations.

(19) **Injection well** - An injection well as defined under Chapter 331 of this title (relating to Underground Injection Control).

(20) **Land application system** - A wastewater disposal system designed not to discharge wastewater into a surface drainage way.

(21) **Licensed professional geoscientist** - A geoscientist who maintains a current license through the Texas Board of Professional Geoscientists in accordance with its requirements for professional practice.

(22) **Organized sewage collection system** - Any public or private sewage system for the collection and conveyance of sewage to a treatment and disposal system that is regulated in accordance with rules of the commission and provisions of Texas Water Code, Chapter 26. A system may include lift stations, force mains, gravity lines, and any other appurtenance necessary for conveying wastewater from a generating facility to a treatment plant.

(23) **Permanent best management practices** - Best management practices used to prevent and control pollution from regulated activities after construction is complete.

(24) **Pollution** - The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to public health, safety, or welfare, or impairs the usefulness of the public enjoyment of the waters for any lawful or reasonable purpose.

(25) **Private sewage facilities** - On-site sewage facilities as defined under Chapter 285 of this title (relating to On-Site Sewage Facilities).

(26) **Private service lateral** - A wastewater line extending from the building drain to an existing private or public sewage collection system or other place of disposal that provides service to one single-family residence or building, with the operation and maintenance as the sole responsibility of the tenant or owner of the building. A wastewater line extending from the convergence of private service laterals from more than one single-family residence or building is considered a sewage collection system.

(27) **Recharge zone** - Generally, that area where the stratigraphic units constituting the Edwards Aquifer crop out, including the outcrops of other geologic formations in proximity to the Edwards Aquifer, where caves, sinkholes, faults, fractures, or other permeable features would create a potential for recharge of surface waters into the Edwards Aquifer. The recharge zone is identified as that area designated as such on official maps located in the agency's central office and in the appropriate regional office.

(28) **Regulated activity** -

(A) Any construction-related or post-construction activity on the recharge zone of the Edwards Aquifer having the potential for polluting the Edwards Aquifer and hydrologically connected surface streams. These activities include, but are not limited to:

(i) construction of buildings, utility stations, utility lines, roads, highways, or railroads;

(ii) clearing, excavation, or any other activities that alter or disturb the topographic, geologic, or existing recharge characteristics of a site;

(iii) any installation of aboveground or underground storage tank facilities on the recharge or transition zone of the Edwards Aquifer; or

(iv) any other activities that may pose a potential for contaminating the Edwards Aquifer and hydrologically connected surface streams.

(B) Regulated activity does not include:

(i) clearing of vegetation without soil disturbance;

(ii) agricultural activities, except feedlots/concentrated animal feeding operations that are regulated under Chapter 321 of this title (relating to Control of Certain Activities by Rule);

(iii) activities associated with the exploration, development, and production of oil, gas, or geothermal resources under the jurisdiction of the Railroad Commission of Texas;

(iv) routine maintenance of existing structures that does not involve additional site disturbance, such as, but not limited to:

(I) the resurfacing of existing paved roads, parking lots, sidewalks, or other development-related impervious surfaces; and

(II) the building of fences, or other similar activities in which:

(-a-) there is little or no potential for contaminating groundwater; or

(-b-) there is little or no change to the topographic, geologic, or existing sensitive features; or

(v) construction of single-family residences on lots that are larger than five acres, where no more than one single-family residence is located on each lot.

(29) **Sensitive feature** - A permeable geologic or manmade feature located on the recharge zone or transition zone where:

(A) a potential for hydraulic interconnectedness between the surface and the Edwards Aquifer exists; and

(B) rapid infiltration to the subsurface may occur.

(30) **Sewage holding tank** - A tank or other containment structure used to receive and store sewage until its ultimate disposal in an approved treatment facility.

(31) **Site** - The entire area included within the legal boundaries of the property described in the application. Regulated activities on a site that is located partially on the recharge zone and transition zone, where the natural drainage in the transition zone flows back to the recharge zone, will be treated as if the entire site is located on the recharge zone.

(32) **Static hydrocarbon** - A hydrocarbon that is liquid at atmospheric pressure and 20 degrees centigrade.

(33) **Stub out** - A wye, tee, or other manufactured appurtenance placed in a sewage collection system providing a location for a future extension of the collection system.

(34) **Temporary best management practices** - Best management practices used to prevent and control pollution from regulated activities during construction.

(35) **Tertiary containment** - A containment method by which an additional wall or barrier is installed outside of the secondary storage vessel (e.g., tank or piping) or other secondary barrier in a manner designed to prevent a release from migrating beyond the tertiary wall or barrier before the release can be detected. Tertiary containment systems include, but are not limited to, impervious liners and vaults surrounding a secondary tank and/or piping system, or equivalent triple wall tank or piping system as approved by the executive director.

(36) **Transition zone** - That area where geologic formations crop out in proximity to and south and southeast of the recharge zone and where faults, fractures, and other geologic features present a possible avenue for recharge of surface water to the Edwards Aquifer, including portions of the Del Rio Clay, Buda Limestone, Eagle Ford Group, Austin Chalk, Pecan Gap Chalk, and Anacacho Limestone. The transition zone is identified as that area designated as such on official maps located in the agency's central office and in the appropriate regional office.

(37) **Underground storage tank facility** - The site, tract, or other defined area where one or more underground storage tank systems are located, including all contiguous land and associated improvements.

(38) **Underground storage tank system** - Any one or combination of underground tanks and any connecting underground pipes used to contain an accumulation of regulated substances, the

volume of which, including the volume of the connecting underground pipes, is 10% or more beneath the surface of the ground.

(39) **Well** - A bored, drilled, or driven shaft, or an artificial opening in the ground made by digging, jetting, or some other method, where the depth of the well is greater than its largest surface dimension. A well is not a surface pit, surface excavation, or natural depression.

Adopted August 10, 2005

Effective September 1, 2005

§213.4. Application Processing and Approval.

(a) Approval by the executive director.

(1) No person may commence the construction of any regulated activity until an Edwards Aquifer protection plan or modifications to the plan as required by §213.5 of this title (relating to Required Edwards Aquifer Protection Plans, Notification, and Exemptions) or exception under §213.9 of this title (relating to Exceptions) has been filed with the appropriate regional office, and the application has been reviewed and approved by the executive director.

(2) The appropriate regional office shall provide copies of applications to affected incorporated cities, groundwater conservation districts, and counties in which the proposed regulated activity will be located. These copies will be distributed within five days of the application being determined to be administratively complete. Any person may file comments within 30 days of the date the application is mailed to local governmental entities. The executive director shall review all comments that are timely filed.

(3) A complete application for approval, as described in this section, must be submitted with the appropriate fee as specified in §213.12 of this title (relating to Application Fees).

(4) Projects in progress when recharge and transition zone maps are revised.

(A) For areas designated as recharge zone or transition zone on official maps prior to the effective date of this paragraph, and for which this designation did not change, all Edwards Aquifer protection plans submitted to the executive director, on or after the effective date of this paragraph, will be reviewed under all the provisions of the subchapter in effect on the date the plan is submitted.

(B) For areas that were newly designated as recharge zone or transition zone on official maps on the effective date of this paragraph, regulated activities will be considered to have commenced construction and will be regulated under the provisions of this chapter that were in effect at the time the plan was approved by the executive director if, on the effective date, all federal, state, and local approvals or permits required to begin physical construction have been obtained, and if either on-site construction directly related to the development has begun or construction commences within six months of the effective date of this paragraph.

(C) Regulated activities in areas designated as transition zone on official maps prior to the effective date of this paragraph and designated as recharge zone on the effective date of this paragraph will be regulated as transition zone activities if, on the effective date, all federal, state, and local approvals or permits required to begin physical construction have been obtained, and if either on-site construction directly related to the development has begun or construction commences within six months of the effective date of this paragraph.

(D) The effective date of this paragraph is September 1, 2005.

(5) Assumption of program by local government.

(A) A local governmental entity may assume the rights, duties, and responsibilities to review and either approve or deny Edwards Aquifer protection plan applications within its boundaries and monitor and enforce compliance with plans if the local government obtains certification from the executive director.

(B) In order to obtain certification, the local government must demonstrate that:

(i) it has a water quality protection program equal to or more stringent than the rules contained in this chapter, including, but not limited to, a program that:

(I) regulates activities covered under this chapter; and

(II) has performance standards equal to or more protective of water quality;

(ii) it has adopted ordinances or has other enforceable means sufficient to enforce the program throughout the local governmental entity's jurisdiction; and

(iii) it has adequate resources to implement and enforce the program.

(C) Upon approval of a request for certification under this section, the executive director shall enter into an agreement with the local governmental entity to provide for the terms and conditions of program assumption, including executive director oversight. Nothing in a certification or agreement shall affect the commission's ability to enforce its water quality protection rules or applicable state law.

(D) An agreement under subparagraph (C) of this paragraph shall not provide for the payment of fees required by this chapter to the local entity, and shall not provide for partial assumption of the program unless expressly authorized by the commission. Fees shall be paid to the commission for continued proper oversight and enforcement.

(E) Certification shall be for a term not to exceed five years, subject to renewal.

(F) Upon written notice, certification may be revoked or suspended by the executive director if the local entity does not meet the terms and conditions of the agreement provided

under subparagraph (D) of this paragraph, or fails to meet the criteria for certification provided under subparagraph (B) of this paragraph.

(G) A decision by the executive director under this section is not subject to appeal to the commission.

(b) Contents of application.

(1) Forms provided by the executive director. Applications for approval filed under this chapter must be made on forms provided by or approved by the executive director. Each application for approval must, at a minimum, include the following:

(A) the name of the development, subdivision, or facility for which the application is submitted;

(B) a narrative description of the location of the project or facility for which the application is submitted, presenting sufficient detail and clarity so that the project site and its boundaries can be located during a field inspection;

(C) the name, address, and telephone number of the owner or any other person signing the application; and

(D) the information needed to determine the appropriate fee under §213.14 of this title (relating to Fee Schedule) for the following plan types:

(i) for water pollution abatement plans and modifications to plans, the total acreage of the site where regulated activities will occur;

(ii) for organized sewage collection system plans and modifications to plans, the total linear footage of all collection system lines; or

(iii) for static hydrocarbon and hazardous substance storage in underground or permanent aboveground storage tank facility plans, the total number of tanks or piping systems.

(2) Additional information. Each application must also include the following information, as applicable:

(A) for water pollution abatement plans, the information required under §213.5(b) of this title;

(B) for organized sewage collection system plans, the information required under §213.5(c) of this title;

(C) for static hydrocarbon and hazardous substance storage in underground storage tank systems, the information required under §213.5(d) of this title;

(D) for static hydrocarbon and hazardous substance storage in aboveground storage tank systems, the information required under §213.5(e) of this title; and

(E) any other pertinent information related to the application that the executive director may require.

(c) Application submittal.

(1) One original and one copy of the application must be submitted for the executive director's review and additional copies as needed for each affected incorporated city, groundwater conservation district, and county in which the proposed regulated activities will be located. The copies must be submitted to the appropriate regional office.

(2) Only owners, their authorized agent(s), or those persons having the right to possess and control the property that is the subject of the Edwards Aquifer protection plan may submit the plan for review and approval by the executive director.

(d) Signatories to applications.

(1) Required signature. All applications must be signed as follows.

(A) For a corporation, a principal executive officer (president, vice-president, or a duly authorized representative) must sign the application. A representative must submit written proof of the authorization.

(B) For a partnership, a general partner must sign the application.

(C) For a political entity such as a municipality, state, federal, or other public agency, either a principal executive officer or a duly authorized representative must sign the application. A representative must submit written proof of the authorization.

(D) For an individual or sole proprietorship, the individual or sole proprietor must sign the application.

(2) Proof of authorization to sign. The executive director requires written proof of authorization for any person signing an application.

(e) Executive director review. The executive director must complete the review of an application within 90 days after determining that it is administratively complete. The executive director must declare that the application is administratively complete or deficient within 30 days of receipt by the appropriate regional office. Grounds for a deficient application include, but are not limited to, failure to pay all applicable application fees.

(f) Additional provisions. As a condition of approval, the executive director may impose additional provisions deemed necessary to protect the Edwards Aquifer from pollution. The executive

director may conditionally approve an Edwards Aquifer protection plan or impose special conditions on the approval of a plan.

(g) Deed recordation.

(1) The applicant must record in the deed records of the county in which the property is located that the property is subject to an approved Edwards Aquifer protection plan within 30 days of receiving written approval of:

- (A) a water pollution abatement plan;
- (B) an aboveground storage tank plan;
- (C) an underground storage tank plan;
- (D) modifications to any of these plans for a proposed regulated activity; or
- (E) an exception.

(2) A description of the property boundaries that is covered by the Edwards Aquifer protection plan shall be recorded in the county deed records.

(3) Within 60 days of receiving written approval of an Edwards Aquifer protection plan, the applicant must submit, to the appropriate regional office, proof of recordation of notice in the county deed records, with the volume and page number(s) of the county record.

(4) The construction of a public street or highway is exempt from all deed recordation requirements.

(h) Term of approval. The executive director's approval of an Edwards Aquifer protection plan will expire two years after the date of initial issuance, unless prior to the expiration date, substantial construction related to the approved plan has commenced. For purposes of this subsection, substantial construction means more than 10% of total construction has commenced. If a written request for an extension is filed under the provisions of this subsection, the approved plan will continue in effect until the executive director makes a determination on the request for an extension.

(1) A written request for an extension must be received not earlier than 60 days prior to the expiration date of an approved Edwards Aquifer protection plan or a previously approved extension. Requests for extensions are subject to fees outlined in §213.13 of this title (relating to Fees Related to Requests For Extensions).

(2) An executive director's approved extension will expire six months after the original expiration date of the approved Edwards Aquifer protection plan or a previously approved extension unless prior to the expiration date, commencement of construction, repair, or replacement related to the approved plan has occurred.

(3) An Edwards Aquifer protection plan approval or extension will expire and no extension will be granted if more than 50% of the total construction has not been completed within ten years from the initial approval of a plan. A new Edwards Aquifer protection plan must be submitted to the appropriate regional office with the appropriate fees for review and approval by the executive director prior to commencing any additional regulated activities.

(4) Any requests for extensions received by the executive director after the expiration date of an approved Edwards Aquifer protection plan or a previously approved extension will not be accepted. A new application for the purposes of this chapter must be submitted to the appropriate regional office with the appropriate fees for the review and approval by the executive director.

(5) An extension will not be granted if the proposed regulated activity or approved plan for the regulated activity(ies) under this chapter has changed from the regulated activity(ies) approved by the executive director.

(i) Legal transfer of property. Upon legal transfer of property, sewage collection systems, force mains, lift stations, underground storage tank system, or aboveground storage tank system, the new owner(s) is required to comply with all terms of the approved Edwards Aquifer protection plan. If the new owner intends to commence any new regulated activity on the site, a new Edwards Aquifer protection plan that specifically addresses the new activity must be submitted to the executive director. Approval of the plan for the new regulated activity by the executive director is required prior to commencement of the new regulated activity.

(j) Modification of previously approved plans. The holder of any approved Edwards Aquifer protection plan must notify the appropriate regional office in writing and obtain approval from the executive director prior to initiating any of the following:

(1) any physical or operational modification of any water pollution abatement structure(s), including, but not limited to, ponds, dams, berms, sewage treatment plants, and diversionary structures;

(2) any change in the nature or character of the regulated activity from that which was originally approved or a change that would significantly impact the ability of the plan to prevent pollution of the Edwards Aquifer;

(3) any development of land previously identified as undeveloped in the original water pollution abatement plan;

(4) any physical modification of the approved organized sewage collection system;

(5) any physical modification of the approved underground storage tank system; or

(6) any physical modification of the approved aboveground storage tank system.

(k) Compliance. The holder of the approved or conditionally approved Edwards Aquifer protection plan is responsible for compliance with this chapter and any special conditions of the approved

plan through all phases of plan implementation. Failure to comply with any condition of the executive director's approval is a violation of this chapter and is subject to administrative rule or orders and penalties as provided under §213.10 of this title (relating to Enforcement). Such violations may also be subject to civil penalties and injunction.

Adopted August 10, 2005

Effective September 1, 2005

§213.5. Required Edwards Aquifer Protection Plans, Notification, and Exemptions.

(a) Required plans. A plan must be submitted for the following, as appropriate:

(1) a water pollution abatement plan under subsection (b) of this section to conduct regulated activities on the recharge zone not covered by subsections (c), (d), or (e) of this section;

(2) an organized sewage collection system plan under subsection (c) of this section for rehabilitation or construction related to existing or new organized sewage collection systems on the recharge zone;

(3) an underground storage tank facility plan for static hydrocarbon and hazardous substance storage under subsection (d) of this section for the construction or rehabilitation of an underground storage tank system; including tanks, piping, and related systems located on the recharge zone or transition zone; and

(4) an aboveground storage tank facility plan for static hydrocarbon and hazardous substance storage under subsection (e) of this section for the construction or rehabilitation of an aboveground storage tank system; including tanks, piping, and related systems, for the storage of hydrocarbon or hazardous substance located on the recharge zone or transition zone.

(b) Water pollution abatement plan. A water pollution abatement plan must contain the following information.

(1) Application. The information required under §213.4 of this title (relating to Application Processing and Approval) is part of the plan and must be filed with the executive director at the appropriate regional office.

(2) Site location.

(A) Location data and maps must include a legible road map with directions, including mileage, which would enable the executive director to locate the site for inspection.

(B) A general location map must include:

(i) the site location on a copy (or spliced composite of copies, if necessary) of an official recharge zone map(s) with quadrangle name(s) and recharge and transition zone boundaries clearly labeled; and

(ii) a drainage plan, shown on the recharge zone map, indicating all paths of drainage from the site.

(C) A site plan with a minimum scale of one inch to 400 feet must show:

(i) the 100-year floodplain boundaries (if applicable);

(ii) the layout of the development showing existing and finished contours as appropriate, but not greater than ten-foot contour intervals;

(iii) the location of all known wells (including, but not limited to, water wells, oil wells, and unplugged and abandoned wells);

(iv) the location of any sensitive feature on the site of the proposed regulated activity as identified in the geologic assessment under paragraph (3) of this subsection;

(v) the drainage patterns and approximate slopes anticipated after major grading activities;

(vi) areas of soil disturbance and areas which will not be disturbed;

(vii) locations of major structural and nonstructural controls identified in the technical report;

(viii) locations where stabilization practices are expected to occur;

(ix) surface waters (including wetlands); and

(x) locations where stormwater discharges to a surface water or a sensitive feature.

(3) Geologic assessment. For all regulated activities, the applicant must submit a geologic assessment report prepared by a geologist describing the site-specific geology. The report must identify all potential pathways for contaminant movement to the Edwards Aquifer. Single-family residential subdivisions constructed on less than ten acres are exempt from this requirement. The geologic assessment report must be signed, sealed, and dated by the geologist preparing the report.

(A) The geologic assessment must include a geologic map, at site-plan scale, illustrating:

(i) the outcrop of surface geologic units; and

(ii) all geologic and manmade features, specifically identifying:

(I) caves;

- (II) sinkholes;
- (III) faults;
- (IV) permeable fractures;
- (V) solution zones;
- (VI) surface streams; and
- (VII) other sensitive features.

(B) The geologic assessment must contain a stratigraphic column showing, at a minimum, formations, members, and thicknesses.

(C) The geologic assessment must contain a description and evaluation of all geologic and manmade features, on forms provided by, or approved by, the executive director. The assessment must determine which of these features are sensitive features. The assessment must include:

(i) the identification of each geologic or manmade feature, with a cross-reference to the site-plan map coordinates; and

(ii) the type of geologic or manmade feature including, but not limited to:

- (I) sinkholes;
- (II) caves;
- (III) faults;
- (IV) wells;
- (V) surface streams; or
- (VI) potentially permeable fractures and solution zones.

(D) The geologic assessment must contain a narrative assessment of site-specific geology. The assessment must detail the potential for fluid movement to the Edwards Aquifer and include a discussion of the stratigraphy, structure, and karstic characteristics of the site.

(E) The geologic assessment must contain a narrative description of soil units and a soil profile, including thickness and hydrologic characteristics.

(4) Technical report.

(A) The technical report must address the following issues.

(i) The report must describe the nature of the regulated activity (such as residential, commercial, industrial, or utility), including:

(I) the size of the site in acres;

(II) the projected population for the site;

(III) the amount and type of impervious cover expected after construction is complete, such as paved surface or roofing;

(IV) the amount of surface expected to be occupied by parking lots; and

(V) other factors that could affect surface water and groundwater quality.

(ii) The report must describe the volume and character of wastewater expected to be produced. Wastewater generated at a site should be characterized as either domestic or industrial, or if commingled, by approximate percentages of each type.

(iii) The report must describe the volume and character of stormwater runoff expected to occur. Estimates of stormwater runoff quality and quantity should be based on area and type of impervious cover, as described in clause (i) of this subparagraph. An estimate of the runoff coefficient of the site for both the pre-construction and post-construction conditions should be included in the report.

(iv) The report must describe any activities or processes which may be a potential source of contamination.

(v) The report must describe the intended sequence of major activities which disturb soils for major portions of the site (e.g., grubbing, excavation, grading, utilities and infrastructure installation).

(vi) The report must contain estimates of the total area of the site that is expected to be disturbed by excavation, grading, or other activities.

(vii) The report must contain the name of the receiving water(s) at or near the site which will be disturbed or which will receive discharges from disturbed areas of the project.

(B) The technical report must describe the temporary best management practices (BMPs) and measures that will be used during and after construction. The technical report must clearly describe for each major activity identified in subparagraph (A)(v) of this paragraph appropriate control measures and the general timing (or sequence) during the construction process that the measures will be implemented.

(i) BMPs and measures must prevent pollution of surface water, groundwater, or storm water that originates upgradient from the site and flows across the site as provided under this paragraph.

(ii) BMPs and measures must prevent pollution of surface water or groundwater that originates on-site or flows off site, including pollution caused by contaminated stormwater runoff from the site as provided under this paragraph.

(iii) BMPs and measures must prevent pollutants from entering surface streams, sensitive features, or the aquifer as provided under this paragraph.

(iv) To the maximum extent practicable, BMPs and measures must maintain flow to naturally-occurring sensitive features identified in either the geologic assessment, executive director review, or during excavation, blasting, or construction.

(I) The temporary sealing of a naturally-occurring sensitive feature which accepts recharge to the Edwards Aquifer as a temporary pollution abatement measure during active construction should be avoided.

(II) A request to temporarily seal must include a justification as to why no reasonable and practicable alternative exists. The request will be evaluated by the executive director on a case-by-case basis.

(v) Temporary BMPs and measures must meet the requirements contained in subparagraph (D)(i) of this paragraph.

(vi) The report must include a plan for the inspection of temporary BMPs and measures and for their timely maintenance, repair, and, if necessary, retrofit.

(vii) Temporary sediment pond or basin construction plans and design calculations for a proposed temporary BMP or measure must be prepared by or under the direct supervision of a Texas licensed professional engineer. All construction plans and design information must be signed, sealed, and dated by the Texas licensed professional engineer.

(viii) Pilot-scale field testing (including water quality monitoring) may be required for BMPs that are not contained in technical guidance recognized by, or prepared by, the executive director.

(ix) The construction-phase BMPs for erosion and sediment controls should be designed to retain sediment on site to the extent practicable.

(x) All control measures must be properly selected, installed, and maintained in accordance with the manufacturers specifications and good engineering practices. If periodic inspections by the applicant or the executive director, or other information indicates a control has

been used inappropriately, or incorrectly, the applicant must replace or modify the control for site situations.

(xi) If sediment escapes the construction site, off-site accumulations of sediment must be removed at a frequency sufficient to minimize off-site impacts to water quality (e.g., fugitive sediment in street being washed into surface streams or sensitive features by the next rain).

(xii) Sediment must be removed from sediment traps or sedimentation ponds not later than when design capacity has been reduced by 50%.

(xiii) Litter, construction debris, and construction chemicals exposed to storm water shall be prevented from becoming a pollutant source for storm water discharges (e.g., screening outfalls, picked up daily).

(C) The technical report must describe the permanent BMPs and measures that will be used during and after construction is completed.

(i) BMPs and measures must prevent pollution of surface water, groundwater, or storm water that originates upgradient from the site and flows across the site.

(ii) BMPs and measures must prevent pollution of surface water or groundwater that originates on-site or flows off the site, including pollution caused by contaminated storm water runoff from the site.

(iii) BMPs and measures must prevent pollutants from entering surface streams, sensitive features, or the aquifer.

(iv) To the extent practicable, BMPs and measures must maintain flow to naturally occurring sensitive features identified in either the geologic assessment, executive director review, or during excavation, blasting, or construction.

(I) The permanent sealing of, or diversion of, flow from a naturally occurring sensitive feature that accepts recharge to the Edwards Aquifer as a permanent pollution abatement measure should be avoided.

(II) A request to seal a naturally occurring sensitive feature must include a justification as to why no reasonable and practicable alternative exists. The request will be evaluated by the executive director on a case-by-case basis.

(v) Permanent BMPs and measures must meet the requirements contained in subparagraph (D)(ii) of this paragraph.

(vi) Construction plans and design calculations for the proposed permanent BMPs and measures must be prepared by, or under the direct supervision of, a Texas licensed professional engineer. All construction plans and design information must be signed, sealed, and dated by the Texas licensed professional engineer.

(vii) The technical report must include a plan for the inspection of the permanent BMPs and measures and for their timely inspection, maintenance, repair, and, if necessary, retrofit. The plan must be prepared and certified by the engineer designing the permanent BMPs and measures. The plan must be signed by the owner or responsible party.

(viii) Pilot-scale field testing (including water quality monitoring) may be required for BMPs that are not contained in technical guidance recognized by, or prepared by, the executive director.

(I) When pilot-scale field testing of an innovative technology (including water quality monitoring) is required, only one pilot site will be approved.

(II) No additional approvals will be granted until the pilot study is complete and the applicant demonstrates adequate protection of the Edwards Aquifer.

(III) If the innovative technology demonstrates adequate protection of the Edwards Aquifer, additional units may be approved for use as permanent pollution abatement measures on the Edwards Aquifer recharge zone.

(IV) If the innovative technology demonstrates inadequate protection of the Edwards Aquifer, a retrofit of the pollution abatement measure may be required to achieve compliance with requirements under subparagraph (D) of this paragraph and no additional units will be approved for use on the Edwards Aquifer recharge zone.

(D) Requirements for BMPs and measures.

(i) Temporary BMPs.

(I) The technical report must include a description of interim and permanent stabilization practices for the site, including a schedule of when the practices will be implemented. Stabilization practices may include, but are not limited to: establishment of temporary vegetation, establishment of permanent vegetation, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures.

(-a-) The following records shall be maintained and made available to the executive director upon request: the dates when major grading activities occur; the dates when construction activities temporarily or permanently cease on a portion of the site; and the dates when stabilization measures are initiated.

(-b-) Stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased. Where the initiation of stabilization measures by the 14th day after construction activity temporary or permanently cease is precluded by weather conditions, stabilization measures shall be initiated as soon as practicable. Where construction activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within 21 days, temporary stabilization measures

do not have to be initiated on that portion of site. In areas experiencing droughts where the initiation of stabilization measures by the 14th day after construction activity has temporarily or permanently ceased is precluded by seasonal arid conditions, stabilization measures shall be initiated as soon as practicable.

(II) The technical report must include a description of structural practices to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable. Structural practices may include, but are not limited to: silt fences, earth dikes, drainage swales, sediment traps, checks dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and sediment basins. Placement of structural practices in floodplains should be avoided to the degree attainable.

(-a-) For common drainage locations that serve an area with ten or more acres disturbed at one time, a sediment basin that provides storage for a calculated volume of runoff from a two-year, 24-hour storm from each disturbed acre drained, or equivalent control measures, shall be provided where attainable until final stabilization of the site. Where no such calculation has been performed, a sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent control measures, shall be provided where attainable until final stabilization of the site. When computing the number of acres draining into a common location it is not necessary to include flows from off-site areas and flows from on-site areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin.

(-b-) In determining whether installing a sediment basin is attainable, the applicant may consider factors such as site soils, slope, and available area on site. For drainage locations which serve ten or more disturbed acres at one time and where a sediment basin or equivalent controls is not attainable, smaller sediment basins and/or sediment traps should be used. Where neither the sediment basin nor equivalent controls are attainable due to site limitations, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries of the construction area and for those side slope boundaries deemed appropriate as dictated by individual site conditions. The executive director encourages the use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal.

(-c-) For drainage locations serving less than ten acres, smaller sediment basins and/or sediment traps should be used. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of the construction area unless a sediment basin providing storage for a calculated volume of runoff from a two-year, 24-hour storm or 3,600 cubic feet of storage per acre drained is provided. The executive director encourages the use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal.

(ii) Permanent BMPs and measures.

(I) BMPs and measures must be implemented to control the discharge of pollution from regulated activities after the completion of construction. These practices and measures must be designed, constructed, operated, and maintained to insure that 80% of the incremental

increase in the annual mass loading of total suspended solids from the site caused by the regulated activity is removed. These quantities must be calculated in accordance with technical guidance prepared or accepted by the executive director.

(II) Owners of permanent BMPs and measures must insure that the BMPs and measures are constructed and function as designed. A Texas licensed professional engineer must certify in writing that the permanent BMPs or measures were constructed as designed. The certification letter must be submitted to the appropriate regional office within 30 days of site completion.

(III) Where a site is used for low density single-family residential development and has 20% or less impervious cover, other permanent BMPs are not required. This exemption from permanent BMPs must be recorded in the county deed records, with a notice that if the percent impervious cover increases above 20% or land use changes, the exemption for the whole site as described in the property boundaries required by §213.4(g) of this title, may no longer apply and the property owner must notify the appropriate regional office of these changes.

(IV) The executive director may waive the requirement for other permanent BMPs for multi-family residential developments, schools, or small business sites where 20% or less impervious cover is used at the site. This exemption from permanent BMPs must be recorded in the county deed records, with a notice that if the percent impervious cover increases above 20% or land use changes, the exemption for the whole site as described in the property boundaries required by §213.4(g) of this title, may no longer apply and the property owner must notify the appropriate regional office of these changes.

(E) The technical report must describe measures that will be used to avoid or minimize surface stream contamination and changes in the way in which water enters a stream as a result of the construction and development. The measures should address the following:

- (i) increased stream flashing;
- (ii) the creation of stronger flows and in-stream velocities; or
- (iii) other in-stream effects caused by the regulated activity which increase erosion that results in water quality degradation.

(F) The technical report must describe the method of wastewater disposal from the site.

(i) If wastewater is to be disposed of by conveyance to a sewage treatment plant for treatment and disposal, the existing or proposed treatment facility must be identified.

(ii) If wastewater is to be disposed of by an on-site sewage facility, the application must include a written statement from the appropriate authorized agent, stating that the site is suitable for the use of private sewage facilities and will meet the special requirements for on-site sewage facilities located on the Edwards Aquifer recharge zone as specified under Chapter 285 of this title (relating to On-Site Sewage Facilities), or identifying those areas that are not suitable.

(G) The technical report must describe the measures that will be used to contain any spill of hydrocarbons or hazardous substances such as on a roadway or from a pipeline or from temporary aboveground storage of 250 gallons or more.

(i) Temporary storage facilities are those used on site for less than one year.

(ii) Temporary aboveground storage tank systems of 250 gallons or more cumulative storage capacity must be located a minimum horizontal distance of 150 feet from any domestic, industrial, irrigation, or public water supply well, or other sensitive feature.

(5) Responsibility for maintenance of permanent BMPs and measures after construction is complete.

(A) The applicant shall be responsible for maintaining the permanent BMPs after construction until such time as the maintenance obligation is either assumed in writing by another entity having ownership or control of the property (such as without limitation, an owner's association, a new property owner or lessee, a district, or municipality) or the ownership of the property is transferred to the entity. Such entity shall then be responsible for maintenance until another entity assumes such obligations in writing or ownership is transferred.

(B) A copy of the transfer of responsibility must be filed with the executive director at the appropriate regional office within 30 days of the transfer.

(C) This paragraph applies to:

(i) multiple single-family residential developments, multi-family residential; and

(ii) non-residential developments such as commercial, industrial, institutional, schools, and other sites where regulated activities occur.

(c) Organized sewage collection systems.

(1) No person may commence rehabilitation or construction related to an existing or new organized sewage collection system on the recharge zone, until final design plans, specifications, and an engineering report, as specified in Chapter 317 of this title (relating to Design Criteria for Sewerage Systems) and appropriate special requirements of this section, have been filed with and approved by the executive director.

(2) General design of sewage collection systems. Design of new sewage collection systems on the recharge zone must comply with Chapter 317 of this title.

(3) Special requirements for sewage collection systems. In addition to the requirements in paragraph (2) of this subsection, sewage collection systems on the recharge zone must meet the following special requirements.

(A) Manhole rehabilitation or construction. All manholes rehabilitated or constructed after March 21, 1990, must be watertight, with watertight rings and covers and must be constructed and tested to meet the requirements of §317.2(c)(5)(H) of this title (relating to Sewage Collection System).

(B) Piping for gravity and pressurized collection systems. Compliance with the following is required, unless local regulations dictate more stringent standards:

(i) for gravity collection systems, all PVC pipe must have a Standard Dimension Ratio (SDR) of 35 or less and meet the requirements of §317.2(a) - (c)(4) of this title; and

(ii) for all pressurized sewer systems, all PVC pipe must have a minimum working pressure rating of 150 pounds per square inch and meet the requirements of §317.2(d)(2) - (4) and §317.3(d)(5) - (7) of this title (relating to Sewage Collection System and Lift Stations).

(C) Lift station design. Lift stations must be designed and constructed to ensure that bypassing of any sewage does not occur. All lift stations must be designed to meet the requirements of §317.2(d) and §317.3 of this title. A lift station application must include final construction plans and a design report prepared by or under the direct supervision of a Texas licensed professional engineer. All design information must be signed, sealed, and dated by a Texas licensed professional engineer.

(D) Certification of new sewage collection system lines by a Texas licensed professional engineer. Owners of sewage collection systems must insure that all new gravity sewer system lines having a diameter greater than or equal to six inches and all new force mains are tested for leakage following construction. Such lines must be certified by a Texas licensed professional engineer to meet the appropriate requirements of §317.2 of this title. The engineer must retain copies of all test results which must be made available to the executive director upon request. The engineer must certify in writing that all wastewater lines have passed all required testing to the appropriate regional office within 30 days of test completion and prior to use of the new collection system. Following the completion of the new sewer lines and manholes, they must be tested every five years thereafter in accordance with subparagraph (E) of this paragraph.

(E) Testing of existing sewer lines. Owners of sewage collection systems must insure that all existing sewer lines having a diameter greater than or equal to six inches, including private service laterals, manholes, and connections, are tested to determine types and locations of structural damage and defects such as offsets, open joints, or cracked or crushed lines that would allow exfiltration to occur. Existing manholes and lift station wet wells must be tested using methods for new structures which are approved by the executive director.

(i) Testing of all sewage collection systems must be conducted every five years after being put into use. Any sewage collection system in place as of March 21, 1990 must

have commenced and completed the first round of five-year testing. Every five years, existing sewage collection systems must be tested to determine types and locations of structural damage and defects such as offsets, open joints, or cracked or crushed lines that would allow exfiltration to occur. These test results must be certified by a Texas licensed professional engineer. The test results must be retained by the plan holder for five years and made available to the executive director upon request. The use of one of the following methods will satisfy the requirements for the five-year testing of existing sewer lines.

(I) In-place deflection testing must meet the requirements of §317.2(a)(4)(C) of this title. No pipe shall exceed a deflection rate of 5.0%.

(II) Internal line inspections, using a color television camera to verify that the lines are free of structural damage such as offsets, open joints, or cracked or crushed lines, that would allow exfiltration to occur, are acceptable. The use of black and white television equipment may be used following demonstration to the executive director that an acceptable inspection can be performed as provided in subclause (IV) of this clause.

(III) In-line smoke testing is acceptable only for the testing of private service laterals.

(IV) Testing methods other than those listed in this subsection must be approved by the executive director prior to initiating the sewer line testing.

(ii) Except as otherwise provided in an enforcement order of the commission, as soon as possible, but at least within one year of detecting defects, repairs to the sewage collection system must be completed by the system's owner. However, all leakage must be immediately contained to prevent any discharge to water in the state or pollution of the Edwards Aquifer whether necessary repairs have been completed or not. Leakage is a violation of Texas Water Code, §26.121 and these rules are not intended to excuse such unlawful discharge of waste into or adjacent to water in the state. All repairs must be certified by a Texas licensed professional engineer. Repairs must be tested within 45 days of completion using the methods described in clause (i) of this subparagraph. Results must be submitted to the appropriate regional office within 30 days of testing.

(F) Blasting for sewer line excavation. Blasting for sewer line excavation must be done in accordance with appropriate criteria established by the National Fire Protection Association. Should such blasting result in damage to an existing or newly completed sewer line or any of its appurtenances, the owner of the sewer system and appurtenances must repair and retest the damaged sewer line and its appurtenances immediately. The use of sand for pipe embedment or backfill in blasted rock is prohibited.

(G) Sewer line stub outs. New collection system lines must be constructed with stub outs for the connection of anticipated extensions. The location of such stub outs must be marked on the ground such that their location can be easily determined at the time of connection of the proposed extensions. All stub outs must be sealed with a manufactured cap to prevent leakage. Extensions that were not anticipated at the time of original construction or that are to be connected to an existing sewer line not furnished with stub outs must be connected using a manufactured saddle in accordance with accepted plumbing techniques.

(i) Main line stub outs. Manholes must be placed at the end of all sewer lines that will be extended at a future date, as specified in §317.2(c)(5) of this title. If the main line is to be extended within one year, a variance to allow the use of a stub out until the line is extended will be considered on a case-by-case basis. At the time of original construction, new stub outs must be constructed sufficiently to extend beyond the end of the street pavement. Stub outs that were not anticipated at the time of original construction must enter the manhole using a bored or drilled hole. Chiseling or hammering to enter a manhole is prohibited.

(ii) Private service lateral stub outs. Such stub outs must be manufactured using wyes or tees that are compatible in size and material with both the sewer line and the extension. Private service lateral stub outs that were not anticipated at the time of original construction must be connected using a manufactured saddle in accordance with accepted plumbing techniques.

(H) Locating sewer lines within a five-year floodplain. Sewer lines may not be located within the five-year floodplain of a drainageway, unless an exemption is granted by the executive director. If the applicant demonstrates to the executive director that such location is unavoidable, and the area is subject to inundation and stream velocities which could cause erosion and scouring of backfill, the trench must be capped with concrete to prevent scouring of backfill, or the sewer lines must be encased in concrete. All concrete must have a minimum thickness of six inches.

(I) Inspection of private service lateral connections. After installing and prior to covering and connecting a private service lateral to an organized sewage collection system, a Texas licensed professional engineer, Texas registered sanitarian, or appropriate city inspector must inspect the private service lateral and the connection to the collection system and certify that construction conforms with the applicable provisions of this subsection and local plumbing codes. Private service laterals may only be connected to approved sewage collection systems.

(J) Embedment materials. Embedment materials must meet the specification for bedding contained in §317.2(a)(5) of this title.

(K) Sewer lines bridging caverns or other sensitive features. Sewer lines that bridge caverns or sensitive features must be constructed in a manner that will maintain the structural integrity of the line. When such geologic features are encountered during construction, the location and extent of those features must be assessed by a geologist and must be reported to the appropriate regional office in writing within two working days of discovery. Notification and inspection must comply with the requirements under subsection (f) of this section.

(L) Erosion and sedimentation control. A temporary erosion and sedimentation control plan must be included with all construction plans. All temporary erosion and sedimentation controls must be installed prior to construction, must be maintained during construction, and must be removed when sufficient vegetation is established to control the erosion and sedimentation and the construction area is stabilized.

(M) Alternative sewage collection systems. The executive director may approve an alternative procedure which is technically justified; signed, sealed, and dated by a Texas licensed

professional engineer indicating equivalent environmental protection; and which complies with the requirements of §317.2(d) of this title.

(N) Required corrective action. Notwithstanding compliance with the requirements of subparagraphs (A) - (M) of this paragraph, sewage collection systems must operate in a manner that will not cause pollution of the Edwards Aquifer. Any failure must be corrected in a manner satisfactory to the executive director.

(4) Contents of organized sewage collection system plan.

(A) Application. For organized sewage collection systems, the information required under §213.4 of this title must be filed with the executive director at the appropriate regional office.

(B) Narrative description of proposed organized sewage collection system. A narrative report must include, at a minimum, a geographic description and anticipated type of development within the sewage collection system service area.

(C) Geologic assessment. A geologic assessment, as described in subsection (b)(3) of this section, must be performed by a geologist along the path of the proposed sewer line(s), plus 50 feet on each side of the proposed sewer line(s). The geologic assessment report must be signed, sealed, and dated by the geologist preparing the report.

(D) Technical report. For an organized sewage collection system, a technical report must be submitted on forms provided by, or approved by, the executive director. The technical report must contain the information requested in the following subsections of this section: (b)(4)(A)(ii) and (iv), (B), (D)(i), (F)(i), and (G). A technical report for a water pollution abatement plan submitted under subsection (b) of this section satisfies this requirement, provided it properly addresses the proposed sewage collection system.

(E) Plans and specifications. Plans and specifications addressing all the requirements in paragraphs (2) and (3) of this subsection, must include at a minimum:

(i) a map showing the location of the organized sewage collection system layout in relation to recharge zone boundaries;

(ii) a map showing the location of the organized sewage collection system layout overlaid by topographic contour lines, using a contour interval of not greater than ten feet, and showing the area within both the five-year floodplain and the 100-year floodplain of any drainage way;

(iii) construction documents prepared by, or under the supervision of, a Texas licensed professional engineer, which have also been signed, sealed, and dated by that Texas licensed professional engineer, at a minimum, must include:

(I) plan and profile views of the collection system;

(II) construction details of collection system components;

(III) specifications for all collection system components; and

(IV) proposed pollution abatement measures for sensitive features identified along the path of the proposed sewer line.

(d) Static hydrocarbon and hazardous substance storage in underground storage tanks system.

(1) Standards for underground storage tank systems. New or replacement systems for the underground storage of static hydrocarbons or hazardous substances must be of double-walled or an equivalent method approved by the executive director. Methods for detecting leaks in the inside wall of a double-walled system must be included in the facility's design and construction. The leak detection system must provide continuous monitoring of the system and must be capable of immediately alerting the system's owner of possible leakages.

(A) Installation. All underground hydrocarbon and hazardous substance storage tank systems must be installed by a person possessing a valid certificate of registration in accordance with the requirements of Chapter 334, Subchapter I of this title (relating to Underground Storage Tank On-Site Supervisor Licensing and Contractor Registration).

(B) Siting. Any new underground hydrocarbon and hazardous substance storage tank system that does not incorporate a method for tertiary containment must be located a minimum horizontal distance of 150 feet from any domestic, industrial, or irrigation well, or other sensitive feature as determined under the geologic assessment at the time of construction or replacement under paragraph (2)(C) of this subsection or the tankhold inspection under subsection (f)(2)(B) of this section. This method of tertiary containment also applies to the placement of a tank system within 150 feet of a public water supply well without a sanitary control easement of 150 feet as defined in §290.41(c)(1)(F) of this title (relating to Water Sources).

(2) Contents of an underground storage tank facility plan. An underground storage tank facility plan must, at a minimum, contain the following information.

(A) Application. The information required under §213.4 of this title must be filed with the executive director at the appropriate regional office.

(B) Site location map. A site location map as specified in subsection (b)(2) of this section including a legible road map, a general location map, and a site plan, must be submitted as part of the plan.

(C) Geologic assessment. For all facilities located on either the recharge zone or transition zone, a geologic assessment prepared by a geologist, as described in subsection (b)(3) of this section, must be submitted for the site. The geologic assessment report must be signed, sealed, and dated by the geologist preparing the report.

(D) Technical report. For all facilities, located on either the recharge zone or transition zone, a technical report must be submitted on forms provided by, or approved by, the executive director. The technical report must contain the information requested in subsection (b)(4)(B) and (C) and (5) of this section. A technical report for a water pollution abatement plan submitted under subsection (b) of this section satisfies this requirement, provided it properly addresses the proposed underground storage tank facility.

(e) Static hydrocarbon and hazardous substance storage in an aboveground storage tank facility.

(1) Design standards. Systems used for the temporary and permanent aboveground storage of static hydrocarbon and hazardous substance must be constructed within controlled drainage areas that are sized to capture one and one-half (1-1/2) times the storage capacity of the system. The controlled drainage area must be constructed of, and in a material impervious to, the substance(s) being stored, and must direct spills to a convenient point for collections and recovery. Any spills from storage tank facilities must be removed from the controlled drainage area for disposal within 24 hours of the spill.

(2) Contents of an aboveground storage tank facility plan. A permanent aboveground storage tank facility plan must contain, at a minimum, the following information.

(A) Application. For an aboveground storage tank facility, the information required under §213.4 of this title must be filed with the executive director at the appropriate regional office.

(B) Site location map. A site location map as specified in subsection (b)(2) of this section, including a legible road map, a general location map, and a site plan, must be submitted as part of the plan for a permanent facility.

(C) Geologic assessment. For all facilities located on either the recharge zone or transition zone, a geologic assessment prepared by a geologist, as described in subsection (b)(3) of this section, must be submitted for the area containing the aboveground storage tank system. The geologic assessment report must be signed, sealed, and dated by the geologist preparing the report.

(D) Technical report. For all facilities located on either the recharge zone or transition zone, a technical report must be submitted on forms provided by, or approved by, the executive director. The technical report must contain the information requested in subsection (b)(4)(B) and (C) and (5) of this section. A technical report for a water pollution abatement plan submitted under subsection (b) of this section satisfies this requirement, provided it properly addresses the proposed aboveground storage tank facility.

(3) A description of measures that will be used to contain any spill of hydrocarbons or hazardous substances from temporary storage of 250 gallons or more must be included with the plan unless described under subsection (b)(4)(G) of this section. Any new temporary aboveground hydrocarbon and hazardous substance storage tank system must be located a minimum horizontal distance of 150 feet from any domestic, industrial, irrigation, or public water supply well, or other sensitive feature.

(4) Exemptions from this section.

(A) Equipment used to transmit electricity that utilizes oil for insulation or cooling purposes, including transformers and oil circuit breakers, are exempt from this subsection. Construction of supporting structures is a regulated activity for which a water pollution abatement plan under subsection (a)(1) of this section is required.

(B) Permanent storage facilities with a cumulative storage capacity of less than 500 gallons are exempt from this section.

(f) Notification and inspection.

(1) The applicant must provide written notification of intent to commence construction, replacement, or rehabilitation. Notification must be given to the appropriate regional office no later than 48 hours prior to commencement of the regulated activity.

(A) Written notification must include:

- (i) the date on which the regulated activity will commence;
- (ii) the name of the approved plan for the regulated activity; and
- (iii) the name of the prime contractor and the name and telephone number of the contact person.

(B) The executive director will use the notification to determine if the applicant is eligible for an extension of an approved plan. Construction will not be considered to have commenced until written notification is received by the appropriate regional office.

(2) If any sensitive feature is discovered during construction, replacement, or rehabilitation, all regulated activities near the sensitive feature must be suspended immediately.

(A) The holder of an approved Edwards Aquifer protection plan must immediately notify the appropriate regional office of any sensitive features encountered during construction. This notice must be given before continuing construction.

(B) Regulated activities near the sensitive feature may not proceed until the executive director has reviewed a geologic assessment report prepared by a geologist that consists of information required under subsection (b)(3)(C) and (D) of this section for the sensitive feature and has reviewed and approved the methods proposed to protect the sensitive feature and the Edwards Aquifer from potentially adverse impacts to water quality. The geologic assessment report must be signed, sealed, and dated by the geologist preparing the report.

(C) The holder of an approved sewage collection system plan, must meet the following.

(i) Upon completion of any lift station excavation, a geologist must certify that the excavation has been inspected for the presence of sensitive features. The certification must be signed, sealed, and dated by the geologist preparing the certification. Certification that the excavation has been inspected must be submitted to the appropriate regional office.

(I) Further activities may not proceed until the executive director has reviewed and approved the methods proposed to protect any sensitive feature and the Edwards Aquifer from potentially adverse impacts to water quality from the lift station.

(II) Construction may continue if the geologist certifies that no sensitive feature or features were present.

(ii) The applicant must submit a plan for ensuring the structural integrity of the sewer line or for modifying the proposed collection system alignment around the feature. The plan must be certified by a Texas licensed professional engineer. These plans must be submitted to the appropriate regional office for review and approval.

(D) For an approved underground storage tank facility plan, a geologist must certify that a completed tankhold excavation has been inspected for the presence of sensitive features. The certification must be signed, sealed, and dated by the geologist preparing the certification.

(i) Certification that the tankhold excavation has been inspected must be submitted to the appropriate regional office.

(ii) If a sensitive feature is discovered, the applicant must propose methods to protect the feature and the Edwards Aquifer from potentially adverse impacts to water quality from the underground storage tank system. Installation activities may not proceed until the executive director has reviewed and approved the proposed methods. The protection methods must be consistent with subsection (d)(1)(B) of this section.

(iii) Construction may continue if the geologist certifies that no sensitive feature or features were present.

(3) The executive director must review methods or plans proposed to protect sensitive features and the Edwards Aquifer from potentially adverse impacts to water quality. This review will be completed within one week of receiving a method or plan. Regulated activities near the sensitive feature may not continue until the executive director has approved the proposed methods or plans.

(g) On-site sewerage systems. On-site sewerage systems located on the recharge zone are subject to §285.40 of this title (relating to OSSFs on the Recharge Zone of the Edwards Aquifer) and other applicable provisions contained in Chapter 285 of this title. Systems must be designed, installed, maintained, repaired, and replaced in accordance with Chapter 285 of this title.

(h) Exemption.

(1) Regulated activities exempt from the Edwards Aquifer protection plan application requirements under this section are:

(A) the installation of natural gas lines;

(B) the installation of telephone lines;

(C) the installation of electric lines;

(D) the installation of water lines;

(E) the installation of other utility lines which are not designed to carry and will not carry the following:

(i) pollutants;

(ii) storm water runoff;

(iii) sewage effluent; or

(iv) treated effluent from a wastewater treatment facility.

(2) An individual land owner who seeks to construct his/her own single-family residence or associated residential structures on the site is exempt from the Edwards Aquifer protection plan application requirements under this section, provided that he/she does not exceed 20% impervious cover on the site.

(3) Temporary erosion and sedimentation controls are required to be installed and maintained for exempted activities on the recharge zone.

(4) All temporary erosion and sedimentation controls:

(A) must meet the requirements contained in subsection (b)(4)(D)(i) of this section;

(B) must be installed prior to construction;

(C) must be maintained during construction; and

(D) may be removed only when vegetation is established and the construction area is stabilized.

(5) The executive director may monitor storm water discharges from these projects to evaluate the adequacy of the temporary erosion and sedimentation control measures. Additional protection will be required if the executive director determines that these controls are inadequate to protect water quality.

Adopted July 23, 2003

Effective September 1, 2003

§213.6. Wastewater Treatment and Disposal Systems.

(a) General.

(1) New industrial and municipal wastewater discharges into or adjacent to water in the state that would create additional pollutant loading are prohibited on the recharge zone.

(2) Increases in existing discharges into or adjacent to water in the state that would increase or add new pollutant loading are prohibited on the recharge zone.

(3) Existing permits may be renewed for the same discharge volumes and with the same conditions and authorizations specified in the permit. Permits will not be renewed if the facility becomes non-compliant, as defined in Chapter 70 of this title (relating to Enforcement).

(4) New land application wastewater treatment plants located on the recharge zone must be designed, constructed, and operated such that there are no bypasses of the treatment facilities or any discharges of untreated or partially treated wastewater.

(5) Design of wastewater treatment plants must be in accordance with Chapter 317 of this title (relating to Design Criteria for Sewerage Systems).

(b) Land application systems.

(1) Except for licensed private sewage facilities, land application systems that rely on percolation for wastewater disposal are prohibited on the recharge zone.

(2) Wastewater disposal systems for disposal of wastewater on the recharge zone utilizing land application methods, such as evaporation or irrigation, will be considered on a case-by-case basis. At a minimum, those systems must attain secondary treatment as defined in Chapter 309 of this title (relating to Effluent Limitations).

(3) Existing permits may be renewed for the same discharge volumes and with the same conditions and authorizations specified in the permit unless the facility becomes non-compliant, as defined in Chapter 70 of this title (relating to Enforcement).

(c) Discharge upstream from the recharge zone.

(1) All new or increased discharges of treated wastewater into or adjacent to water in the state, other than industrial wastewater discharges, within zero to five (0 to 5) miles upstream from the recharge zone, at a minimum, shall achieve the following level of effluent treatment:

(A) five milligrams per liter of carbonaceous biochemical oxygen demand, based on a 30-day average;

(B) five milligrams per liter of total suspended solids, based on a 30-day average;

(C) two milligrams per liter of ammonia nitrogen, based on a 30-day average;
and

(D) one milligram per liter of phosphorus, based on a 30-day average.

(2) All new or increased discharges into or adjacent to water in the state, other than industrial wastewater discharges, more than five miles but within ten miles upstream from the recharge zone and any other discharges that the agency determines may affect the Edwards Aquifer, at a minimum, must achieve the level of effluent treatment for 2N based on a 30-day average as set out in Table 1 of Chapter 309 of this title. More stringent treatment or more frequent monitoring may be required on a case-by-case basis.

(3) All discharges, other than industrial wastewater discharges, more than five (5) miles upstream from the recharge zone which enter the main stem or a tributary of Segment 1428 of the Colorado River, or Segment 1427, main stem Onion Creek, or a tributary of Onion Creek must comply with §311.43 of this title (relating to Effluent Requirements for All Tributaries of Segment 1428 of the Colorado River and Segment 1427, Onion Creek, and Its Tributaries, of the Colorado River Basin), and to §311.44 of this title (relating to Disinfection). More stringent treatment or more frequent monitoring may be required on a case-by-case basis.

(4) Any existing permitted industrial wastewater discharges within zero to ten (0 to 10) miles upstream of the recharge zone must, at all times, discharge effluent in accordance with permitted limits. Any application for new industrial wastewater discharge permits for facilities zero to ten (0 to 10) miles upstream of the recharge zone will be considered on a case-by-case basis, in accordance with appropriate discharge limits applicable to that industrial activity and with consideration of its proximity to the recharge zone.

Adopted September 23, 1998

Effective June 1, 1999

§213.7. Plugging of Abandoned Wells and Borings.

(a) All identified abandoned water wells, including injection, dewatering, and monitoring wells must be plugged pursuant to requirements of the Texas Department of Licensing and Regulation under 16 TAC Chapter 76 (relating to Licensing and Regulation of Water Well Drillers and Water Well Pump Installers) and all other locally applicable rules, as appropriate.

(b) Abandoned injection wells must be closed under the requirements of Chapter 331 of this title (relating to Underground Injection Control).

(c) All borings with depths greater than or equal to 20 feet must be plugged with a non-shrink grout from the bottom of the hole to within three (3) feet of the surface. The remainder of the hole must be backfilled with cuttings from the boring or gravel. All borings less than 20 feet must be backfilled

with cuttings from the boring or gravel. All borings must be backfilled or plugged within four (4) days of completion of the drilling operation. Voids may be filled with gravel.

Adopted September 23, 1998

Effective June 1, 1999

§213.8. Prohibited Activities.

(a) Recharge zone. The following activities are prohibited on the recharge zone:

(1) waste disposal wells regulated under Chapter 331 of this title (relating to Underground Injection Control);

(2) new feedlot/concentrated animal feeding operations regulated under Chapter 321 of this title (relating to Control of Certain Activities by Rule);

(3) land disposal of Class I wastes, as defined in §335.1 of this title (relating to Definitions);

(4) the use of a sewage holding tank as part of an organized sewage collection systems (lift stations approved by the executive director are not prohibited);

(5) new municipal solid waste landfill facilities required to meet and comply with Type I standards which are defined in §330.41(b), (c), and (d) of this title (relating to Types of Municipal Solid Waste Facilities); and

(6) new municipal and industrial wastewater discharges into or adjacent to water in the state that would create additional pollutant loading.

(b) Transition zone. The following activities are prohibited on the transition zone:

(1) waste disposal wells regulated under Chapter 331 of this title;

(2) land disposal of Class I wastes, as defined in §335.1 of this title; and

(3) new municipal solid waste landfill facilities required to meet and comply with Type I standards which are defined in §330.41(b), (c), and (d) of this title.

(c) Additional prohibitions. For applications submitted on or after September 1, 2001, injection wells that transect or terminate in the Edwards Aquifer, as defined in §331.19 of this title (relating to Injection Into or Through the Edwards Aquifer), are prohibited except as provided by §331.19 of this title.

Adopted October 10, 2002

Effective November 3, 2002

§213.9. Exceptions.

(a) Granting of exceptions. Exceptions to any substantive provision of this chapter related to the protection of water quality may be granted by the executive director if the requestor can demonstrate equivalent water quality protection for the Edwards Aquifer. No exception will be granted for a prohibited activity. Prior approval under this section must be obtained from the executive director for the exception to be authorized.

(b) Procedure for requesting an exception. A person requesting an exception to the provisions of this chapter relating to the protection of water quality must file an original and three copies of a written request with the executive director at the appropriate regional office stating in detail:

- (1) the name, address, and telephone numbers of the requestor;
- (2) site and project name and location;
- (3) the nature of the exception requested;
- (4) the justification for granting the exception as described in subsection (a) of this section; and
- (5) any other pertinent information that the executive director requests.

(c) Fees related to requests for exceptions. A person submitting an application for an exception, as described in this section, must pay \$500 for each exception request. The fee is due and payable at the time the exception request is filed, and should be submitted as described in §213.12 of this title (relating to Application Fees). If the exception request fee is not submitted in the correct amount, the executive director is not required to consider the exception request until the correct fee is submitted.

Adopted April 2, 2008

Effective April 24, 2008

§213.10. Enforcement.

Liability for penalties may result and may subject a noncompliant person to enforcement proceedings initiated by the executive director if there is failure to comply with:

- (1) any provision of this chapter,
- (2) an approved or conditionally approved Edwards Aquifer protection plan, or
- (3) any applicable regulation or order of the commission issued pursuant to this chapter and in accordance with Chapter 26 and other relevant provisions of the Texas Water Code or Texas Health and Safety Code.

Adopted September 23, 1998

Effective June 1, 1999

§213.11. Groundwater Conservation Districts.

The commission recognizes the authorities, powers, and duties of special-purpose districts, created by the Texas Legislature or by the commission under Chapter 36 of the Texas Water Code, as groundwater conservation districts to conserve, prevent waste, and protect the quality of ground water. In order to foster cooperation with local governments, the commission encourages districts to assist it in the administration of this chapter by carrying out the following functions within the areal extent of their geographic jurisdiction which includes the recharge zone or transition zone:

- (1) cooperating with licensing authorities in carrying out the provisions of this chapter,
- (2) conducting such geologic investigations as are necessary to provide updated information to the executive director regarding the official maps of the recharge zone and transition zone,
- (3) monitoring the quality of water in the Edwards Aquifer, and
- (4) maintaining maps of regulated activities on the recharge or transition zone.

Adopted December 4, 1996

Effective December 27, 1996

§213.12. Application Fees.

The person submitting an application for approval or modification of any plan under this chapter must pay an application fee in the amount set forth in §213.14 of this title (relating to Fee Schedule). The fee is due and payable at the time the application is filed. The fee must be sent to the appropriate regional office or the cashier in the agency headquarters located in Austin, accompanied by an Edwards Aquifer Fee Application Form, provided by the executive director. Application fees must be paid by check or money order, payable to the "Texas Commission on Environmental Quality ." If the application fee is not submitted in the correct amount, the executive director is not required to consider the application until the correct fee is submitted.

Adopted August 10, 2005

Effective September 1, 2005

§213.13. Fees Related to Requests for Extensions.

The person submitting an application for an extension of an approval of any plan under this chapter must pay \$150 for each extension request. The fee is due and payable at the time the extension request is filed, and should be submitted as described in §213.12 of this title (relating to Application Fees). If the extension fee is not submitted in the correct amount, the executive director is not required to consider the extension request until the correct fee is submitted. The extension request must be submitted to the appropriate regional office and must include a copy of the Edwards Aquifer protection plan and approval letter that is the subject of the extension request.

Adopted April 2, 2008

Effective April 24, 2008

§213.14. Fee Schedule.

(a) Water Pollution Abatement Plans. For water pollution abatement plans and modifications to those plans, the application fee shall be based on the classification and total acreage of the site where regulated activities will occur as specified in Table 1 of this subsection.

Figure 30 TAC §213.14(a)

Table 1

CLASSIFICATION/NUMBER OF ACRES	FEE
One single-family residential dwelling on less than 5 acres	\$650
Multiple single-family residential dwellings and parks	
Less than 5 acres	\$1,500
5 acres to less than 10 acres	\$3,000
10 acres to less than 40 acres	\$4,000
40 acres to less than 100 acres	\$6,500
100 acres to less than 500 acres	\$8,000
500 acres or more	\$10,000
Non-residential (Commercial, industrial, institutional, multi-family residential, schools, and other sites where regulated activities will occur)	
Less than 1 acre	\$3,000
1 acre to less than 5 acres	\$4,000
5 acres to less than 10 acres	\$5,000
10 acres to less than 40 acres	\$6,500
40 acres to less than 100 acres	\$8,000
100 acres or more	\$10,000

(b) Organized sewage collection systems. For sewage collection system plans and modifications, the application fee shall be based on the total number of linear feet of all lines for which approval is sought. The fee shall be \$.50 per linear foot, with a minimum fee of \$650 and a maximum fee of \$6,500.

(c) Underground and aboveground storage tank facilities. For underground or permanent aboveground storage tank system facility plans and modifications, the application fee shall be based on the number of tanks or piping systems for which approval is sought. The fee shall be \$650 per tank or piping system, with a minimum fee of \$650 and a maximum fee of \$6,500.

**SUBCHAPTER E: SPECIAL REQUIREMENTS FOR OSSFS LOCATED
IN THE EDWARDS AQUIFER RECHARGE ZONE**

§§285.40 - 285.42

Effective June 13, 2001

§285.40. OSSFs on the Recharge Zone of the Edwards Aquifer.

(a) Applicability. The following additional provisions apply to the Edwards Aquifer recharge zone as defined in §285.2 of this title (relating to Definitions) and are not intended to be applied to any other areas in the State of Texas.

(b) Additional application requirements for new OSSFs. All planning materials shall be submitted to the permitting authority by a professional engineer or professional sanitarian.

(c) Conditions for obtaining an authorization to construct. In order to obtain an authorization to construct in the Edwards Aquifer recharge zone, the following conditions must be met.

(1) Minimum lot sizes. Each lot or tract of land on the recharge zone on which OSSFs are to be located shall have an area of at least one acre (43,560 square feet) per single family dwelling.

(2) Minimum separation distances from recharge features.

(A) No sewage treatment tank or holding tank may be located within 50 feet of a recharge feature as defined in §285.2 of this title.

(B) No soil absorption system may be located within 150 feet of a recharge feature.

(C) Additional separation distances in §285.91(10) of this title (relating to Tables) shall be used.

(d) Existing OSSFs. OSSFs shall comply with the provisions of this subchapter except as provided under §285.3(f)(1) of this title (relating to General Requirements). If the OSSF is required to have a new permit, the permit shall be obtained according to §285.3 of this title. An OSSF installed on the recharge zone before April 11, 1977, in either Uvalde or Kinney Counties is not required to be permitted, provided the OSSF is not causing pollution, is not a threat to the public health, is not a nuisance, and has not been altered.

(e) Exceptions for certain lots. Lots platted and recorded with the following counties in their official plat record, deed, or tax records before the date indicated in this subsection, are exempted from the one-acre minimum lot size requirement, according to the conditions of subsection (f) of this section. However, an Edwards Aquifer protection plan under Chapter 213 of this title (relating to Edwards Aquifer) may be required for construction of regulated activities, including home construction:

- (1) Kinney, Uvalde, Medina, Bexar, and Comal Counties--March 26, 1974;
- (2) Hays County--June 21, 1984;
- (3) Travis County--November 21, 1983; and
- (4) Williamson County--May 21, 1985.

(f) Notice. Any owner who divides his property into two or more residential lots, on which any part of the OSSF will be on the recharge zone, must inform, in writing, each prospective purchaser, lessee, or renter of the following:

- (1) which lots within the regulated development are subject to the terms and conditions of this section;
- (2) that an authorization to construct shall be required before an OSSF can be constructed in the subdivision;
- (3) that a notice of approval shall be required for the operation of an OSSF; and
- (4) whether an application for a water pollution abatement plan as defined in Chapter 213 of this title has been made, whether it has been approved, and if any restrictions or conditions have been placed on that approval.

Adopted May 23, 2001

Effective June 13, 2001

§285.41. Edwards Aquifer Protection Plan.

(a) An Edwards Aquifer protection plan as defined in Chapter 213 of this title (relating to Edwards Aquifer) shall be approved by the appropriate regional office before an authorization to construct may be issued for an OSSF by a permitting authority.

(b) For projects where an Edwards Aquifer protection plan has been approved by a regional office, the written notice required in §285.40(f) of this title (relating to OSSFs on the Recharge Zone of the Edwards Aquifer) shall include the separation distance requirements to any existing or possible recharge features found on the proposed lot or lots. The location of recharge features can be obtained from the designated representative or authorized agent of the county where the development will take place, from an affected groundwater conservation district, or as identified in the water pollution abatement plan for the proposed lot or lots as provided in §213.5(b)(4)(F)(ii) of this title (relating to Required Edwards Aquifer Protection Plans, Notification, and Exemptions).

Adopted May 23, 2001

Effective June 13, 2001

§285.42. Other Requirements.

(a) If any recharge feature is discovered during construction of an OSSF, all regulated activities near the feature shall be suspended immediately. The owner shall immediately notify the appropriate regional office of the discovery of the feature. Activities regulated under Chapter 213 of this title (relating to Edwards Aquifer) or this chapter shall not proceed near the feature until the permitting authority, in conjunction with the appropriate regional office, has reviewed and approved a plan proposed to protect the feature, the structural integrity of the OSSF, and the water quality of the aquifer. The plan shall be sealed, signed, and dated by a professional engineer.

(b) No OSSF may be installed closer than 75 feet from the banks of the Nueces, Dry Frio, Frio, or Sabinal Rivers downstream from the northern Uvalde county line to the recharge zone.

(c) Additional requirements may apply as required by the permitting authority's order, ordinance, or resolution.

Adopted May 23, 2001

Effective June 13, 2001

Future Agenda Items

Planning and Zoning Commission

April 12, 2022, Regular Meeting

14 days before Meeting	(03/29/2022)	Commission and Staff items are due
8 days before Meeting	(04/04/2022)	City Administrator and Chair review agenda. City Attorney is sent the agenda for approval.
7 days before Meeting	(04/05/2022)	Post Agenda and Commission will receive packet
4 days before Meeting	(04/08/2022)	Post Agenda Packet to City Website
3 days before Meeting	(04/09/2022)	(72 hours) – Local Govt. Code requirement for posting

City Council = Red

Quarry Commission = Purple

Planning & Zoning = Green

Water Commission = Blue

Wildlife Management Advisory Commission = Brown

Early Voting Period/Election Day = Light Gray

City Event = Yellow

City Holiday = Orange

Sun	Mon	Tues	Wed	Thur	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

May 10, 2022, Regular Meeting

14 days before Meeting	(04/26/2022)	Commission and Staff items are due
8 days before Meeting	(05/02/2022)	City Administrator and Chair review agenda. City Attorney is sent the agenda for approval.
7 days before Meeting	(05/03/2022)	Post Agenda and Commission will receive packet
4 days before Meeting	(05/06/2022)	Post Agenda Packet to City Website
3 days before Meeting	(05/07/2022)	(72 hours) – Local Govt. Code requirement for posting

City Council = Red

Quarry Commission = Purple

Planning & Zoning = Green

Water Commission = Blue

Wildlife Management Advisory Commission = Brown

Municipal Court = Dark Gray

Early Voting Period/Election Day = Light Gray

City Event = Yellow

City Holiday = Orange

Sun	Mon	Tues	Wed	Thur	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

PENDING FUTURE AGENDA ITEMS

- Interactive Map
- Ordinance No. 55 (temporary signs/time restriction on temporary signs)