

VILLAGE OF WEBBERVILLE

ORDINANCE No. 2005-10

ZONING ORDINANCE

AN ORDINANCE ENACTING VOLUME 2, ARTICLE 15, CHAPTER 24 OF THE WEBBERVILLE CODE OF ORDINANCES, THAT BEING THE ZONING ORDINANCE OF THE VILLAGE OF WEBBERVILLE; ESTABLISHING ZONING DISTRICT BOUNDARIES; ADOPTING A ZONING DISTRICT MAP; AUTHORIZING CERTAIN LEGAL NONCONFORMING USES; GOVERNING THE PLANNING AND ZONING REGULATIONS; CREATING A ZONING BOARD OF ADJUSTMENT; ENACTING PROCEDURES FOR ZONING CHANGES AND AMENDMENTS; PROVIDING FOR CERTIFICATES OF OCCUPANCY; REGULATING CONCEPT PLANS AND SITE PLANS; ENUMERATING RULES FOR VARIOUS ZONING DISTRICTS; ENACTING CERTAIN DEVELOPMENT STANDARDS AND LAND USE REGULATIONS; PROVIDING CERTAIN LAND USE RULES; ADOPTING CERTAIN LAND DEVELOPMENT STANDARDS; SETTING OUT ADMINISTRATIVE AND LEGISLATIVE PROCEDURES; IMPOSING CIVIL AND CRIMINAL PENALTIES, INCLUDING FINES NOT TO EXCEED \$2,000 PER OFFENSE, STOP-WORK ORDERS AND INJUNCTIVE RELIEF; AND PROVIDING FOR REPEALER AND SEVERABILITY

WHEREAS, the Village of Webberville is an historic, quaint, agricultural community nestled along the Lower Colorado River; and

WHEREAS, the Village boasts a majority population comprised of ethnic and racial minorities, primarily African-Americans and Hispanics; and

WHEREAS, the Village Commission of the Village of Webberville (“Village Commission”) seeks to protect the health, safety, and welfare of those living, working, and visiting the Village; and

WHEREAS, the Village Commission seeks to protect, preserve, and perpetuate the rural and agricultural character of the community historically known as Webberville and/or Webber’s Prairie; and

WHEREAS, the Village Commission recognizes that the scenic beauty, country charm, and environmental assets are central to why the area was originally settled and has remained a viable and attractive place to live and work; and

WHEREAS, the Village Commission finds that the public will be well-served by the enactment of new rules and regulations that govern the size of lots; height, number of stories, and size of buildings and other structures; use of real property; percentage of lot that may be occupied; size of yards, courts and other open spaces; population density; location of buildings and other structures; land for use for business, industrial, residential or other purposes; landscaping; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the Village has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the Village and is necessary or proper for carrying out a power granted by law to the Village; and

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code, the Village has the authority to regulate: (1) the height, number of stories, and size of buildings and other structures; (2) the percentage of a lot that may be occupied; (3) the size of yards, courts, and other open spaces; (4) population density; (5) the location and use of buildings, other structures, and land for business, industrial, residential, or other purposes; (6) the pumping, extraction, and use of groundwater by persons other than retail public utilities for the purpose of preventing the use or contact with groundwater that presents an actual or potential threat to human health; (7) construction, reconstruction, alteration, or razing of buildings and other structures

in the case of designated places and areas of historical, cultural, or architectural;
and (8) the bulk of buildings; and

WHEREAS, the Village Commission finds that the overwhelming majority of occupied structures within the Village are currently served by private water wells and on-site sewage facilities, and there are no reasonable prospects for centralized public water or wastewater facilities in the near future; and

WHEREAS, the Village Commission finds that large lots are necessary and appropriate in light of the community's historically rural and agricultural character; and

WHEREAS, the Village Commission has spent the nearly two-and-a-half years since municipal incorporation assessing the community's assets, evaluating the needs of the citizenry, forecasting future growth trends, and gathering public input through workshops, hearings, and public meetings; and

WHEREAS, the Village Commission appointed a citizens group known as the Planning Advisory Board to gather public input, conduct public meetings and provide feedback to the Village; and

WHEREAS, the Village Commission finds that it is necessary and proper for the good government, peace or order of the Village of Webberville to adopt an ordinance regulating land use and development; and

WHEREAS, the Village Commission finds that the following rules and regulations are reasonable and fair, wholly lacking any discriminatory intent or effect, and unlikely to increase the cost of housing in the community or displace current residents.

NOW, THEREFORE, BE IT ORDAINED by the Village Commission of the Village of Webberville:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

The Zoning Chapter of the Village of Webberville Code of Ordinances is hereby established so to read in accordance with *Attachment A*, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

3. REPEALER

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. PRESERVATION OF RIGHTS

By the passage of this Ordinance, no presently illegal use shall be deemed to have been legalized unless specifically such use falls within a use district where the actual use is a conforming use. Otherwise, such uses shall remain nonconforming uses where recognized, or an illegal use, as the case may be. It is further the intent and declared purpose of this Ordinance that no offense committed, and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the time the exiting Zoning Ordinance was repealed and this Zoning Ordinance adopted, shall be discharged or affected by such repeal; but prosecutions and suits for such offenses, liabilities, penalties, or forfeitures may be instituted or causes presently pending proceeded with in all respects as if such prior ordinance had not been repealed.

6. CODIFICATION

The Village Clerk is hereby directed to record and publish the attached rules, regulations and policies in the Village's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

7. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication as provided for by law.

8. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED this, the 14th day of December, 2005, by a vote of 3 (ayes) to 0 (nays) to 0 (abstentions) of the Village Commission of Webberville, Texas.

VILLAGE OF WEBBERVILLE

by: 

Mayor Hector Gonzales

ATTEST:

Carol Goodrich, Village Clerk

APPROVED AS TO FORM:
Alan J. Bojorquez, Village Attorney

VOLUME 2

ARTICLE 15: DEVELOPMENT

CHAPTER 24: ZONING

SECTION 1: GENERAL PROVISIONS

1.1 Title & Purpose

- 1.1.1. This article shall be known and may be cited as the "Zoning Ordinance."
- 1.1.2. As authorized by Chapter 211 of the Texas Local Government Code, the zoning regulations and districts as established herein have been made in accordance with an adopted comprehensive plan for the purpose of promoting the public health, safety, morals and general welfare, and protecting and preserving places and areas of historical, cultural and/or architectural importance and significance within the Village of Webberville: They have been designed to lessen the congestion in the streets; secure safety from fire, panic and other dangers; ensure adequate light and air; prevent the overcrowding of land and thus avoid undue concentration of population; and facilitate the adequate provision of transportation, water, wastewater treatment, schools, parks and other public requirements. These rules have been made with reasonable consideration, among other things, for the character of each zoning district and its particular suitability for the uses specified; and with a view to conserving the value of buildings and attributes and to encouraging the most appropriate use of land throughout the Village.

1.2. Zoning District Map

- 1.2.1. Division Into Zoning Districts: The Village of Webberville is divided into zones, or districts, and the boundaries of zoning districts set out herein are delineated upon the Zoning District Map of the Village, which may also be cited as the "Zoning Map", said map being adopted as a part of this Chapter as fully as if the same were set forth herein in detail.
- 1.2.2. One original of the Zoning District Map shall be filed in the office of the Village

Clerk. In case of any question, this copy, together with amending ordinances, shall be controlling.

- 1.2.3. A copy of the original Zoning District Map shall be made available upon request. The map copy shall be used for reference and shall be maintained up-to-date by posting thereon all subsequent amendments. Reproductions for informational purposes may only be made of the official Zoning District Map.
- 1.2.4. Zoning Map Changes/Amendments: Any changes/amendments made to the zoning district boundaries shall be made on the map copy promptly after the amendment has been approved by the Village Commission.

1.3. Zoning District Boundaries

- 1.3.1. Boundary Delineations: The zoning district boundary lines shown on the Zoning District Map are usually along streets, alleys, property lines, or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the Zoning District Map, the following rules shall apply:
 - (a) Boundaries indicated as approximately following the centerline of streets, highways or alleys shall be construed to follow such centerline.
 - (b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
 - (c) Boundaries indicated as approximately following the Village's incorporated municipal boundary (i.e., "City Limits") shall be construed as following Village limits.
 - (d) Boundaries indicated as following railroad lines shall be construed to be midway between the right-of-way lines.
 - (e) Boundaries indicated as following the centerline of creeks, streams or drainageways shall be construed to follow such centerline, and in the event of change in the centerline shall be construed to move with such centerline.
 - (f) Boundaries indicated as parallel to or extensions of features indicated within Subsections (a) through (f) above shall be so construed. Distances not specifically indicated on the Zoning District Map shall be determined by the scale of the Map.
 - (g) Whenever any street, alley or other public way is vacated by official action of the Village Commission or whenever such area is franchised for building purposes, the zoning district line adjoining each side of such street, alley or other public way shall be automatically extended to the centerline of such

vacated street, alley or public way and all areas so involved shall then and henceforth be subject to all regulations of the extended districts.

- (h) 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.

1.4. Compliance Required

- 1.4.1. **Compliance Hereafter:** All land, buildings, structures or appurtenances thereon located within the Village of Webberville, Texas which are occupied, used, constructed, erected, removed, placed, demolished, or converted after the effective date of this ordinance shall be occupied, used, erected, altered, removed, placed, demolished or converted in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located, as hereinafter provided, or such shall be subject to penalties provided in this Chapter. All of the standards and regulations prescribed herein shall be considered as the minimum requirement unless explicitly stated otherwise. No building shall hereafter be erected or altered:
 - (a) To have more narrow or smaller front, side or rear yards than those required by this Chapter;
 - (b) To exceed the maximum height allowed by this Chapter;
 - (c) To occupy a greater percentage of lot area than allowed by this Chapter; or
 - (d) To accommodate or house a greater number of families than is specified within this Chapter for the zoning district in which such building is located.
- 1.4.2. **Other Regulations:** No use(s) shall be allowed that is prohibited by State or Federal law or that operates in excess of State or Federal environmental, pollution or performance standards as determined by the U.S. Environmental Protection Agency (EPA), Texas Air Control Board (TACB), Texas State Department of Health (TSDH), Texas Commission on Environmental Quality (TCEQ), Federal Aviation Administration (FAA), Federal Communications Commission (FCC), or any other applicable State or Federal agency, as the case may be.
- 1.4.3. **Setbacks, Yards, & Open Spaces:** No lot upon which a building has been erected shall later be so reduced in area that the setbacks, yards and/or open spaces shall be smaller than those required by this Chapter, nor shall a part of a yard or other open space required by this Chapter for any building or lot be included as a part of a yard or other open space similarly required for another building or lot.
- 1.4.4. **Zoning & Platting:** No preliminary or final plat applicable to land that is located within the Village limits shall be submitted for approval until the area contained within the plat has been zoned for the proposed use of the property.

- 1.4.5. Existing Uses: All existing uses that may be nonconforming after the effective date of this ordinance shall comply with Section 2 of this Ordinance.
- 1.4.6. Characteristic of Land: Zoning is considered to be a characteristic of the land rather than a characteristic of the landowner. Zoning cannot be bought or sold.

1.5. Zoning upon Annexation

- 1.5.1. As soon as practical following annexation, but in no event more than one hundred and twenty (120) days thereafter, the Village Commission shall, on its own motion or by property owners of the annexed area, initiate proceedings to establish zoning on the newly annexed territory, thereupon the Village shall commence public notification and other standard procedures for zoning amendments as set forth in this Ordinance. Said proceedings to establish zoning may be undertaken concurrently with annexation procedures. However zoning approval and formal adoption of the ordinance establishing zoning must occur after annexation approval and adoption has occurred and as a separate and distinct action by the Village Commission.
- 1.5.2. The initial zoning of a land parcel after annexation, whether by initiation of the landowner or by initiation of the Village, must meet the requirements for notification and public hearings as set forth in Section 2 of this Ordinance and all other applicable State laws.
- 1.5.3. The owner of land to be annexed may submit an application for zoning the property simultaneously with submission of the petition for annexation, but no such annexation application may be made conditioned upon the approval of any particular zoning classification.
- 1.5.4. Unless otherwise specified by the Village Commission through execution of a Development Agreement or enactment of a Planned Development District ordinance, all land being annexed into the Village shall be zoned Agricultural "AG".

SECTION 2: PROCEDURES & ADMINISTRATION

A. Nonconforming Uses & Structures

2.1. Intent of Provisions

- 2.1.1. Within the districts established by this Zoning or amendments thereto, there may exist lots, structures, uses of land and structures, and characteristics of use which were lawfully in existence and operating before this Zoning was enacted, amended or otherwise made applicable to such lots, structures or uses, but which do not now conform to the regulations of the district in which they are located. It is the intent of this Zoning to permit such nonconforming uses to continue, as long as the conditions within this Section and other applicable sections of the Zoning are met.
- 2.1.2. Nonconforming uses shall not be enlarged upon, expanded or extended, and shall not be used as a basis for adding other structures or uses prohibited elsewhere in the same district, except as otherwise provided herein.
- 2.1.3. Nonconforming uses are hereby declared to be incompatible with the permitted uses in the districts involved.

2.2. Nonconforming Status

- 2.2.1. Any use, platted lot or structure which does not conform with the regulations of this Chapter on the effective date hereof or any amendment hereto, except as expressly provided in herein, shall be deemed a non-conforming use, lot or structure provided that:
 - (a) Such use, platted lot or structure was in lawful existence prior to this Zoning Ordinance; or
 - (b) Such use, platted lot or structure was in existence at the time of annexation to the Village, was a legal use of the land at such time, and has been in regular and continuous use since such time.
- 2.2.2. Any other use, platted lot, or structure which does not conform with the regulations of the zoning district in which it is located on the effective date of this ordinance or any amendment thereto, and except as provided in Subsection 2.3 below, shall be deemed to be in violation of this ordinance, and the Village shall be entitled to enforce fully the terms of this Chapter with respect to such use, platted lot, or structure.

2.3. Continuing Lawful Uses & Structures

- 2.3.1. A nonconforming use or structure may continue to be used, operated or occupied in accordance with the terms of the regulations by which it was established, or in the case of annexed property, in accordance with the regulations under which it is annexed.
- 2.3.2. A nonconforming structure occupied by a nonconforming use may be re-occupied within six (6) months by a conforming use, following abandonment of the nonconforming use, without losing its nonconforming structural status.

2.4. Abandonment of Nonconforming Uses

- 2.4.1. If a nonconforming use is abandoned, any future use of the premises shall be in conformity with the provisions of this Chapter, as amended, prior to the time the use was abandoned.
- 2.4.2. A nonconforming use shall be deemed abandoned in the following circumstances:
 - (a) The use ceases to operate for a continuous period of six (6) months;
 - (b) Where the use occupies a structure, the structure remains vacant for a continuous period of six (6) months; or
 - (c) In the case of a temporary use, the use is moved from the premises.

2.5. Changing Nonconforming Uses

- 2.5.1. A nonconforming use shall not be changed to another nonconforming use.
- 2.5.2. A nonconforming use may be changed to a conforming use; provided that, once such change is made, the use shall not be changed back to a nonconforming use.
- 2.5.3. A conforming use located in a non-conforming structure may be changed to another conforming use.

2.6. Expansion of Nonconforming Uses & Structures

- 2.6.1. A nonconforming use may be extended throughout the structure in which it is located, provided that:
 - (a) No alteration shall be made to the structure occupied by the nonconforming use, except those required by law to preserve the integrity of the structure; and
 - (b) The number of dwelling units occupying the structure shall not exceed the number of dwelling units existing at the time the use became nonconforming.
- 2.6.2. A non-conforming use occupying a structure shall not be extended to occupy land

outside the structure.

- 2.6.3. A nonconforming use shall not be enlarged, increased or extended to occupy a greater area of land than was occupied at the time the use became nonconforming, except to provide additional off-street parking or loading areas required by the zoning ordinance.

2.7. Restoration of Nonconforming Structure

- 2.7.1. If more than fifty percent (50%) of the total appraised value of a nonconforming structure, as determined from the records of the Travis County Appraisal District, has been destroyed, it may be rebuilt only in conformity with the standards of this ordinance.
- 2.7.2. If less than fifty percent (50%) of the total appraised value of a nonconforming structure is destroyed, it may be reconstructed to its original dimensions.
- 2.7.3. If a nonconforming structure that is totally or partially destroyed was occupied by a nonconforming use, the nonconforming use may be re-established subject to the limitations on expansion set forth in this Section.

2.8. Right to Proceed Preserved

Nothing contained in Subsections 2.1 thru 2.8 are intended to alter any rights that may have accrued to proceed under prior regulations, pursuant to Texas Local Government Code Section 43.002, or Sections 245.001 to 245.006.

B. Planning & Zoning Commission

2.9. General

When exercising powers granted by this Chapter, the Village Commission shall function according to the following criteria that establish membership and operating procedures.

2.10. Creation

- 2.10.1. The powers granted by Chapter 211 of the Texas Local Government Code, shall be bestowed upon the Village Commission.
- 2.10.2. The Village Commission shall have the power to make rules, regulations and bylaws for its own governance, which shall conform with those set forth by the Village Commission, and such rules, regulations and bylaws shall be subject to approval by the Village Commission. Such rules and bylaws shall include, among other items, provisions for the following:

- (a) Regular and special meetings, open to the public (other than Executive Sessions);
- (b) A record of its proceedings, to be open for inspection by the public;
- (c) Reporting to the Village Commission and the public, from time to time and annually; and
- (d) Reviewing the Comprehensive Plan on a regular basis.

2.11. Voting Procedures

- 2.11.1. The Village Commission will follow the parliamentary procedure adopted by the Village Commission.
- 2.11.3. Voting - All Village Commission members, including the Mayor, shall be entitled to one vote each upon any question, a quorum being present. Refer to Chapter 171 of the Texas Local Government Code and any applicable Village ethics policies or regulations.

2.12. Meetings

- 2.12.1. The Village Commission shall meet in the Municipal Building or in some other specified location as may be designated by the Mayor, and at such intervals as may be necessary to orderly and properly transact the business of the Village Commission (typically once each month).
- 2.12.2. Meetings shall be conducted in accordance with the Open Meetings Act. Refer to Chapter 551 of the Texas Government Code, as may be amended.

2.13. Establishing ETJ

Statutes of the State of Texas authorizing and empowering cities to regulate the platting and recording of subdivisions or additions within the Village's corporate limits and establishing ETJ are hereby adopted, and the Village Commission, acting through its duly authorized officials, shall have all the rights, powers, privileges and authority authorized and granted by and through said statutes and any lawfully executed agreements by the Village pertaining to regulation of subdivisions in the Village limits and ETJ.

2.14. Powers & Duties

- 2.14.1. The Village Commission shall have all the rights, powers, privileges and authority authorized and granted through the Statutes of the State of Texas authorizing and granting cities the power of zoning and subdivision regulation as found in Chapter

211 and 212 of the Texas Local Government Code, as may be amended.

- 2.14.2. The Village Commission may make amendments to the Comprehensive Plan, changes of zoning, zoning ordinance amendments, and zoning to be given to newly annexed areas, and shall make decisions regarding the approval of plats of subdivisions as may be submitted to it for review and other planning related matters. The Village Commission shall conduct an annual review of the Village's Comprehensive Plan and shall be prepared to make modifications as deemed necessary to keep the Village's Comprehensive Plan current with changing conditions and trends and with the planning needs of the Village.

C. Zoning Board of Adjustment

2.15. Creation

There is hereby created a Zoning Board of Adjustment, sometimes referred to herein as the "ZBA", for the purpose, in appropriate cases and subject to appropriate conditions and safeguards, to make special exceptions to the terms of this Ordinance that are consistent with the general purpose and intent of this Ordinance. The ZBA may be composed of the members of the Village Commission of the Village of Webberville as authorized by Chapter 211.008(g) of the Texas Local Government Code.

2.16. Membership

- 2.16.1 Upon adoption of this Chapter, the Village Commission shall serve as the ZBA, pursuant to the power granted by Texas Local Government Code §§ 51.051(c) and 211.008(g).
- 2.16.2 The ZBA shall have the power to make the rules, regulations and bylaws for its own governance.

2.17. Meetings

- 2.17.1 Meetings of the ZBA shall be held at the call of the Chairperson and at such other times as the ZBA may determine. All meetings of the ZBA shall be open to the public, except as allowed by law. All cases to be heard by the ZBA shall always be heard by all three (3) of the members.
- 2.17.2 When meeting as the Zoning Board of Adjustment, the ZBA cannot function as the Village Commission. While ZBA hearings may be held on the same day as Village Commission meetings, ZBA hearings must be clearly identified as separate from Village Commission hearings.

2.18. Authority of ZBA

- 2.18.1. The ZBA shall have the authority, granted under the Texas Local Government

Code and those established herein, to exercise powers and to perform duties including the following:

- (a) Hear and decide an appeal that alleges error in an order, requirement, decision or determination made by an administrative official in the enforcement of this Ordinance;
- (b) Authorize, in specific cases, a 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 this Ordinance is observed and substantial justice is done;
- (c) In exercising its authority under Subsection 2.19.1.(a) above, the ZBA may reverse or affirm, in whole or in part, or modify the 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 has the same authority as the administrative official;

2.18.2. The concurring vote of all three (3) of the full ZBA is necessary to:

- (a) Reverse an order, requirement, decision or determination of an administrative official;
- (b) Decide in favor of an applicant on a matter on which the Board is required to review under this Zoning Ordinance;
- (c) Authorize a variance from the terms of this Zoning Ordinance; or
- (d) Hear and decide special exceptions to this Zoning Ordinance.

2.19. Limitations on Authority of ZBA

- 2.19.1. The ZBA may not grant a variance authorizing a use other than those permitted in the district for which the variance is sought, except as provided below.
- 2.19.2 The ZBA shall have no power to grant or modify Conditional Use Permits authorized under Section 3.8 of these regulations.
- 2.19.3 The ZBA shall have no power to grant a zoning amendment. In the event that a written request for a zoning amendment is pending before the Village Commission, the ZBA shall neither hear nor grant any variances with respect to the subject property until final disposition of the zoning amendment.
- 2.19.4 The ZBA may grant a variance for any parcel of property or portion thereof upon which a site plan, construction plat, or final plat, where required, is pending on the agenda of the Village Commission. All administrative and procedural remedies available to the applicant shall have been exhausted prior to hearing by the Zoning Board of Adjustment.

2.20. Variances

- 2.20.1 Presumption. There shall be a presumption against variances.

2.20.2 The ZBA may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the Board shall prescribe only conditions that it deems necessary for, or desirable to, the public interest. In making the findings herein below required, the Board shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work within the proposed use, and the probable effect such variance will have upon traffic conditions and upon the public health, safety, convenience and welfare of the community.

2.21. Conditions Required for Variance

2.21.1 No variance shall be granted without first having given public notice and having held a public hearing on the written variance request in accordance with this Chapter and unless the ZBA finds:

- (a) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of the land; and
- (b) That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
- (c) That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area; and
- (d) That the granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this Chapter.
- (e) That the granting of the variance constitutes a minimal departure from this ordinance.
- (f) That the subject circumstances or conditions are not self-imposed, are not based solely on economic gain or loss, and do not generally affect most properties in the vicinity of the property.

2.21.2 Such findings of the ZBA, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the ZBA meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this Chapter so that the public health, safety and welfare may be secured and that substantial justice may be done.

2.22. Findings of Undue Hardship

2.22.1 In order to grant a variance, the ZBA must make written findings that an undue hardship exists, using the following criteria:

- (a) That literal enforcement of the controls will create an unnecessary hardship or practical difficulty in the development of the affected property; and
- (b) That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district; and
- (c) That the relief sought will not injure the permitted use of adjacent conforming property; and
- (d) That the granting of a variance will be in harmony with the spirit and purpose of these regulations; and
- (e) A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely upon economic gain or loss, nor shall it permit any person the privilege of developing a parcel of land not permitted by this Chapter to other parcels of land in the particular zoning district; and
- (f) No variance may be granted which results in undue hardship upon another parcel of land.

2.22.2. The applicant bears the burden of proof in establishing the facts that may justify a variance.

2.23. Special Exceptions for Nonconforming Uses

2.23.1. Upon written request of the property owner, the ZBA may grant special exceptions to the provisions of Section 2, limited to the following, and in accordance with the following standards:

- (a) Expansion of a nonconforming use within an existing structure provided that, in the case of a nonconforming *residential* use, such expansion does not increase the number of dwelling units to more than the number existing when the use first became nonconforming; or
- (b) Expansion of the gross floor area of a nonconforming structure provided that such expansion does not decrease any existing setback; or
- (c) Change from one nonconforming use to another, re-construction of a nonconforming structure that has been totally destroyed, or resumption of a nonconforming use previously abandoned, only upon finding that the failure to grant the special exception deprives the property owner of substantially all use or economic value of the land.

2.23.2. In granting special exceptions under this Subsection 2.24, the ZBA 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 conformed to the standards of the zoning ordinance.

2.24. Appeals to the ZBA

- 2.24.1 The appellant must file, with the ZBA and the official from whom the appeal is taken, a written notice of appeal specifying the grounds for the appeal. The appeal must be filed within sixty (60) days after the decision has been rendered. Upon receiving the notice, the official from whom the appeal is taken shall immediately transmit to the ZBA all papers constituting the record of action that is appealed.
- 2.24.2 An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the ZBA facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the ZBA or a court of record on application, after notice to the official, if due cause is shown. The appellant party may appear at the appeal hearing in person or by agent or attorney. The ZBA shall decide the appeal within four (4) weeks after the written request (notice of appeal) was received, after which time the written request shall be deemed automatically approved if no formal action is taken. The ZBA may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision or determination from which an appeal is taken, and may make the correct order, requirement, decision or determination.
- 2.24.3 A member or members of the ZBA may not bring an appeal on behalf of a property owner, other than himself/herself, to the Zoning Board of Adjustment. An appeal must be requested by the owner of the property being considered.

2.25. Procedures

- 2.25.1 Application and Fee: An application for a variance by the ZBA shall be made in writing using forms prescribed by the Village, and shall be accompanied by an application fee, a site plan and such additional information as may be requested in writing in order to properly review the application. Such information may include, but is not limited to, plat plans, site building plans, photographs, topographic contour maps, and other similar documents. All drawings must be to scale.
- 2.25.2 Review and Report by the Village: The Village Administrator, shall visit the site where the proposed variance will apply and the surrounding area, and shall report his or her findings to the Zoning Board of Adjustment.
- 2.25.3 Notice and Public Hearings: The ZBA shall hold a public hearing for consideration of the written variance request no later than forty-five (45) days after the date the application for action, or an appeal, is filed. Notice of the public

hearing shall be provided to all property owners within two hundred feet (200') of the affected property at least ten (10) days prior to the public hearing, and also published in the official local newspaper at least ten (10) days prior to the public hearing.

- 2.25.4 Action by the Zoning Board of Adjustment: The ZBA shall not grant a variance unless it finds, based upon evidence, that each of the conditions in Subsections 2.22. and 2.23. has been established. The ZBA may impose such conditions, limitations and safeguards as it deems appropriate upon the granting of any variance. Violation of any such condition, limitation or safeguard shall constitute a violation of this Ordinance.

2.26. Finality of Decisions & Judicial Review

All decisions of the ZBA are final and binding. However, any person aggrieved by a decision of the ZBA may present a verified petition to a court of record which states that the decision of the ZBA is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition must be presented within ten (10) days after the date the decision is filed in the Village Clerk's office. Subject to the provisions of Chapter 211.011 of the Texas Local Government Code, only a court of record may reverse, affirm or modify a decision of the Zoning Board of Adjustment.

D. Amendments to Zoning Ordinances

2.27. Declaration of Policy and Review Criteria

2.27.1. The Village declares the enactment of these regulations governing the use and development of land, buildings, and structures as a measure necessary to the orderly development of the community. Therefore, no change shall be made in these regulations or in the boundaries of the zoning districts except:

- (a) To correct any error in the regulations or map;
- (b) To recognize changed or changing conditions or circumstances in a particular locality;
- (c) To recognize changes in technology, the style of living, or manner of conducting business;
- (d) To change the property to uses in accordance with the approved Comprehensive Plan; or
- (e) To make changes in order to implement policies within the Comprehensive Plan.

2.27.2. In making a determination regarding a written requested zoning change, the Village Commission shall consider the following factors:

- (a) Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the Village as a whole;
- (b) Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area;
- (c) The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the Village, and any special circumstances which may make a substantial part of such vacant land unavailable for development;
- (d) The recent rate at which land is being developed in the same zoning classification as the written request, particularly in the vicinity of the proposed change;
- (e) How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved;
- (f) Whether the proposed change treats the subject parcel of land in a manner which is not significantly different from decisions made involving other, similarly situated parcels; and
- (g) Any other factors which will substantially affect the public health, safety, morals, or general welfare.

2.28. Authority to Amend Ordinance

2.28.1 The Village Commission may, after public hearings required by law, amend, supplement, or change the regulations herein provided or the boundaries of the zoning districts specified on the Zoning District Map. Any Ordinance regulations or zoning district boundary amendment may be requested by the Village Commission, or, in writing by the owner of real property, or the authorized representative of an owner of real property. Upon such request, the item(s) shall be posted on the next Village Commission agenda after proper application and notification has been made.

2.28.2 Consideration for a change in any district boundary line or special zoning regulation may be initiated only by the property owner or his or her authorized agent or by the Village Commission on its own motion when it finds that public benefit will be derived from consideration of such matter. Proof of authorization by the property owner must be submitted with the zoning application. In the event the ownership stated on an application and that shown in Village records are different, the applicant shall submit proof of ownership or verification that he or she is acting as an authorized agent for the property owner.

2.29. Application

- 2.29.1. Each application for zoning or for an amendment or change to the existing provisions of this Zoning Ordinance shall be made in writing on an application form available at the Village in the office of the Village Clerk, filed with the Village, and shall be accompanied by payment of the appropriate fee. The application shall also be accompanied by additional information materials, such as plans, maps, exhibits, legal description of property, architectural elevations, information about proposed uses, as deemed necessary by the Village Administrator or Village Administrator's designee, in order to ensure that the written request is understood. A concept plan shall be submitted as prescribed in Section 3 of this Ordinance, along with any zoning request involving the formation of a Planned Development District.
- 2.29.2 All zoning change requests shall be accompanied by a notarized statement verifying land ownership and, if applicable, authorization of a land owner's agent to file the change request.

2.30. Official Submission Date & Completeness of Application

- 2.30.1 For the purpose of these regulations, the "official submission date" shall be the date upon which a complete application for a zoning change request, that contains all elements and information required by this Chapter, is first submitted to the Village Administrator. No application shall be deemed officially submitted until the Village Administrator determines that the application is complete and a fee receipt is issued by the Village. Failure by the Village Administrator to make a determination of incompleteness within fifteen (15) calendar days following the date on which the application was first received by the Village, shall result in the application being deemed complete, and the "official submission date" shall become the 16th calendar day following initial receipt of the application by the Village.
- 2.30.2 Zoning change request applications which do not include all required information and materials will be considered incomplete, shall not be accepted for official submission by the Village, and shall not be scheduled on a Village Commission agenda until the proper information is provided to Village staff.

2.31. Public Hearing & Notice

- 2.31.1 For zoning or rezoning requests involving real property, the Village Commission shall hold at least one public hearing on each zoning application. For proposed changes to zoning district boundaries including rezoning requests, notice of the Village Commission hearing shall be accomplished by publishing the purpose, time and place of the public hearing in the official newspaper of the Village

before the 15th day before the date of the hearing date of the public hearing. Written notice of the public hearing to occur before the Village Commission shall also be sent to all owners of property, as indicated by the most recently approved Village tax roll, that is located within the area of application and within two hundred feet (200') of any property affected thereby, said written notice to be sent before the 10th day before the hearing date. Such notice may be served by using the last known address as listed on the most recently approved tax roll and depositing the notice, with first class postage paid, in the United States mail.

- 2.31.2 For requests involving proposed changes to the text of the Zoning Ordinance, notice of the Village Commission hearing shall be accomplished by publishing the purpose, time and place of the public hearing in the official newspaper of the Village not less than fifteen (15) days prior to the date of the public hearing. Changes in the Ordinance text which do not change zoning district boundaries, do not establish zoning regulations for specific districts, or do not involve specific real property, do not require written notification to individual property owners.
- 2.31.3 The Village may, at its option, establish additional rules and procedures for public notification of proposed zoning changes or development proposals such as site plans, plats and developer agreements, which may include, but not be limited to, the posting of a sign(s) on any property that is proposed for a zoning change or development by the applicant or its agent(s). Adherence to such rules and procedures, if so established by the Village, shall be the responsibility of the applicant and shall be required as part of a zoning change or development application.

2.32. Failure to Appear

Failure of the applicant or representative to appear before the Village Commission for more than one hearing without an approved delay by the Village Administrator, shall constitute sufficient grounds for the Village Commission to table or deny the application unless the Village is notified in writing by the applicant at least seventy-two (72) hours prior to the hearing.

2.33. Village Commission Consideration

- 2.33.1 The Village Commission shall function in accordance with Subsections 2.9 thru 2.14 of this Ordinance and with any other applicable provisions in the Village's Code of Ordinances.
- 2.33.2 The Village Commission shall hold a public hearing on a zoning or rezoning request, and/or a proposed text amendment to the Zoning Ordinance. After all public input has been received and the public hearing closed, the Village Commission shall make its recommendations on the proposed zoning request and

concept plan, if submitted, stating its findings, its overall evaluation of the request, and its assessment regarding how the request relates to the Village's Comprehensive Plan. The Village Commission may, on its own motion or at the applicant's request, defer its decision recommendations until it has had an opportunity to consider other information or proposed modifications to the request which may have a direct bearing thereon. If the Village Commission elects to postpone or defer its hearing on the request, such action shall specifically state the time period of the postponement by citing the meeting date whereon the request will reappear on the Village Commission's agenda.

- 2.33.3 When the Village Commission is ready to act upon the zoning request, it may recommend approval of the request as it was submitted by the applicant, approval of the request subject to certain conditions as in the case of a Planned Development District or a Conditional Use Permit, or disapproval of the request.

2.34. Village Commission Action on Amendments

- 2.34.1 After a public hearing is held before the Village Commission regarding the zoning application, the Village Commission may approve the request in whole or in part, deny the request in whole or in part, continue the application to a future meeting, specifically citing the Village Commission meeting to which it was continued, or it may refer the application back to the Village Administrator for further study.
- 2.34.2 If the Village Commission denies the request, then no other zoning application may be filed for all or part of the subject tract of land, or for that portion of this Chapter, in the case of a text amendment request submitted by a property owner or citizen, for a waiting period of six (6) months following the denial. In the instance that the request was initiated by the Village Commission and involved a proposed amendment to the text of this Chapter, then there is no waiting period before the request can be reconsidered.
- 2.34.3 The Village Commission may, at its option, waive the six-month waiting period if, after due consideration of the matter at a scheduled and posted meeting, it is determined that denial of the request was based upon erroneous or omitted information, or if substantial new information pertaining to the request is discovered.

2.35. Protests

For zoning requests involving real property, a favorable vote of three fourths (3/4) of all members of the Village Commission shall be required to approve any change in zoning when written objections are received from twenty percent (20%) or more of the land area covered by the proposed change, or the land area within two hundred feet (200') of the subject property, in compliance with the provisions of Section 211.006 of the Texas Local Government Code. If a protest against such proposed amendment, supplement or change has been filed with the Village Clerk, duly signed and acknowledged by the

owners of twenty percent (20%) or more, either of the area of the land included in such a proposed change or those immediately adjacent to the area thereof extending two hundred feet (200'), such amendments shall not become effective except by a three-fourths (3/4) vote of all members of the Village Commission.

2.36. Final Approval & Ordinance Adoption

Upon approval of the zoning request by the Village Commission, the applicant shall submit all related material with revisions, if necessary, to the Village Administrator for the preparation of the amending ordinance. The zoning request shall be deemed approved at the time the Village Commission makes a decision to approve the request as submitted or with certain conditions. However, the amending ordinance will not be prepared or formally adopted until a correct description and all required exhibits have been submitted to the Village Administrator.

E. Certificates of Occupancy & Compliance

2.37 Certificates of Occupancy

2.37.1 Certificates of occupancy shall be required for any of the following:

- (a) Occupancy and use of a nonresidential building hereafter erected or structurally altered as described in Section 2.40. below;
- (b) Change in use of an existing building to a use of a different classification;
- (c) Change in the use of land to a use of a different classification; or
- (d) Occupancy and use of a rehabilitated or reconstructed residential structure that was previously damaged by at least forty percent (40%) of the structure's appraised value by fire or natural disaster.

2.37.2 No such use, or change of use, shall take place until a Certificate of Occupancy has been issued by the Village.

2.37.3 It shall be criminal misdemeanor offense to occupy a building for which a Certificate of Occupancy is required under this Chapter but has not been issued by the Village.

2.37.4 Certificates of Occupancy may be withheld or withdrawn if the premises is a public nuisance that fails to comply with the Village's health and safety regulations.

2.38. Procedure for New or Altered Buildings

- 2.38.1 Written application for a Certificate of Occupancy for a new building or for an existing building which is to be altered shall be made at the same time as the application for the Building Permit for such building.
- 2.38.2 Said Certificate shall be issued after the building or structure has been inspected and no violations of the provisions of this Chapter or other Village regulations have been found. Said Certificate shall be issued after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this Chapter.

2.39. Procedure for Vacant Land or a Change in Building Use

- 2.39.1 Written application for a Certificate of Occupancy for the use of vacant land, a change in the use of land or a change in the use of a building, or for a change from a nonconforming use to a conforming use, shall be made to the Village.
- 2.39.2 If the proposed use is a conforming use, as herein provided, written application shall be made to the Village. If the proposed use is found to be in conformity with the provisions of this Chapter, the Certificate of Occupancy shall be issued after the application for same has been made and all required inspections are completed and approved by the Village.

2.40. Contents

2.40.1. Every Certificate of Occupancy shall contain the following:

- (a) A building permit number;
- (b) The address of the building;
- (c) The name and address of the owner;
- (d) A description of that portion of the building for which the Certificate is issued;
- (e) A statement that the described portion of the building has been inspected for compliance with the requirements of the Village's Building Codes for the particular group and division of occupancy;
- (f) Use(s) allowed;
- (g) Maximum number of occupants;
- (h) The issue date of the Certificate of Occupancy; and
- (i) The zoning district in which the building is located.

2.41. Posting

The Certificate of Occupancy shall be posted in a conspicuous place on the premises and

shall not be removed except by the Village.

E. Concept Plan & Site Plan Review Processes

2.42. Purpose

This Section establishes a site plan review process for all proposed non-residential and residential developments. The purpose of the review is to ensure efficient and safe land development, harmonious use of land, compliance with the Comprehensive Plan appropriate design standards, safe and efficient vehicular and pedestrian circulation, parking and loading, and adequate water supply, drainage and storm water management, sanitary facilities, coverage, and other utilities and services.

2.43 Applicability

- 2.43.1. Site plan review and approval shall be required for all non-residential and specified residential projects (refer to 2.44 below) and any Planned Development district or Conditional Use Permit public hearings may also be required, as set forth in these regulations.
- 2.43.2 Building permits shall be required in the ETJ only in accordance with any applicable development agreements or other authorizations approved by the Council that mandate building permits.
- 2.43.3 No building permit shall be issued for any of the above developments until a site plan and all other required engineering or construction plans are first approved by the Village. No certificate of occupancy shall be issued until all construction and development conforms to the site plan and engineering/construction plans, as approved by the Village. The site plan review process shall include four (4) steps:
 - B. (a) Pre-Application Conference;
 - C. (b) Concept Plan Review;
 - D. (c) Site Plan Review; and,
 - E. (d) Construction of project after Village approval of required site plan and other associated plans, including construction plat and engineering plans.
- 2.43.4. Although the Concept Plan and Site Plan review steps are listed as separate steps in the approval process herein, these two steps can be combined if the applicant so chooses by submission of a Site Plan.

2.44. Exemptions

Site plan review shall not be required for single-family detached residential developments, unless the proposed subdivision will include a private amenity or facility

comprised of one or more buildings, such as a private recreation or swimming facility or clubhouse or a golf course, or unless the proposed subdivision will have private (not public) streets. In these instances, site plan submission and approval, in accordance with this Section, will be required for the private amenity or facility, the golf course clubhouse/hospitality area, and the gated entrances.

2.45 Plan Submission Requirements

2.45.1. The concept plan and site plan submission shall be comprised of the items set forth below:

- (a) An application form, in the format provided by the Village, with notarized signatures of the owner or owner's designated representative.
- (b) Filing fee.
- (c) Verification that all taxes and assessments on the subject property have been paid.
- (d) Copies of the concept plan or site plan, on 24" x 36" sheet, and drawn to a known engineering scale that is large enough to be clearly legible, and other required information, the quantity of which shall be determined by the Village Administrator.
- (e) General layout for the required public improvements, including water, wastewater, grading and storm drainage, streets, water quality, alleys, fire lanes and hydrants, the quantity of which shall be determined by the Village Administrator.
- (f) Reduced copies (11" x 17" or smaller) of the site plan as required by the Village Administrator.
- (g) Landscaping and irrigation plans, the quantity of which shall be determined by the Village Administrator.
- (h) Building facade (elevation) plans drawn to scale, the quantity of which shall be determined by the Village Administrator.
- (i) Any additional information/materials, such as plans, maps, exhibits, legal description of property, information about proposed uses, as deemed necessary by the Village Administrator, in order to ensure that the written request is understood.
- (j) If the application is for a single-family subdivision, a construction plat may qualify as a site plan, notwithstanding other information contained herein that may still be deemed as required with the application.
- (k) Sign plan and requests for any variances from the Village's Sign Ordinance.
- (l) Lighting (illumination) plan and requests for any variances from the Village's Lighting Ordinance.

(m) Other variances to any ordinance identified by the Applicant at this point in the process.

(n) Exterior design plan and explanation of how the project complies with the Village's Exterior Design Standards.

2.45.2. All required items and information must be received by the Village Administrator in order for a concept plan or site plan submission and zoning change request to be considered complete. Incomplete submissions will not be reviewed until all deficient items or information has been received.

2.46. Submission of Complete Application

2.46.1 For the purpose of these regulations, the "official submission date" shall be the date upon which a complete application for approval of a concept plan or site plan, that contains all elements and information required by this Chapter, is first submitted to the Village Administrator. No application shall be deemed officially submitted until the Village Administrator determines that the application is administratively complete and a fee receipt is issued by the Village. Failure by the Village Administrator to make a Certification of Incompleteness within fifteen (15) calendar days following the date on which the application was first received by the Village, shall result in the application being deemed complete, and the "official submission date" shall become the fifteenth (15th) calendar day following initial receipt of the application by the Village.

2.46.2. Concept plan and site plan applications which do not include all required information and materials will be considered incomplete, shall not be accepted for official submission by the Village, and shall not be scheduled on a VILLAGE COMMISSION agenda until the proper information is provided to Village staff.

2.47. Additional Information

The Village's staff may require information and data other than that set out in this Section for specific concept plans and site plans. This information data may include but is not limited to: geologic information, water yields, flood data and hydrological studies, environmental information, traffic impact analysis, road capacities, market information, historic structure(s) and/or land, economic data for the proposed development, hours of operation, elevations and perspective drawings, lighting, and similar information. Approval of a concept plan or site plan may establish conditions for construction based upon such information.

2.48. Principles & Standards for Review

- 2.48.1. The following criteria have been set forth as a guide for evaluating the adequacy of proposed development within the Village of Webberville, and to ensure that all developments are, to the best extent possible, constructed according to the Village's codes and ordinances.
- 2.48.2 The Village Administrator shall review the concept plan or site plan for compliance with all applicable Village ordinances and with the Comprehensive Plan; for harmony with surrounding uses and with long-range plans for the future development of Webberville; for the promotion of the health, safety, order, efficiency, and economy of the Village; and for the maintenance of property values and the general welfare.
- 2.48.3. Concept plan or site plan review and evaluation by the Village Administrator shall be performed with respect to the following:
- (a) The plan's compliance with all provisions of the Zoning Ordinance and other ordinances of the Village of Webberville.
 - (b) The impact of the development relating to the preservation of existing natural resources on the site and the impact on the natural resources of the surrounding properties and neighborhood.
 - (c) The relationship of the development to adjacent uses in terms of harmonious design, facade treatment, setbacks, building materials, maintenance of property values, and any possible negative impacts.
 - (d) The provision of a safe and efficient vehicular and pedestrian circulation system.
 - (e) The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.
 - (f) The sufficient width and suitable grade and location of streets designed to accommodate prospective traffic and to provide access for fire fighting and emergency equipment to buildings.
 - (g) The coordination of streets so as to arrange a convenient system consistent with the Transportation Plan of the Village of Webberville.
 - (h) The use of landscaping and screening to provide adequate buffers to shield lights, noise, movement, or activities from adjacent properties when necessary, and to complement and integrate the design and location of buildings into the overall site design.
 - (i) Exterior lighting to ensure safe movement and for security purposes, which shall be arranged so as to minimize glare and reflection upon adjacent properties.
 - (j) The location, size, accessibility, and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
 - (k) Protection and conservation of soils from erosion by wind or water or from

excavation or grading.

- (l) Protection and conservation of watercourses and areas subject to flooding.
- (m) The adequacy of water, drainage, sewerage facilities, solid waste disposal, and other utilities necessary for essential services to residents and occupants.
- (n) Consistency with the Comprehensive Plan.

2.49. Approval Process

2.49.1 Pre-application Conference: The applicant(s) shall consult with the Village Administrator, the Village Engineer, and/or other designated administrative officers before preparing a concept plan or a site plan in order to save time, money and to avoid potential unnecessary delays.

2.49.2. Prior to formal application for approval of any concept plan or site plan, the applicant(s) shall request and attend a pre-application conference with the Village Administrator, the Village Engineer, and any other pertinent Village official(s) in order to become familiar with the Village's development regulations and the development process. At the pre-application conference, the developer may be represented by its land planner, engineer and surveyor.

2.50. Village Staff Review

Upon official submission of a complete application for concept plan or site plan approval, the Village shall commence technical review of the development proposal by forwarding a copy of the application to development review team members, such as the Village Administrator, Village Engineer, and any other pertinent Village official(s).

Development review team members shall review the application and shall ascertain its compliance with these and other applicable Village regulations. Following Village staff review of the plan and supporting documents, and following discussions with the applicant on any revisions deemed advisable and the kind and extent of improvements to be installed, the applicant shall resubmit additional copies of the corrected plan to the Village Administrator within sixty (60) calendar days following the date on which the applicant received official notification of the completion of the review by the Village Administrator.

2.51. Approval by the Village Administrator

If the Village Administrator approves the concept plan or site plan, no approval by the Planning & Zoning Commission or Village Commission is required. Any concept plan or site plan that includes property that is within the Historic District, or represents a Planned Development project, or a Condition Use Permit, may not be approved or denied by the Village Administrator; such a concept plan or site plan shall be reviewed by the Village Administrator and shall then be reviewed by the VILLAGE COMMISSION and the

Village Commission through the review process outlined herein.

2.52. Denial by the Village Administrator

- 2.52.1. If the Village Administrator denies the concept plan or site plan, the concept plan or site plan shall then be reviewed by the VILLAGE COMMISSION and the Village Commission through the review process outlined herein.
- 2.52.2. The concept plan or site plan that was denied shall be submitted to the Village Administrator no later than seven (7) calendar days prior to the VILLAGE COMMISSION meeting. Copies of the plan resubmitted to the Village less than seven days prior to the meeting date shall not be accepted or forwarded to the VILLAGE COMMISSION. If the Village Administrator determines that the application is still incomplete or not correct, the plan application shall be subject to denial.

2.53. Action by Village Commission

- 2.53.1. All concept plan or site plan applications that were denied by the Village Administrator that include property that is within the Historic District shall be submitted to and reviewed by the VILLAGE COMMISSION, and if in conformance with the provisions of this Chapter and all other applicable regulations and codes of the Village, they shall then be considered for approval by the Village Commission. It should be noted also that additional action with regard to permitting procedures applies within the Historic District; these procedures are outlined in Section 3.
- 2.53.2. The Village Administrator shall schedule consideration of the concept plan or site plan on the regular agenda of the Village Commission within thirty (30) days after the submission is received, or, in the case of an incomplete submission, after the submission is deemed complete. The Village Commission shall review the concept plan or site plan and shall recommend approval, approval subject to certain conditions, or disapproval of the concept plan or site plan. If the Village Commission disapproves a plan application, the applicant or property owner may request Reconsideration by the Village Commission by filing a Notice of Appeal in the office of the Village Administrator no later than ten (10) calendar days after the date upon which the Village Commission denied the application. The Notice of Appeal shall set forth in clear and concise fashion the basis for the appeal. The Village Commission shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date upon which the Notice of Appeal was filed. The Village Commission may change its initial decision by unanimous vote of the Commission.

2.54. Revisions to the Concept Plan or Site Plan

Revisions to an approved concept plan or site plan shall be processed in accordance with Subsections 2.42 thru 2.54.

2.55. Lapse of Concept Plan or Site Plan Approval

The approval of a concept plan or site plan shall be effective for a period of one (1) year beyond the date that the plan was approved by the Village Commission, except as provided in Subsection 2.56 below. By 12:01 a.m. on the 365th day following Council approval of the plan, the applicant must have completed a Village-required “progress benchmark” as set forth below. If this is not accomplished, then the approved concept plan or site plan shall be deemed to have expired and shall become null and void. The series of “progress benchmarks” for a project, pursuant to the provisions of this paragraph, are as follows:

- | | | |
|----------------------|--------------------------|--|
| APPROVED PLAN | <input type="checkbox"/> | NEXT “PROGRESS BENCHMARK” |
| Concept Plan | <input type="checkbox"/> | Final Site Plan (per Zoning Ordinance), and
Construction Plat (per Subdivision Ordinance),
and continued engineering review of the engineering plans |
| Site Plan | <input type="checkbox"/> | Application for a Building Permit for at least one of the buildings on the approved site plan |

Table 1: Duration of Concept Plans & Site Development Plans

Approved Plan	Progress Benchmark	Expires**
Concept Plan	Plat	One Year
	Site Plan	One Year
	Planned Development	Two Years
	Conditional Use Permit	One Year
	Development Agreement	One Year
Site Plan	Construction Commences	2 Years
CUP		3 Years

**The expiration period denotes the deadline for achieving one of the Project Benchmarks in order for the plan to remain valid.

2.56. Extension & Reinstatement Procedure

- 2.56.1 Extension of Plan Approval: Prior to the lapse of approval for a concept plan or site plan, the applicant may request that the Village, in writing, to extend the plan approval. Such request shall be considered at a public meeting before the Village Commission, and an extension may be granted by Village Commission at such meeting. Two (2) extensions of six (6) months each in length may be granted, unless otherwise specified by ordinance. If no petition for extension of concept plan or site plan approval is submitted, then the plan shall be deemed to have expired and shall become null and void.
- 2.56.2 Determination of Extension: In determining whether to grant a request for extension, the Village Commission shall take into account the reasons for the lapse, the ability of the property owner to comply with any conditions attached to the original approval, and the extent to which development regulations would apply to the concept plan or site plan at that point in time. The Village Commission shall either extend the concept plan or site plan or deny the request, in which instance the originally approved plan shall be deemed null and void. However, the two (2) aforementioned extensions shall not be unreasonably withheld without due cause. The property owner must thereafter submit a new concept plan or site plan application for approval, and shall conform to the zoning regulations then in effect.

2.57. Concept Plan Requirements and Review

- 2.57.1 Applicability: Submission and approval of a concept plan is required for development within nonresidential districts, for Planned Developments, and for Conditional Use zoning requests. The concept plan is the first step in the approval process for a development project, whether residential or non-residential, if the applicant prefers to do so.
- 2.57.2 Village review and approval of a concept plan has many benefits for both the Village and the applicant. The applicant benefits in that he or she gains preliminary review and scrutiny, as well as input and suggestions, on the overall conceptual layout of the proposed development from the Village's development review team. Approval of a concept plan may offer the applicant some level of confidence that subsequent plan submissions will be favorably received and approved with few major changes to the project's design and layout provided that the project complies with Village regulations. For example, once the site plan, construction plat and corresponding engineering plans are submitted for a non-residential project, unforeseen changes in site layout can prove to be expensive in terms of design and engineering costs and time lost during major plan revisions. The Village benefits in that it is allowed to become familiar with and involved in the project early in the development process, which is particularly important for large-scale developments and subdivisions. This allows the Village to plan for and closely coordinate the provision of public facilities and services, thereby

potentially avoiding future problems such as undersized utility lines, inadequate roadway capacities, unanticipated shortfalls in public services, and fiscal inefficiencies resulting from lack of planning and coordination.

- 2.57.3. Purpose: The purpose of a concept plan is to allow opportunity for the Village to preview various development related aspects of the project, including proposed major thoroughfare and collector street patterns; land use patterns and trends; historic structure(s) and/or land; environmental issues and constraints; building orientation and massing; conformance to the Comprehensive Plan, Zoning Ordinance, *Future Land Use Plan*, *Transportation Plan* and other applicable plans and guidelines; and the property's relationship to adjoining subdivisions or properties. Review of a concept plan would also assist the Village in evaluating the possible impacts of the proposed development in terms of provision of essential public facilities and services, respecting and preserving important natural features and the environment, provision of open space and recreational opportunities, and protecting the general health, safety and welfare of the community.
- 2.57.4. Extent of Area in a Concept Plan: When the overall development project is to be developed in phases, the concept plan area shall include the entire zoned property from which the phases are being developed and an approximate development schedule. Where significant natural or man-made features, such as thoroughfares or creeks, make inclusion of the entire property in the concept plan unnecessary to adequately review the items to be shown on a concept plan, the plan may include a smaller study area. Boundaries such as major thoroughfares, whether existing or proposed, creeks, political subdivisions, or other such natural or man-made features may be used to delineate the smaller study area.

2.58. Procedures & Requirements for Concept Plans

- 2.58.1. Submission of an application for concept plan approval shall be preceded by a pre-application conference with the Village. The concept plan shall be prepared at a scale no smaller than one inch equals two hundred feet (1" = 200') and on sheets twenty-four inches by thirty-six inches (24" x 36"), and it shall show the following:
- (a) A title block within the lower right hand corner of the concept plan with the proposed name of the project or subdivision, the name and address of the owner and the land planner, engineer architect or surveyor responsible for the design or survey, the scale of the drawing, both written and graphic scale, the date the drawing was prepared, total site acreage, and the location of the property according to the abstract and survey records of Travis County, Texas;
 - (b) A vicinity or location map that shows the location of the proposed development within the Village or its extraterritorial jurisdiction and in relationship to existing roadways;

- (c) The boundary survey limits of the tract and scale distances with north clearly indicated;
- (d) The names of adjacent additions or subdivisions, or the name of the owners of record and recording information for adjacent parcels of unplatted land, including parcels on the other sides of roads and creeks. The concept plan shall include a depiction of all contiguous holdings of the property owners, the existing and proposed uses of the subject property, a general arrangement of future land uses, including the approximate number of lots and any residential uses anticipated, and a generalized circulation plan for the subject property;
- (e) The existing zoning and existing and proposed uses on adjacent land; the location, width and names of all existing or platted streets or other public ways within or adjacent to the tract; any existing easements with recording information; existing buildings; railroad rights-of-way; topography, including contours at two-foot intervals with existing drainage channels or creeks, including the 100-year flood plain, if applicable; any other important natural features (such as rock outcroppings, wildlife habitats, etc.); all substantial natural vegetation; and adjacent political subdivisions, corporate limits, and/or school district boundaries;
- (f) Proposed strategies for tree preservation showing individual trees or tree masses that will be preserved, and the techniques that will be used to protect them during construction;
- (g) The layout and width, including right-of-way lines and curb lines, of existing and proposed thoroughfares, collector streets and/or intersections, and a general configuration of proposed streets, lots and blocks, including proposed median openings and left turn lanes on future divided roadways. Existing and planned driveways on the opposite side of divided roadways must also be shown for coordination and sharing of future median openings;
- (h) A general arrangement of land uses and buildings, including but not limited to proposed non-residential and residential densities; building heights, square footages, massing, orientation, loading and service areas, recycling containers, compactors and dumpster enclosures, pedestrian walkways, and parking areas; any proposed sites for parks, schools, public facilities, public or private open space; flood plains and drainageways; and other pertinent development related features; and
- (i) The phasing of development.

2.59. Effect of Review

The concept plan shall be used only as an aid to show the anticipated layout of the proposed development, and to assess the adequacy of public facilities or services that will be needed to serve the proposed development. Any proposed use or development depicted on the concept plan shall not be deemed formal authorization or approval by the Village until a final site plan is approved for the development. The concept plan approval

is to be thought of as a general acknowledgment by the Village that the proposed layout generally conforms to the Village's zoning regulations, and that the proposed development can be adequately served by required public facilities or services. If the applicant chooses to construct only the initial phase or phases of a multi-phase project designated in the concept plan, a new concept plan may be required for site plan approval of subsequent phases, if the proposed development layout, character, or other conditions affecting the development substantially change from one phase to the next.

2.60 Validity

The approved concept plan shall be valid for a period of one (1) year from the date of concept plan approval by Village Commission.

2.61. Site Plan Requirements and Review

- 2.61.1 Applicability and Purpose: Submission and Village approval of a site plan is required as stated in Subsection 2.43. The purpose of final site plan approval is to ensure that a development project is in compliance with all applicable Village ordinances and guidelines prior to commencement of construction. Approval of the site plan, construction plat, landscape plan, building facade plan, and engineering plans are required prior to site construction.
- 2.61.2 Extent of Area in a Site Plan: When the overall development project is to be developed in phases, the site plan area shall include only the portion of the overall property that is to be developed or constructed.
- 2.61.3 Procedures & Submission Requirements for Site Plan Approval: Submission of an application for site plan approval shall be preceded by a pre-application conference with the Village. The site plan shall be prepared at a scale no smaller than one inch equals one hundred feet (1" = 100') and on sheets twenty-four inches by thirty-six inches (24" x 36"), and it shall clearly show in detail how the site will be constructed such as paving, buildings, landscaped areas, utilities. The site plan shall include, but not be limited to the following:
- (a) A title block within the lower right hand corner of the concept plan with the proposed name of the project or subdivision, the name and address of the owner and the land planner, engineer architect or surveyor responsible for the plan, the scale of the drawing, both written and graphic scale, the date the drawing was prepared, total site acreage, and the location of the property according to the abstract and survey records of Travis County, Texas;
 - (b) A vicinity or location map that shows the location of the proposed development within the Village or its extraterritorial jurisdiction and in relationship to existing roadways;
 - (c) The boundary survey limits of the tract and each proposed lot, and scale distances with north clearly indicated;
 - (d) The names of adjacent additions or subdivisions, or the name of the owners of

- record and recording information for adjacent parcels of unplatted land, including parcels on the other sides of roads and creeks;
- (e) The existing zoning and existing and proposed uses on adjacent land; the location, width and names of all existing or platted streets or other public ways within or adjacent to the tract; any existing easements, with recording information; existing buildings; railroad rights-of-way; topography with contours at two-foot intervals with existing drainage channels or creeks, including the 100-year flood plain, if applicable; any other important natural features such as rock outcroppings, caves and wildlife habitats; and all substantial natural vegetation;
 - (f) Proposed strategies for tree preservation, showing individual trees or tree masses that will be preserved, and the techniques that will be used to protect them during construction;
 - (g) The layout and width, including right-of-way lines and curb lines, of existing and proposed thoroughfares, collector streets and intersections, and specific configuration of proposed streets, lots and blocks, proposed driveways, show driveway widths and distances between driveways, and proposed median openings and left turn lanes on future divided roadways. Existing and planned driveways on the opposite side of divided roadways must also be shown for coordination and sharing of future median openings;
 - (h) Specific locations and footprints of buildings, including but not limited to proposed non-residential and residential densities; building heights, square footages which for multi-tenant or multi-purpose buildings must show square footage for each intended use, massing, orientation, loading and service areas, including proposed screening, recycling containers, compactors and dumpster enclosures, including proposed screening, pedestrian walkways, and parking areas including parking ratio calculations; any proposed sites for parks, schools, public facilities, public or private open space; flood plains and drainageways; all proposed and existing utilities and easements; drainage structures; retention/detention ponds with proposed aesthetic treatments; screening walls; fences; signage; fire lanes and fire hydrants; lighting; visibility easements; and other pertinent development related features;
 - (i) A landscape plan showing turf areas, tree types and sizes, screening walls, ornamental plantings, planting schedule, including species, planted height, spacing, container and caliper size, numbers of each plant material, any existing wooded areas, trees to be planted, and irrigation plans, if required; and
 - (j) Building facade (elevation) plans showing elevations with any wall-mounted signage to be used, as determined appropriate by the Village Administrator.

2.62. Conformance

Provision of the above items shall conform to the principles and standards of this Chapter

and the Comprehensive Plan. To ensure the submission of adequate information, the Village is hereby empowered to maintain and distribute a separate list of specific requirements for site plan review applications. Upon periodic review, the Village Administrator shall have the authority to update such requirements for site plan and development review applications. It is the applicant's responsibility to be familiar with, and to comply with, these requirements.

2.63 Effect of Review

The site plan shall be considered authorization to proceed with construction of the site provided all other required Village approvals are obtained, such as construction plat, engineering plans, landscape plan, building facade plans, building permits.

SECTION 3: ZONING DISTRICTS

3.1 Zoning Districts Established

3.1.1. The Village of Webberville, Texas, is hereby divided into the following zoning districts. The use, height, area regulations, and other standards, as set out herein apply to each district. The districts established herein shall be known as follows:

Abbreviated Designation	Zoning District Name
AG	Agriculture (Min. 40 acres)
SF-1	Single-Family Residential (<u>Min. 2 acre</u>)
O	Office
LR	Local Retail
MU	Mixed Use
I	Industrial
H	Historic
PD	Planned Development
CUP	Conditional Use Permit

3.1.2. Certain terms and definitions used within this Chapter can be found in Section 5. Definitions specifically applicable to particular sections are contained within the section.

3.2. Agriculture District (AG)

3.2.1. **General Purpose and Description:** The AG, Agriculture District is designed to permit the use of land for the ranching, propagation and cultivation of crops,

small-scale horticultural enterprises, and similar uses of the land. Single-family uses on large lots are also appropriate for this district. Territory that has been newly annexed into the Village is initially zoned Agriculture until it is assigned another zoning district. It is anticipated that some portion of Agriculture zoned land may eventually be rezoned to another more permanent, urban zoning classification in the future.

3.2.2. Permitted Uses: Those uses listed for the AG - Agricultural District in Appendix D (Use Charts) as “P” or “C” are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 3.8.

3.2.3. Height Regulations:

- (a) Main Building: Maximum of forty feet (40’) for the main building or house.
- (b) Accessory Buildings: Maximum forty feet (40’) for accessory buildings, including detached garage/accessory dwelling units.
- (c) Other: Refer to Section 4, *Supplemental Regulations* for other regulations.

3.2.4. Area Regulations:

- (a) Size of Lots: Minimum Lot Area – Forty (40) acres
- (b) Impervious Coverage: Thirty percent (30%) including main and accessory buildings, driveways and parking areas.

3.2.5. Special Requirements:

- (a) On-Site Dwellings: There shall be only one (1) on-site dwelling. Recreational vehicles, manufactured homes, travel trailers or motor homes may not be used for on-site dwelling purposes.
- (b) Non-Residential Uses: Site plan approval (see Section 2) shall be required for any non-residential use (such as a school, church, childcare center, private recreation facility, etc.) in the SF-1 District. Any non-residential land use that may be permitted in this district shall conform to the Retail District standards.
- (c) No commercial feedlots or dairy operations are allowed.

3.3. Single-Family Residential District (SF)

3.3.1. General Purpose and Description: The Single-Family Residential District is intended to provide for development of low-density detached, single-family residences on lots of at least two (2) acres in size.

3.3.2. Permitted Uses: Those uses listed for the SF District in Appendix D (Use Charts) as “P” or “C” are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 3.8.

3.3.3. Height Regulations:

- (a) Main Building(s): Maximum two-and-one-half (2½) stories, or forty feet (40') for the main building or house, whichever is less.
- (b) Accessory Building(s): Maximum twenty-five feet (25') for other accessory buildings, including a detached garage or accessory dwelling units.
- (c) Other: Refer to Section 4, *Supplemental Regulations* for other regulations.

3.3.4. Area Regulations:

- (a) Dwelling Size: 1,200 square feet minimum
- (b) Size of Lots:
 - F. Minimum Lot Area – Two acres
- (b) Size of Yards:
 - G. Minimum Front Yard – Fifty feet (50')
 - H. Minimum Side Yard – Fifty feet (50')
 - I. Minimum Rear Yard - Fifty feet (50')
- (c) Impervious Coverage:
 - Thirty percent (30%)
- (d) Parking: Refer to Section 4, *Supplemental Regulations*.

3.3.5. Special Requirements:

- (a) On-Site Dwellings: Recreational vehicles, manufactured homes, travel trailers or motor homes may not be used for on-site dwelling purposes.
- (b) Open Storage: Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, etc.).
- (e) Non-Residential Uses: Site plan approval (see Section 2) shall be required for any non-residential use (such as a school, church, childcare center, private recreation facility, etc.) in the SF-1 District. Any non-residential land use that may be permitted in this district shall conform to the Retail District standards.
- (f) Temporary Facilities: There shall be no permanent use of temporary facilities or buildings.
- (h) Other Regulations: Refer to Section 4, *Supplemental Regulations*.

3.4 Office District (O)

- 3.4.1. **General Purpose and Description:** The O, Office District is established to create a district for low intensity office and professional uses. The district can be used as a transition district between more intense uses and residential uses. Permitted uses should be compatible with adjacent residential areas by limiting building heights to one (1) or two (2) stories, and by utilizing buffering and landscaping requirements. Buildings in this district should be compatible with and similar in scale to residential uses and adjacent property. Residential uses and bed-and-breakfasts should also be permitted.
- 3.4.2. **Permitted Uses:** Those uses listed for the O, Office District in Appendix D (Use Charts) as “P” or “C” are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 3.8.
- 3.4.3. **Height Regulations**
- (a) Main Building(s): Maximum three (3) , or fifty feet (50’), whichever is less.
 - (b) Accessory Building(s): Maximum one (1) story, or twenty-five feet (25') for accessory buildings.
 - (c) Other: Refer to Section 4, *Supplemental Regulations* for other regulations.
- 3.4.4. **Area Regulations**
- (b) Size of Lots:
 - (1) Minimum Lot Size - Nine-thousand (9,000) square feet
 - (2) Minimum Lot Width - Sixty feet (60’)
 - (3) Minimum Lot Depth - One hundred fifty feet (150’)
 - (b) Size of Yards:
 - (4) Minimum Front Yard - Twenty-five feet (25'); all yards adjacent to a street shall be considered a front yard (see Section 4 for any additional setback requirements)
 - (5) Minimum Side Yard - Fifteen feet (15'); twenty-five feet (25') adjacent to a public street or residential lot
 - (6) Minimum Rear Yard - Twenty-five feet (25')
 - (7) Adjacent to a Single-Family District - Any office use that is over one (1) story in height and that is located adjacent to (and not across an right-of-way from) any single-family zoning district shall be setback from the applicable property line by sixty feet (60').
 - (c) Impervious Coverage: Sixty percent (60%) total, including main buildings and accessory buildings.

(d) Building Size for Nonresidential Structures: The building footprint area shall not exceed fifty thousand (50,000) square feet in size.

3.4.5. Parking Requirements: Refer to Section 4, *Supplemental Regulations*.

3.4.6. Landscaping Requirements: Refer to Section 4, *Supplemental Regulations*.

3.4.7. Special District Requirements

(a) On-Site Dwellings: Recreational vehicles, manufactured homes, travel trailers or motor homes may not be used for on-site dwelling or non-residential purposes.

(b) Open Storage: Open storage is prohibited.

(c) Temporary Facilities: There shall be no permanent use of temporary facilities or buildings.

(d) Other Regulations: Refer to Section 4, *Supplemental Regulations*.

3.5 Local Retail District (LR)

3.5.1. General Purpose and Description: The LR, Local Retail District is established to provide areas for low intensity, specialized retail sales that are intended to service local neighborhoods and citizens and visitors of Webberville. Office uses and bed-and-breakfasts should be permitted within Local Retail Districts; general or regional commercial or commercial services uses should not be permitted.

3.5.2. Permitted Uses: Those uses listed for the LR District in Appendix D (Use Charts) as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 3.8.

3.5.3. Height Regulations

(a) Main Building(s): Maximum two (2) stories, or forty feet (40'), whichever is less.

(b) Accessory Building(s): Maximum one (1) story, or twenty-five feet (25') for accessory buildings.

(c) Other: Refer to Section 4, *Supplemental Regulations* for other regulations.

3.5.4. Area Regulations

(a) Size of Lot:

(1) Minimum Lot Area – Eight thousand (8,000) square feet

(2) Minimum Lot Width - Eighty feet (80')

- (3) Minimum Lot Depth - One hundred feet (100')
- (b) Size of Yards:
 - (1) Minimum Front Yard –Fifteen feet (15'); all yards adjacent to a street shall be considered a front yard. See Section 4 for any additional setback requirements.
 - (2) Minimum Side Yard - Fifteen feet (15'); twenty-five feet (25') adjacent to a public street or residential lot
 - (3) Interior Side Yards - When retail uses are platted adjacent to other retail uses and are integrated into an overall shopping center site, creating lease spaces abutting one another, no side yard is required provided it complies with the Village's Building Code.
 - (4) Minimum Rear Yard - Twenty-five feet (25')
 - (5) Adjacent to a Single-Family District - Any neighborhood service use that is over one (1) story in height and that is located adjacent to (and not across a right-of-way from) any single-family zoning district shall be setback from the applicable property line by sixty feet (60').
- (c) Impervious Coverage: Must comply with the Village's Water Quality Protection Ordinance.
- (d) Maximum Building Size: The maximum footprint area shall not exceed fifty thousand (50,000) square feet.

3.5.5. Parking Regulations

- (a) Parking for Retail Uses and Office Uses: One (1) space per three hundred (300) square feet of gross floor space.
- (b) Materials for Parking for Non-Residential Uses: Parking areas with sixteen (16) parking spaces or less may be constructed with an all-weather surface (such as gravel) in a manner that is consistent with the Village's Technical Construction Standards and Specifications (TCSS) Manual. Driveway approaches and other maneuvering or access points to roadway rights-of-way shall be constructed with a paved all-weather surface.

3.5.6. Landscaping Requirements: Refer to Section 4, *Supplemental Regulations*.

3.5.7. Special Requirements

- (a) Required Massing for Nonresidential Structures: In order to ensure the aesthetic value and visual appeal of non-residential land uses and structures, the facades of all structures must be offset, varied and articulated, at least five feet (5') in depth for every fifty (50) in horizontal and/or vertical surface length. Such facade offsets as required herein shall be shown, along with calculations verifying that the building elevations meet the above requirement, on the Building Facade Plan.

- (b) Outside Display: Outside display of merchandise and seasonal items, such as Christmas trees and pumpkins shall be limited to the following:
- (c) Outside display areas shall not be placed or located more than thirty feet (30') from the main building.
- (d) Outside display areas shall not occupy any of the parking spaces that are required by this Chapter for the primary use(s) of the property, except on a temporary basis only, which is a maximum of 30 days per display and a maximum of two displays per calendar year.
- (e) 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.
- (f) Outside display areas shall not extend into public right-of-way or onto adjacent property.
- (g) Outside display items shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.
- (h) On-Site Dwellings: Recreational vehicles, manufactured homes, travel trailers or motor homes may not be used for on-site dwelling or non-residential purposes.
- (i) Open Storage: Open storage is prohibited.
- (j) Temporary Facilities: There shall be no permanent use of temporary facilities or buildings.
- (k) Other Regulations: Refer to Section 4, *Supplemental Regulations*.

3.6 Mixed Use District (MU)

3.6.1. General Purpose and Description: The Mixed Use (MU) District is intended to provide for a mixture of retail, office, and residential uses in close proximity to enable people to live, work and purchase necessities in a single location. Bed-and-breakfast establishments could also be located in this district. Additionally, pedestrian walkways and open areas are desired in order to promote a pedestrian-friendly environment. The following are key concepts that should be acknowledged through development practices within Mixed Use Districts:

- (a) Residential uses in conjunction with non-residential activities, possibly located above retail and office establishments;
- (b) All types of residential uses, including single-family homes, townhouses, and loft-style multiple-family units;
- (c) Central green spaces;
- (d) Traffic flows that enable people to move freely without the use of an automobile by emphasizing the pedestrian; and
- (e) Outside spaces, such as small parks, courtyards, and outdoor eating areas.

3.6.2. Permitted Uses: Those uses listed for the MU District in Appendix D (Use Charts) as “P” or “C” are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 3.8.

3.6.3. Height Regulations

- (a) Main Building(s): Maximum three (3) stories or fifty feet (50'), whichever is less, for the main building(s).
- (b) Accessory Building(s): One (1) story for accessory buildings.
- (c) Other: Refer to Section 4, *Supplemental Regulations* for other regulations.

3.6.4. Area Regulations

- (a) Size of Lot:
 - (1) Minimum Lot Area - none specified.
 - (2) Minimum Lot Width - none specified.
 - (3) Minimum Lot Depth - none specified.
- (b) Size of Yards:
 - (4) Minimum Front Yard - Twenty-five feet (25'); all yards adjacent to a street shall be considered a front yard. See Section 4 for any additional setback requirements.
 - (5) Minimum Side Yard - Twenty-five feet (25'); twenty-five feet (25') adjacent to a public street or residential lot
 - (6) Minimum Rear Yard - Twenty-five feet (25')
 - (7) Adjacent to a Single-Family District - Any non-residential use that is over one (1) story in height and that is located adjacent to (and not across an right-of-way from) any single-family zoning district shall be setback from the applicable property line by sixty feet (60').
- (c) Impervious Coverage: Ninety percent (90%) total, including main buildings and accessory buildings.
- (d) Building Size for Nonresidential Structures: The building footprint area shall be a minimum of fifteen hundred (1,500) square feet in size, and shall not exceed twenty-five thousand (25,000) square feet in size.
- (e) Minimum Building Separation for Nonresidential Structures: There shall be a minimum thirty-foot (30') separation between structures, or a minimum separation as required by the Village's Fire Code (if any), whichever is greater.

3.6.5. Parking Regulations

Shared Parking: The required number of parking spaces may be reduced if parking can be shared with an adjacent development(s) or use(s). Such a reduction must be approved as part of the site plan. In no case shall the required parking be reduced in excess of fifty percent (50%) of the required spaces.

3.6.6. Landscaping Requirements: Refer to Section 4, *Supplemental Regulations*.

3.6.7. Special Requirements

- (b) Design Criteria for Development within the MU District: Development in the MU district shall have characteristics that result in a compact, mixed use, pedestrian-oriented, and environmentally sensitive community.
- (b) Reflective glass shall not be used for windows; detailing for windows, doors and other openings shall be of wood, glass or a metal material that is complementary to the period or building style.
- (c) Building Façade Plan: Building facade (elevation) plans shall be submitted for VILLAGE COMMISSION review and approval by the Village Commission along with the Site Plan. Facade plans shall clearly show how the building(s) will look, especially as viewed from the major thoroughfare upon which the property faces or sides, and will portray a reasonably accurate depiction of the anticipated materials and colors to be used. The Village Administrator or Village Administrator's designee may, as deemed appropriate, require submission of additional information and materials, including actual samples of materials to be used, during the Site Plan review process.
- (d) Required Massing for Nonresidential Structures: In order to ensure the aesthetic value and visual appeal of non-residential land uses and structures, the facades of all structures must be offset, varied and articulated, at least three feet (3') in depth for every thirty feet (30') in horizontal and/or vertical surface length. Such facade offsets as required herein shall be shown, along with calculations verifying that the building elevations meet the above requirement, on the Building Façade Plan.
- (e) Architectural Design: The architecture of development(s) shall achieve a majority of the following objectives:
 - (1) Architectural compatibility with neighboring properties.
 - (2) Human scale design;
 - (3) Integration of uses;
 - (4) Encouragement of pedestrian activity;
 - (5) Buildings that relate to, and are oriented toward, the pedestrian areas and surrounding buildings;
 - (6) Residential scale buildings;
 - (7) Buildings that are designed with facade variation;

- (8) Buildings that contain special architectural features to signify entrances; and
- (9) Buildings that focus activity around a central green space.
- (e) Open Storage: Open storage is prohibited.
- (f) Outside Display: Outside display of merchandise and seasonal items, such as Christmas trees and pumpkins shall be limited to the following:
 - (1) Outside display areas shall not be placed or located more than thirty feet (30') from the main building.
 - (2) 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, except on a temporary basis only, which is a maximum of thirty (30) days per display and a maximum of two displays per calendar year.
 - (3) 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.
 - (4) Outside display areas shall not extend into public right-of-way or onto adjacent property.
 - (5) Outside display items shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.
- (h) On-Site Dwellings: Recreational vehicles, manufactured homes, travel trailers or motor homes may not be used for on-site dwelling or non-residential purposes.
- (i) Temporary Facilities: There shall be no permanent use of temporary facilities or buildings.
- (j) Other Regulations: Refer to Section 4, *Supplemental Regulations*.

3.7: Industrial District (I)

3.7.1. General Purpose and Description: The I, Industrial District is intended primarily for the conduct of light manufacturing, assembling and fabrication, and for warehousing, research & development, wholesaling and service operations which do not typically depend upon frequent customer or client visits and may include employment centers for the local workforce.

3.7.2. Permitted Uses: Those uses listed for the I, Industrial District in Appendix D. (Use Charts) as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 3.8.

3.7.3. Height Regulations:

- (a) Main Building(s): Maximum two (2) stories, or forty feet (40'), whichever is less.
- (b) Accessory Building(s): Maximum one (1) story, or twenty-five feet (25') for accessory buildings.
- (c) Other: Refer to Section 4, *Supplemental Regulations* for other regulations.

3.7.4. Area Regulations:

(a) **Size of Lot:**

- (1) **Minimum Lot Area** - Twenty thousand (20,000) square feet
- (2) **Minimum Lot Width** - One hundred feet (100')
- (3) **Minimum Lot Depth** - One hundred feet (100')

(b) **Size of Yards:**

- (1) Minimum Front Yard - Fifty feet (50'); all yards adjacent to a street shall be considered a front yard. See Section 4.1 through Section 4.5 for any additional setback requirements.
- (2) Minimum Side Yard - Fifteen feet (15'); fifty feet (50') adjacent to a public street or residential lot.
- (3) Minimum Rear Yard - Twenty-five feet (25'); fifty feet (50') adjacent to a public street or residential lot.
- (4) Adjacent to a Single-Family District - Any industrial use that is over one (1) story in height and that is located adjacent to (and not across a right-of-way from) any single-family zoning district shall be setback from the applicable property line by sixty feet (60').

3.7.5. Impervious Coverage: Sixty percent (60%) total, including main buildings and accessory buildings.

3.7.6. Building Size for Nonresidential Structures: The building footprint area shall not exceed fifty thousand (50,000) square feet in size.

3.7.7. Parking Requirements: Refer to Section 4, *Supplemental Regulations*.

3.7.8. Landscaping Requirements: Refer to Section 4, *Supplemental Regulations*.

3.7.9. Special Requirements:

- (a) **Building Façade Plan:** Building facade (elevation) plans shall be submitted for review and approval by the Village Commission along with the Site Plan. Facade plans shall clearly show how the building(s) will look, especially as viewed from the major thoroughfare upon which the property faces or sides, and will portray a reasonably accurate depiction of the materials and colors to

be used. The Mayor/Village Administrator may, as deemed appropriate, require submission of additional information and materials, including actual samples of materials to be used, during the Site Plan review process.

- (b) **On-Site Dwellings:** Recreational vehicles, manufactured homes, travel trailers or motor homes may not be used for on-site dwelling or non-residential purposes.
- (c) **Open Storage:** Open storage shall not be located in front of or on top of the building, shall not be located facing any street, and must be screened in accordance with the provisions of Section 4.3. They cannot be visible from any public street or adjacent property.
- (d) **Temporary Facilities:** There shall be no permanent use of temporary facilities or buildings.
- (e) **Other Regulations:** Refer to Section 4, *Supplemental Regulations*.

3.8 Conditional Use Permit (CUP)

3.8.1. General Purpose & Description: A conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only under certain conditions. Such conditions include a determination that the external effects of the conditional use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of standards and conditions. This Subsection 3.8 sets forth the standards used to evaluate proposed conditional uses and the procedures for approving Conditional Use Permit (CUP) applications.

3.8.2. Conditional Use Permit (CUP) Required: No conditional use shall be established and no building permit shall be issued for any use designated as a conditional use within a zoning district until a conditional use permit is issued in accordance with the provisions of this Section. An application for a conditional use permit shall be accompanied by a site plan prepared in the manner described in Section 2. The site plan shall illustrate the proposed use to be established, its relationship to adjoining properties, and how it meets the approval standards set forth in Section 3.8.6.

3.8.3. Status of Conditionally Permitted Uses - The following general rules apply to all conditional uses:

- (a) The designation of a use in a zoning district as a conditional use does not constitute an authorization or assurance that such use will be approved.
- (b) Approval of a conditional use permit shall authorize only the particular use for which the CUP is issued.
- (c) No use authorized by a conditional use permit shall be enlarged, extended

or relocated, nor may the number of dwelling units be increased, unless an application is made for approval of a new conditional use permit in accordance with the procedures set forth in this Section.

- (d) Development of the use shall not be carried out until the applicant has secured all the permits and approvals required by these zoning regulations, the Village Code of Ordinances, or any permits required by regional, State and Federal agencies.

3.8.4. Application for Conditional Use Permit

- (a) Application Requirements: An application for a conditional use permit may be submitted by the property owner or by the property owner's designated representative to the Village. The application shall be accompanied by a site plan prepared in accordance with the requirements of Section 2. If a zoning amendment is required or requested in writing, such application shall accompany the application for a conditional use permit.
- (b) Subdivision Approval: If the proposed use requires a division of land, an application for subdivision approval shall be submitted in conjunction with the application for a conditional use permit. Approval of the conditional use permit shall not become effective until final approval of the subdivision application; provided, that if the land is to be divided in phases, the approval of the conditional use permit shall take effect upon final approval of the phase of the subdivision containing the property on which the conditional use is to be located.

3.8.5. Procedures for Conditional Use Permits

- (a) Upon receipt of the recommendation from the Village Administrator, the Village Commission shall conduct a public hearing in order to formulate its decision on the conditional use permit application. Following the public hearing, the Village Commission shall approve, approve subject to modification, or deny of the proposal to the Village Commission in accordance with Section 2. If the appropriateness of the use cannot be assured at the location, the Village Commission shall deny the application as being incompatible with existing uses or with other uses permitted by right in the district.

3.8.6. Standards

Factors for Consideration: When considering applications for a conditional use permit, the Village Commission in making its determination, shall rely on

the basis of the site plan and other information submitted, evaluate the impact of the conditional use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. The Village Commission shall specifically consider the extent to which:

- (a) The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Plan;
- (b) The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
- (c) The proposed use meets all supplemental standards specifically applicable to the use as established in Section 4, *Supplemental Regulations*;
- (d) The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances, includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts, including but not limited to the following:
 - (1) Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire;
 - (2) Off-street parking areas, loading areas, and pavement type;
 - (3) Refuse and service areas;
 - (4) Utilities with reference to location, availability, and compatibility;
 - (5) Screening and buffering, features to minimize visual impacts, and/or set-backs from adjacent uses;
 - (6) Control of signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
 - (7) Required yards and open space;
 - (8) Height and bulk of structures;
 - (9) Hours of operation;
 - (10) Exterior construction material, building design, and building facade treatment;
 - (11) Roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets; and
 - (12) Provision for pedestrian access/amenities/areas;
- (e) The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity; and,
- (f) Noise.

- 3.8.7. Conditions: In approving the application, the Village Commission may impose such conditions as are reasonably necessary to assure compliance with these standards and the purpose and intent of this Section, in accordance with the procedures in Section 2. Any conditions imposed shall be set forth in the ordinance approving the conditional use, and shall be incorporated into or noted on the site plan for final approval. The Village Administrator shall verify that the site plan incorporates all conditions set forth in the ordinance authorizing the conditional use, and shall sign the plan to indicate final approval. The Village shall maintain a record of such approved conditional uses and the site plans and conditions attached thereto.
- 3.8.8. Prohibition on Waivers & Variances: The foregoing standards of development shall not be subject to variances that otherwise could be granted by the Zoning Board of Adjustment, nor may conditions imposed by the Village Commission subsequently be waived or varied by the Zoning Board of Adjustment. In conformity with the authority of the Village Commission to authorize conditional uses, the Village Commission may waive or modify specific standards otherwise made applicable to the use by this Chapter, to secure the general objectives of this Section, provided, however, that the Village Commission shall not waive or modify any approval factor set forth in Section 3.8.6.
- 3.8.9. Expiration and Extension: Termination of approval of a conditional use for failure to commence development and extension of the time for performance for a conditional use permit shall be governed by Subsections 2.57 and 2.58.
- 3.8.10. Amendment: No proposed or existing building, premise or land use authorized as a conditional use may be established, enlarged, modified, structurally altered, or otherwise changed from that approved in the conditional use permit, unless such amendment is authorized in accordance with the standards and procedures set forth in this Section, and the conditional use permit and approved site plan are amended accordingly.
- 3.8.11. Other Regulations: The ZBA shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the specific land use designated by any conditional use permit.
- 3.8.12. Use Regulations: Uses allowed by Conditional Use Permit are specified in Appendix D (Use Charts).
- 3.8.13. Transferability: A CUP is issued to a specific person or entity, and as such is non-transferable. A CUP is personal to a particular applicant. It does not run with the land. Subsequent purchasers or tenants seeking to continue the conditional use on the premises may apply for a new CUP.

SECTION 4. SUPPLEMENTAL REGULATIONS:

- 4.1 Measuring Setbacks:** All setback measurements shall be made in accordance with Illustrations 1, 2, and 3 within Appendix A.
- 4.2 Configuration of Lots:** Wherever possible, flag lots (lots with minimal or panhandle-type frontage) shall be avoided. Similarly, through (double-frontage) lots shall also be avoided wherever possible, particularly within residential zoning districts.
- 4.3 Separation Standards:** All non-residential main structures shall be separated by a distance of not less than thirty feet (30') unless an approved fire wall is constructed.
- 4.4 Setback from a Cemetery:** No building or paving shall be placed closer than one hundred feet (100') from any cemetery.
- 4.5 Front Yard Standards & Measurements:**
- 4.5.1 On all corner lots, the front yard setback shall be observed along the frontage of both intersecting streets, unless approved specifically otherwise on a final plat. Where single-family lots have double frontage, extending from one street to another, or are on a corner, a required front yard shall be provided on both streets unless a side or rear yard building line has been established along one frontage on the plat, in which event only one required front yard need be observed. The side and rear yards in the case of single-family uses shall be identified and the front of the structure shall not face the side or rear yard.
- 4.5.2 Where the frontage on one side of a street between two intersecting streets is divided by two (2) or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage.
- 4.5.3 The front yard shall be measured from the property line to the front face of the building, to the nearest supporting member of a covered porch or terrace, or to any attached accessory building. Eaves and roof extensions or a porch without posts or columns may project into the required front yard for a distance not to exceed four feet (4'), and subsurface structures, platforms or slabs may not project into the front yard to a height greater than thirty inches (30") above the average grade of the yard. See Illustration 1 within Appendix A.
- 4.5.4 Minimum lot widths for lots with predominate frontage on the curved radius of a street, including those located on a cul-de-sac or "eyebrow" portion of a street, shall be measured as the linear distance of the curved front building line, and shall be shown on the subdivision plat. Lot widths for all lots shall be as set forth

in the respective zoning district for each lot.

- 4.5.5 Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front, side, or rear yard shall be measured from the future right-of-way line.

4.6 Side Yard Standards & Measurements:

- 4.6.1 On a corner lot used for single-family dwellings, both street exposures shall be treated as front yards on all lots platted after the initial date of the adoption of this Chapter, except that where one street exposure is designated as a side yard for both adjacent lots or where the two lots are separated by an alley, street right-of-way, creek or flood plain area, or other similar phenomenon. In such case, a building line may be designated by the Village Administrator or Village Administrator's designee, with a minimum side yard of fifteen feet (15') or more, as determined by the applicable zoning district standards. On lots which were official lots of record prior to the effective date of this Ordinance, the minimum side yard adjacent to a side street shall comply with the minimum required side yard for the respective district.
- 4.6.2 Every part of a required side yard shall be open and unobstructed except for the ordinary projections of window sills, belt courses, cornices, and other architectural features not to exceed twelve inches (12") into the required side yard, and roof eaves projecting not to exceed thirty-six inches (36") into the required side yard. Air conditioning compressors and similar equipment are permitted in the side yard.
- 4.6.3 Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front, side, or rear yard shall be measured from the future right-of-way line.

4.7 Special Height Regulations:

- 4.7.1 In the districts where the height of buildings is restricted to three (3) stories, cooling towers may extend for an additional height not to exceed fifty feet (50') above the average grade line of the building.
- 4.7.2 Water stand pipes and tanks, church steeples, domes and spires, school buildings, windmills, barns, and institutional buildings may be erected to exceed the height limit, as specified in the particular zoning district, provided that one (1) additional

foot shall be added to the width and depth of front, side, and rear yards for each foot that such structures exceed the district height limit.

- 4.7.3 Calculation of Height: For the purposes of calculating the overall height of a structure, slope shall be calculated from the highest point of the building at natural grade to the lowest point of the building at natural grade, or the natural grade of an adjoining road, along a line that is, as close as possible, perpendicular to existing contours. The height shall be measured from the highest parapet or roof ridge to natural grade or finish grade at the lowest point adjacent to the building exterior, whichever yields the greatest height.

4.8 Minimum Flooring Area per Unit Area:

Minimum dwelling unit areas specified in this Ordinance shall be computed exclusive of breezeways, garages, open porches, carports and accessory buildings.

4.9 Open Storage Areas:

Open storage of materials, commodities or equipment, where allowed in the specific zoning district, shall be located behind the front building line and observe all setback requirements for the main structure or building. This standard does not apply to outside display as defined in Section 5. There are screening requirements and special requirements for outside display within zoning districts.

4.10 Visibility:

Visual clearance shall be provided in all zoning districts so that no fence, wall, architectural screen, earth mounding or landscaping thirty inches (30") or higher above the street center line obstructs the vision of a motor vehicle driver approaching any street, alley, or driveway intersection as follows:

- (a) At a street intersection, clear vision must be maintained for a minimum of twenty-five feet (25') across any lot measured from the corner of the property line in both directions.
- (b) At an intersection with an alley, this clearance must be maintained for ten feet (10').
- (c) Shrubs and hedges that are typically less than thirty inches (30") in height at maturity, as measured from the centerline of the street, may be located in the

visual clearance areas of all districts.

- (d) A limited number of single-trunk trees having a clear trunk (branching) height of at least eight feet (8') may be located within sight visibility areas provided that they are spaced and positioned such that they will not produce a visibility inhibiting, "picket-fence" effect when they attain mature size.

SECTION 5. DEFINITIONS

For the purpose of these regulations, certain terms and words are to be used and interpreted as defined in this Chapter. Words used in the present tense shall also include the future tense; words used in the masculine gender shall also include the feminine gender; words used in the singular number shall also include the plural number; and words in the plural number shall also include the singular number, except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directory. For any term or use not defined herein, Webster's Dictionary (latest edition) shall be used. It should be noted that there are other sections within this Chapter that define terms that are specific to that section.

Accessory Building (Residential): In a residential district, a subordinate building that is attached or detached and is used for a purpose that is customarily incidental to the main structure but not involving the conduct of a business. The building area is less than that of the main structure as regulated herein. Examples may include, but are not limited to, the following: a private garage for automobile storage, tool shed, greenhouse as a hobby, home workshop, children's playhouse, storage building or garden shelter.

Accessory Building (Non-Residential): In the non-residential districts, a subordinate building to the main building that does not exceed the height of the main building and does not exceed fifty percent (50%) of the floor area of the main building, and that is used for purposes accessory and incidental to the main use (see "Accessory Use").

Accessory Dwelling: A secondary living space that is on-site with a primary living space and that may be contained within the space structure as the primary, or may be contained in a separate structure. Occupants of secondary living spaces typically include a caretaker, servant, or farm worker employed by the owner/occupant, or a guest or family member of the owner/occupant

Accessory Use: A use that is customarily incidental, appropriate and subordinate to the principal use of land or building(s) and that is located upon the same lot therewith. The land and building area that is used for the accessory use must be significantly less than that used for the primary use, and the gross receipts that is derived from the accessory use must be significantly less than that derived from the primary use.

Airport or Landing Field: A place where aircraft can land and take off that is usually equipped with hangars, facilities for aircraft refueling and repair, and various accommodations for passengers.

Alley: A minor right-of-way that is dedicated to public use and which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

Articulation: An interruption/differentiation of the building wall plane with either a recess (concavity) or an offset (convexity) that projects away from the building wall plane by at least three feet (3').

Artisans Shop: A shop in which goods are custom produced in small quantities, often one

of a kind. The use may include the sale or production of such goods or may be a place where a small number of persons are engaged in arts and crafts activities in a class or studio.

Artist Studio: A work space for artists or artisans, including individuals practicing one of the fine arts or skilled in an applied art or craft.

Assisted Living Facility: A congregate residence facility for ten (10) or more handicapped persons or persons over 55 years of age, regardless of legal relationship, who need limited assistance with daily living activities. A limited number of support services such as meals, laundry, housekeeping, transportation, social/recreational activities and hairdressing, may be provided or associated with the assisted living facility. Units may be attached or detached, single- or double-occupancy, and may include limited or full kitchen facilities. Full-time medical or nursing care is not typically provided by the facility, but may be privately arranged for by individual residents on a part-time or temporary basis.

Automobile Repair Garage: An establishment providing major or minor automobile repair services to all motor vehicles except heavy load vehicles.

Automobile Repair, Major: General repair or reconditioning of engines, air-conditioning systems and transmissions for motor vehicles; wrecker service; collision repair services including body, frame or fender straightening or repair; customizing; painting; vehicle steam cleaning; undercoating and rustproofing; those uses listed under "Automobile Repair, Minor"; and other similar uses.

Automobile Repair, Minor: Minor repair or replacement of parts, tires, tubes and batteries; diagnostic services; minor maintenance services such as grease, oil, spark plug and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses and brake parts; automobile washing and polishing; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air-conditioning systems; and other similar minor services for motor vehicles except heavy load vehicles, but not including any operation named under "Automobile Repair, Major" or any other similar use.

Automotive Gasoline or Motor Fuel Service Station: Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of automotive fuels, lubricants and automobile accessories, including those operations listed under "Automobile Repair, Minor". Vehicles which are inoperative or are being repaired may not remain parked outside these facilities for a period greater than forty-eight (48) hours.

Bakery or Confectionery (Retail): A facility less than 1,500 square feet for the production or sale of baked goods.

Bank, Savings and Loan, or Credit Union: An establishment for the custody, loan, exchange or issue of money, the extension of credit, or facilitating the transmission of funds.

Barn: A structure intended for the purpose of storing farming and ranching related equipment or housing livestock; such a structure shall be no more than 240 square feet in size, and shall conform to all construction and design standards of the district in which it is constructed.

Basement (or Cellar): A portion of a building that is partly or wholly underground. For

purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes by other than a janitor employed on the premises.

Bed and Breakfast Inn or Facility(s): A dwelling or grouping of dwellings at which breakfast is served and sleeping accommodations are provided/offered in not more than fifteen (15) rooms or unattached units (e.g., cabins) for transient guests for compensation.

Block: A piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the Village Administrator, shall determine the outline of the block.

Boarding or Rooming House: A dwelling other than a hotel, where for compensation and by prearrangement for definite periods, lodging and meals are provided.

Building: Any structure intended for shelter, occupancy, housing or enclosure for persons, animals or chattel. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate building.

Building Height: The vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of the building.

Building Line: A line parallel, or approximately parallel, to any lot line at a specific distance therefrom, marking the minimum distance from the lot line that a building may be erected.

Building, Main or Primary: A building in which the principal use of the lot on which it is situated is conducted. In a residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.

Building Materials Sales: Materials, tools, and/or hardware customarily used in the construction of buildings and other structures, including facilities for storage of materials for retail sales. Sometimes referenced as a "home improvement center".

Building Site: See "Lot" definition.

Carport: A structure that is open on a minimum of two sides and designed or used to shelter not more than three vehicles and not to exceed twenty-four feet on its longest dimension. Also called "covered parking area."

Cemetery or Mausoleum: Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Cemetery, Animal: Same as cemetery except only for the burial of dead animals.

Certificate of Occupancy: An official certificate issued by the Village which indicates conformance with the zoning regulations and building codes and which authorizes legal use of the premises for which it is issued.

Child Day Care (Business): A commercial institution or place designed for the care or training of seven (7) to twelve (12) unrelated children under fourteen (14) years of age for less than 24 hours a day.

Church/Place of Worship: A building for regular assembly for religious worship which is used primarily and designed for such purpose and those accessory activities which are customarily associated therewith, and the place of residence for ministers, priests, nuns or rabbis on the premises, that is tax exempt as defined by State law. For the purposes of this ordinance, Bible study and other similar activities which occur in a person's primary residence shall not apply to this definition.

Civic/Conference Center: A building or complex of buildings that house municipal offices and services, and which may include cultural, recreational, athletic, food service, convention or entertainment facilities owned or operated by a municipality.

Commercial Use – A type of nonresidential land use that has one or more of the following characteristics: 1) the use is service-oriented; 2) the use does not primarily sell retail items; 3) the use sells goods or products on a wholesale basis; or 4) the use has or has the need for open storage areas or warehouses its products. Such uses include motels, auto dealerships, welding shops, manufactured home sales, mini-warehouses, funeral homes, auto body repair shops, and air conditioning and/or heating services.

Community Home: A place where not more than six (6) physically or mentally impaired or handicapped persons are provided room and board, as well as supervised care and rehabilitation by not more than two (2) persons as licensed by the Texas Department of Mental Health and Mental Retardation (also see Chapter 123 of the Texas Local Government Code). The limitation on the number of persons with disabilities applies regardless of the legal relationship of those persons to one another.

Comprehensive Plan: Document adopted by the Village that consists of graphic and textual policies which govern the future development of the Village and which consists of various components governing specific geographic areas and functions and services of the Village.

Continuing Care Retirement Community: A housing development designed to provide a full range of accommodations for adults of age 55 or more, including independent living, assisted living and skilled full-time nursing or medical care. Residents may move from one level to another as their needs change.

Convenience Store With (or Without) Gasoline Sales: Retail establishment selling food for off-premises consumption and a limited selection of groceries and sundries, including possibly gasoline, if pumps are provided. Does not include or offer any automobile repair services.

Coverage: The lot area covered by all buildings located thereon, including the area covered by all overhanging roofs.

Density: The total number of residential buildings allowed upon a given tract of land usually expressed in total number of units per gross acres or net acre.

Detached: Having no physical connection above the top of the floor line of the first floor with any other building or structure.

Dwelling: Any building or portion thereof, which is designed or used as living quarters for one or more families.

Dwelling, Single Family Attached (Townhouse): See "Single Family Dwelling

(Attached)".

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

Educational Facilities: Public and private primary, secondary and post-secondary educational facilities offering instruction in the branches of learning and study required to be taught by the Texas Education Agency; and such federally funded educational programs for preschool children as the Head Start Program.

Enclosed Building: A structure which is floored, roofed and surrounded by outside walls, which contains no opening larger than 120 square feet in area normally open to the air and which contains no series of openings forming a divided opening larger than 120 square feet in area normally open to the air.

Family: One or more persons related by blood, marriage, or adoption; or a group not to exceed four (4) persons not all related by blood or marriage, adoption or guardianship, occupying a dwelling unit.

Family Home (Adult Care in Place of Residence): A facility that regularly provides care in the caretaker's own residence for not more than six (6) adults at any given time. No outside employment is allowed at the facility. This facility shall conform to Chapter 42 of the Human Resources Code of the State of Texas, as amended, and in accordance with such standards as may be promulgated by the Texas Department of Human Resources.

Family Home (Child Care in Place of Residence): A facility that regularly provides care in the caretaker's own residence for not more than six (6) children under fourteen (14) years of age, excluding the caretaker's own children, and that provides care after school hours for not more than six (6) additional elementary school siblings of the other children given care. However, the number of children, including the caretaker's own, provided care at such facility shall not exceed twelve (12) at any given time. No outside employment is allowed at the facility. This facility shall conform to Chapter 42 of the Human Resources Code of the State of Texas, as amended, and in accordance with such standards as may be promulgated by the Texas Department of Human Resources.

Farms, General (Crops): An area used for growing usual farm products, vegetables, fruits, trees, and grain and including the necessary accessory uses for raising, treating, and storing products grown on the premises, but not including any type of agriculture specifically prohibited by ordinance or law.

Farms, General (Livestock/Ranch): An area used for the raising thereon of the usual farm animals such as horses, cattle, and sheep and including the necessary accessory uses for raising, treating, and storing animals on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any type of husbandry specifically prohibited by ordinance or law.

Feed and Grain Store: An establishment for the selling of corn, grain and other food stuffs for animals and livestock, and including implements and goods related to agricultural processes, but not including farm machinery.

Fence: An artificially constructed structure of wood, masonry, stone, etc.(solid or otherwise), which is a barrier and used as a boundary or means of protection, confinement, or concealment

Fire Station, Police Station, or Municipal Building: Any public service building of the municipal government including a library or Village Municipal Building, but excluding storage yards, utility shops and equipment centers.

Flood Plain: An area of land subject to inundation by a 100-year frequency flood as determined using standard engineering practices and generally as shown on the FIRM Flood Insurance Rate Map of the Village of Webberville.

Floor Area, Gross: The total gross square feet of floor space within the outside dimensions of a building including each floor level, but excluding carports, residential garages, and breezeways.

Floor Area Ratio (FAR): The floor area of a main building or buildings on a lot, divided by the lot area.

Food or Grocery Store: A retail business establishment that displays and sells consumable goods that are not to be eaten on the premises. Prepared food may be sold only as a secondary or accessory use.

Footprint: The horizontal area as seen in plan view, measured from outside of all exterior walls and supporting columns; the amount of a structure that touches the ground surface.

Fraternal Organization, Lodge, or Union: An organized group having a restricted membership and specific purpose related to the welfare of the members such as Elks, Masons, Knights of Columbus, or a labor union.

Front Yard: See "Yard, Front".

Funeral Home or Mortuary: A place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

Garage, Private: An accessory building enclosed on at least three (3) sides, or a part of a main building, used for storage of automobiles and used solely by the occupants and their guests. Also called "enclosed parking space."

Garage/Accessory Dwelling: A residential dwelling unit attached to or over a garage but not attached to the main residential structure.

Garage Conversion: The alteration of an enclosed attached or detached accessory building, including a garage that meets the required parking standards for residential districts, to an air-conditioned living space with stationary fixed walls.

Garden Shop (Inside Storage): A facility which is engaged in the selling of flowers, ornamental plants, shrubs, trees, seeds, garden and lawn supplies, and other materials used in planting and landscaping, but not including cultivation and propagation activities outside a building.

Gasoline Service or Filling Station: See "Automotive Gasoline or Motor Fuel Service

Station".

General Retail Stores: This major group includes retail stores which sell a number of lines of primarily new merchandise including but not limited to dry goods, apparel and accessories, furniture and home furnishings, small wares, small appliances, hardware, and food. The stores included in this group are known as department stores, variety stores, general merchandise stores, general stores, etc. (Also see "Retail Shop").

Golf Course (Public/Private): An area of twenty (20) acres or more improved with trees, greens, fairways, hazards, and which may include clubhouses.

Group Day-Care Home: A child-care facility that provides care for seven (7) to twelve (12) children under fourteen (14) years of age for less than twenty-four (24) hours a day.

Hauling or Storage Company: See "Motor Freight Company".

Heavy Load Vehicle: A self-propelled vehicle having a manufacturer's recommended Gross Vehicle Weight (GVW) of greater than 16,000 pounds (including trailers), such as large recreational vehicles (originally manufactured as RVs, not converted), tractor-trailers, buses, vans, and other similar vehicles. The term "truck" shall be construed to mean "Heavy Load Vehicle" unless specifically stated otherwise.

Heliport: An area of land or water or a structural surface which is used, or intended for use, for the landing and taking off of helicopters, and any appurtenant areas which are used, or intended for use for heliport buildings and other heliport facilities.

Height (of Structures): The height shall be measured from the highest parapet or roof ridge to natural grade or finish grade at the lowest point adjacent to the building exterior, whichever yields the greatest height.

Home for Aged, Residence: A home where elderly people are provided with lodging and meals without nursing care being a primary function.

Home Occupation: An occupation carried on in a dwelling unit, or in an accessory building to a dwelling unit, by a resident of the premises, which occupation is clearly incidental and secondary to the use of the premises for residential purposes.

Household Care Facility: A dwelling unit which provides residence and care to not more than nine (9) persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; or rendered temporarily homeless due to fire, natural disaster or financial setbacks, living together with not more than two supervisory personnel as a single housekeeping unit. This definition is subject to Art. 4442c-4 (Personal Care Facility Licensing Act) V.A.C.S. (Tex.) and Art. 1011n (Community Homes for Disabled Persons Location Act) V.A.C.S. (Tex.) as they presently exist or may be amended in the future.

Household Care Institution: A facility which provides residence and care to ten (10) or more persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; convalescing from illness; or temporarily homeless due to fire, natural disaster, or financial setback together with supervisory personnel.

HUD-Code Manufactured Home - A movable dwelling designed to be transported on the highway, either intact or in major sections, by a prime mover, which can be used as a residential dwelling either with or without a permanent foundation. A HUD-Code manufactured home is also defined as a movable manufactured home that was constructed after June 15, 1976.

Impervious Cover: Buildings, parking areas, roads, and other impermeable man-made improvements covering the natural land surface that prevents infiltration. For purposes of compliance with this Chapter, the term expressly excludes storage tanks for rainwater collection systems.

Incidental or Accessory Retail and Service Uses: Any use different from the primary use but which compliments and/or supplements the primary use, such as a sundries shop that serves tenants of an office building or hospital. Incidental shall mean an area that constitutes not more than fifteen percent (15%) of the main use.

Industrial, Manufacturing: Establishments engaged in the manufacturing or transformation of materials into new products. These establishments are usually described as plants and factories, and characteristically use power driven machines and materials handling equipment. Manufacturing production is usually carried on for the wholesale market, rather than for direct sale to the domestic consumer.

Intensity (of Land Use): An assessment of the relative level of activity of land use, including, but not limited to, type of land use, floor area ratio, building coverage ratio, or percent of impervious coverage.

Kitchen, Residential: Generally, that portion of a residential dwelling that is devoted to the preparation or cooking of food for the purpose of consumption by residents of the dwelling. A kitchen, as referred to within this Ordinance, generally indicates the presence of complete cooking facilities as differentiated from a "kitchenette" which provides limited cooking facilities limited to a single-burner hot plate, under-counter refrigerator and microwave oven.

Laboratory, Scientific or Research: An establishment that engages in research, testing or evaluation of materials or products, but not medical-related (see "Medical Facilities -- Medical Laboratory").

Landscaping: Material such as, but not limited to, grass, ground covers, shrubs, vines, hedges, trees or palms, and non-living durable materials that are commonly used in landscaping such as, but not limited to, rocks, pebbles, sand, walls or fences, but excluding paving.

Laundromat (or Self-Serve Washateria): A facility where patrons wash, dry or dry clean clothing and other fabrics in machines that are operated by the patron.

Laundry/Dry Cleaning (Drop Off/Pick Up): A facility used for the purpose of receiving articles or goods of fabric to be subjected to the process of laundering, dry cleaning, or cleaning elsewhere, and for the pressing and distribution of any such articles or goods that have been subjected to any such process.

Light Load Vehicle: A self-propelled vehicle having a manufacturer's recommended gross

vehicle weight (GVW) not greater than 16,000 pounds and having no more than two axles, such as pick-up trucks, sport utility vehicles, vans and mini-vans, recreational vehicles (less than thirty-two [32] feet in length), campers and other similar vehicles but not including automobiles and motorcycles.

Light Manufacturing or Industrial Use: Manufacturing of finished products or parts, predominantly from previously prepared materials, including fabrication, assembly, and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing.

Living Quarters On-Site With a Business: A lot that is occupied or intended to be occupied by a dwelling unit (a residential use) and a nonresidential use, either within the same structure or separate structures. The residential use and the nonresidential use are equally considered to be the principal use of the lot.

Loading Space: An off-street space or berth used for the delivery and loading or unloading of vehicles.

Local Utility Line: The facilities provided by a municipality or a franchised utility company for distribution or collection of gas, water, surface drainage water, sewage, electric power or telephone service, including pad- and pole-mounted transformers.

Lot: A platted parcel of land that is occupied or intended to be occupied by one main building, or a group of main buildings, and any accessory building(s), which includes such parking, landscaping and open space as are required by this Ordinance or other laws or ordinances, and also which has its principal frontage upon a public street.

Lot Area: The total area, measured on a horizontal plane, included within lot lines.

Lot, Corner: A lot which has at least two adjacent sides abutting for their full lengths upon a street, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five degrees (135°).

Lot Depth: The mean horizontal distance between the front and rear lot lines.

Lot, Double Frontage: A lot having frontage upon two (2) non-intersecting streets, as distinguished from a corner lot.

Lot, Flag: A lot having access to a street by means of a parcel of land generally having a depth greater than its frontage, but not less than thirty-five (35) feet. Flag, or panhandle, lots are typically discouraged.

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

Lot Frontage: That dimension of a lot or portion of a lot abutting onto a street, excluding the side dimension of a corner lot.

Lot Line, Front: The narrower side of the lot abutting a street. Where two lot lines abutting streets are of equal length, the owner shall have a choice in designating which shall be the lot frontage. For a lot which has a boundary line which does not abut the front street line, is not a rear lot line, and lies along the same general directional orientation as the front and rear lot lines, said line shall be considered a front lot line in establishing minimum setback lines.

Lot, Key: A corner lot whose exterior side is adjacent to the front yard of another lot.

Lot Line, Rear: The lot line farthest from and most parallel to the front lot line. For triangular lots, the point opposite the front lot line shall be considered the rear lot line and have a value of zero.

Lot Line, Side: Any lot line not the front or rear lot line.

Lot Lines or Property Lines: The lines bounding a lot as defined herein.

Lot of Record: A lot that is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Travis County.

Lot Width: The horizontal distance measured between side lot lines parallel to the front lot line, and measured from the point on the building line which is closest to the front lot line.

Main Building: The building or buildings on a lot that are occupied by the primary use.

Manufactured Housing: Any one of three types of prefabricated housing products which are typically manufactured or assembled at a location other than the end user's permanent site, and which are regulated by the Texas Manufactured Housing Standards Act (Article 5221f and 5221f-1, V.A.C.S.). For the purpose of this Ordinance, there are three types of manufactured homes:

Mobile Home - A movable dwelling designed to be transported on its own chassis on the highway (either intact or in major sections) by a prime mover, which is constructed with a base section so as to be independently self-supporting, and which does not require a permanent foundation for year-round living. A mobile home is also defined as any manufactured home that was constructed prior to June 15, 1976.

Masonry Construction: That form of construction comprised of brick, stone, granite, marble, concrete, hollow clay tile, concrete block or tile, brick veneer, exterior plasters, including stucco, or other similar building units or materials or combination of these materials laid up unit by unit and set in mortar.

Medical Facilities:

Medical Clinic or Office - A facility or group of offices for one or more physicians for the examination and treatment of ill and afflicted human outpatients provided that patients are not kept overnight except under emergency conditions.

Dental Office or Doctors Office - Same as medical clinic.

Hospital - An institution providing health services primarily for human inpatient medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central services facilities, and staff offices which are an integral part of the facilities.

Public Health Center - A facility primarily utilized by a health unit for providing public health services including related facilities such as laboratories, clinics and administrative offices operated in connection therewith.

Surgical Out-Patient Facility - An establishment offering any type of surgical procedures and related care which, in the opinion of the attending physician, can be performed safely

without requiring inpatient overnight hospital care and exclusive of such surgical and related care as licensed physicians ordinarily may elect to perform in their private offices.

Medical Laboratory - An indoor establishment that includes laboratories and/or experimental equipment for medical testing, prototype design and development, and product testing.

Mini-Warehouse/Self-Storage: Small individual storage units for rent or lease, restricted solely to the storage of items. The conduct of sales, business or any other activity within the individual storage units, other than storage, shall be prohibited.

Minor Medical Emergency Clinic: See "Medical Clinic or Office".

Mobile Home Park (also Trailer Park or RV Park): A parcel of land not less than three (3) acres nor greater than thirty-five (35) acres which is designed, improved, or intended to be used for short- or long-term occupancy by mobile homes/trailers or recreational vehicles, including travel trailers, in designated spaces. The facility may include a residence for the owner or manager of the premises, utility hook-ups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities.

Mobile Home Space: A plot of ground within a mobile home park, trailer park, RV park, or mobile home subdivision that is designed for the accommodation of one mobile home, trailer or RV unit.

Mobile Home Subdivision: A parcel of land which is designed, platted, improved and intended for the long-term placement of individually owned mobile home units or HUD-Code manufactured homes on platted lots which can be purchased outright by the owners of the mobile home units. Facility may include a residence for the owner or manager of the premises, utility hook-ups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities.

Model Home: A dwelling in a developing subdivision, located on a legal lot of record, that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built or which are proposed to be built within the same subdivision.

Motel or Hotel: A facility offering temporary lodging accommodations or guest rooms on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, housekeeping service and recreational facilities. A guest room shall be defined as a room designed for the overnight lodging of hotel guests for an established rate or fee.

Motor Freight Company: A company using trucks or other heavy load vehicles to transport goods, equipment and similar products. Includes companies that move residential or commercial belongings.

Motor Vehicle: Any vehicle designed to carry one or more persons that is propelled or drawn by mechanical power, such as automobiles, vans, trucks, motorcycles and buses.

Multiple-Family Dwelling: Three or more dwelling units on a single lot designed to be occupied by three or more families living independently of one another, exclusive of hotels or motels. Includes three-family units (triplex) and four-family units (quadriplex), as well as traditional apartments.

Municipal Facility or Use: Any area, land, building, structure or facility which is owned, used, leased or operated by the Village of Webberville, Texas.

Nonconforming Use: A building, structure, or use of land lawfully occupied as of the effective date of this Ordinance or amendments thereto, but which does not conform to the use regulations of the district in which it is situated.

Nursery: An establishment, including a building, part of a building or open space, for the growth, display or sale of plants, shrubs, trees and other materials used in indoor or outdoor planting.

Nursing, Convalescent or Rest Home: See "Skilled Nursing Facility".

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

Offices, Professional and General Business: A room or group of rooms used for the provision of executive, management or administrative services. Typical uses include administrative offices and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices of public utilities, organizations and associations, but excluding medical offices.

Office Center: A building or complex of buildings used primarily for conducting the affairs of a business, profession, service, industry, government or similar entity, that may include ancillary services for office workers such as a coffee shop, newspaper stand, sundries shop and hair or nail salon.

Officially Approved Place of Access: Access to a property, other than from a dedicated street, which is approved by the Village of Webberville.

Off-Street Parking Incidental to Main Use: Off-street parking spaces provided in accordance with the requirements of this Ordinance, located on the lot or tract occupied by the main use or within one hundred fifty feet (150') of such lot or tract, and located within the same zoning district as the main use or in an adjacent parking district.

Or: Where necessary to effectuate the intent of this Article or to prevent an ambiguity, absurdity, or mistake, the words "and" and "or" shall be interchangeable.

Outside Display: Outside temporary display of finished goods that are specifically intended for retail sale.

Open Storage: The keeping, displaying or storing, outside a building, of any goods, materials, merchandise or equipment on a lot or tract for more than twenty-four (24) hours. Also referred to as outside storage. This term does not include storage within buildings that is visible from a public right-of-way via open doorways or windows.

Paint Shop: A commercial establishment where painting services are performed, but not automotive-related painting services, which would be included under "Automobile Repair, Major".

Parcel: Any unplatted tract of land, or any portion of an unplatted tract of land.

Park and/or Playground (Private): See "Private Recreation Facility or Private Park".

Park and/or Playground (Public): See "Public Recreation".

Parking Lot: An off-street ground level area, not on a public street or alley, paved in accordance with Village of Webberville parking lot standards, for the short- or long-term storage of motor vehicles.

Parking Lot or Structure, Commercial (Auto): An area or structure devoted to the parking or storage of automobiles for a fee which may include, in the case of a parking structure only, a facility for servicing automobiles provided that such facility is an internal function for use only by automobiles occupying the structure and that such facility creates no special problems of ingress or egress.

Parking Space: An off-street area, not on a public street or alley, paved in accordance with Village of Webberville parking lot standards, that is used for parking a vehicle, and that is accessed from a paved driveway which connects the parking space with a public street.

Pet and Animal Grooming Shop: A retail establishment offering small animals, fish or birds for sale as pets, where such creatures are housed within the building, and which may include the grooming of dogs, cats and similar animals.

Photocopying/Duplicating: An establishment which reproduces, in printed form, individual orders from a business, profession, service, industry or government organization and occupies less than 4,000 square feet.

Planned Development District: Planned associations of uses developed as integral land use units, such as industrial parks or industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing, including attached single-family dwellings or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or by a combination of owners.

Plat: A plan showing the subdivision of land, creating building lots or tracts, showing all essential dimensions and other information in compliance with the subdivision standards of the Village of Webberville, and which is approved by the Village of Webberville and recorded in the plat records of Travis County.

Platted Lot: See "Lot" and "Lot of Record".

Playfield or Stadium (Public): An athletic field or stadium owned and operated by a political subdivision for the general public including a baseball field, soccer field, golf course, football field or stadium which may be lighted for nighttime play.

Playfield or Stadium (Private): An athletic field or stadium owned and operated by an agency other than a political subdivision.

Portable Building Sales (Outdoor Display): An establishment which displays and sells structures capable of being carried and transported to another location, but not including mobile homes.

Premises: Land together with any buildings or structures situated thereon.

Primary Use: The principal or predominant use of any lot or building.

Principal Building: See "Main Building".

Private Club: An establishment providing social or dining facilities which may provide

alcoholic beverage service, to an association of persons, and otherwise falling within the

Private Recreation Facility or Private Park: A recreation facility, park or playground which is not owned by a political subdivision, and which is operated for the exclusive use of private residents or neighborhood groups and their guests and not for use by the general public.

Produce Stand: A seasonal use for which the primary purpose and design is to sell fruit, nuts, vegetables and similar foods. No cooking or on-premises consumption of produce occurs on the site.

Professional Service: Work performed which is commonly identified as a profession, and which may be licensed by the State of Texas.

Propane Sales (Retail): Retail sales of gaseous substances commonly used for household purposes such as propane or butane; does not include the storage, sale or distribution of other types of combustible substances or alternative fuels such as containerized natural gas, liquid propane, etc.

Public Agency Building, Shop, Yard or Facility: Any building, land, area or facility, including maintenance and storage yards and shops, which is owned, leased, primarily used and occupied by any subdivision or agency of the following: the State of Texas, the United States, or other political subdivision. Any facility that is owned, leased, used or occupied by the Village of Webberville is defined as "Municipal Facility or Use".

Public Recreation: Publicly owned and operated parks, recreation areas, playgrounds, swimming pools and open spaces that are available for use by the general public without membership or affiliation. This land use shall include special event type uses such as rodeos, concerts, festivals and other special events requiring special event permits, as set forth in the Village of Webberville's Code of Ordinances.

Public View: Public view means areas that can be seen from any public street.

Rear Yard: See "Yard, Rear".

Recreation Center: A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.

Recreational Vehicle (RV): A self-propelled, mobile living unit which is typically used for temporary human occupancy away from the users' permanent place of residence.

Recreational Vehicle/Camper Sales and Leasing: An establishment that sells, leases or rents new or used recreational vehicles, travel trailers, campers, boats and watercraft, and similar types of vehicles.

Recreational Vehicle (RV) Park: An area or commercial campground for users of recreational vehicles, travel trailers, and similar vehicles to reside, park, rent or lease on a temporary basis. (See also "Mobile Home Park").

Recycling Kiosk: A small uninhabited structure up to one hundred and twenty (120) square feet maximum, or temporary container, such as an "igloo" or dumpster-type container, which provides a self-service location for the depositing of recyclable materials such as aluminum cans, glass bottles, magazines and newspapers and metal or plastic containers. Recyclables

are picked up periodically from the site. This definition does not include large trailers or manned collection centers.

Rehabilitation Care Facility (Halfway House): A dwelling unit which provides residence and care to not more than nine (9) persons regardless of legal relationship who have demonstrated a tendency towards alcoholism, drug abuse, mental illness, or antisocial or criminal conduct living together with not more than two (2) supervisory personnel as a single housekeeping unit.

Rehabilitation Care Institution: A facility which provides residence and care to ten (10) or more persons, regardless of legal relationship, who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct together with supervisory personnel.

Residence: Same as a dwelling; also, when used with district, an area of residential regulations.

Residential District: District where the primary purpose is residential use.

Residential Loft: A residential living space that is located on the second floor (or above) of a structure that has a nonresidential use, such as an office or retail shop, operating on the first floor. This definition includes a similarly located space within a structure that has been converted into a residential living area from some other originally intended use.

Restaurant (With Drive-Through Service): An eating establishment where customers are primarily served at tables or are self-served, where food is consumed on the premises, and which may include a drive-through window(s).

Restaurant (With No Drive-Through Service): An eating establishment where customers are primarily served at tables or are self-served, where food is consumed on the premises, and which do not have a drive-through window.

Restaurant (Drive-In Service): An eating establishment where food or drinks are primarily served to customers in motor vehicles, or where facilities are provided on the premises which encourage the serving and consumption of food in automobiles on or near the restaurant premises.

Retail or Service, Incidental: The rendering of incidental retailing or services incidental to the primary use. In the Office district, for example, such uses may include a barber or beauty shop, smoke shop, news stand, candy counter, restaurant, pharmacy or other incidental activity secondary to the primary office occupancy. Incidental uses shall mean uses that occupy less than fifteen percent (15%) of the main use.

Retail Shop (For Apparel, Gifts, Accessories and Similar Items): An establishment engaged in the selling of goods and merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. (Also see "General Retail Stores").

Retirement Housing for the Elderly (also Independent Living Center or Congregate Housing): A development providing self-contained dwelling units specifically designed for the needs of the elderly. Units may be rented or owner-occupied. To qualify as retirement housing, a minimum of eighty percent (80%) of the total units shall have a household head

55 years of age or greater. No long-term or permanent skilled nursing care or related services are provided.

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

Rooming House: See "Boarding House".

Salvage or Reclamation of Products (also see "Wrecking Yard"): The reclamation and storage of used products or materials.

Sand/Gravel/Stone Sales (Storage): The process of extracting and/or storing sand, gravel, stone, topsoil, compost or other products from the earth.

School, Business: A for-profit business that offers instruction and training in a profession, service or art such as a secretarial or court reporting school, barber or beauty college or commercial art school, but not including commercial trade schools.

School, Commercial Trade: A for-profit business that offers vocational instruction and training in trades such as welding, brick laying, machinery operation/repair, and similar trades.

School, Private (Primary or Secondary): A school under the sponsorship of a private agency or corporation, other than a religious agency, which offers a curriculum that is generally equivalent to public elementary and/or secondary schools.

School, Public or Parochial: A school under the sponsorship of a public or religious agency which provides elementary or secondary curricula, but not including private business or commercial trade schools.

Scientific and Industrial Research Laboratories: Facilities for research including laboratories, experimental equipment, and operations involving compounding or testing of materials or equipment.

Screened: Shielded, concealed, and effectively hidden from the view of a person standing at ground level on an abutting site, or outside the area or feature so screened, by a fence, wall, hedge, berm or similar architectural or landscape feature.

Seasonal Uses: Seasonal uses include the sales of items such as Christmas trees, pumpkins, snow cones, fresh produce, and other items that are typically only available at certain times of the year.

Servant's Quarters or Guest House: An accessory dwelling in a residential district for the sole use and occupancy of a member of the immediate family or of a person or persons employed on the premises by the occupant on a full-time basis as domestic help such as a maid, nanny/governess, groundskeeper, chauffeur, cook or gardener, but not involving the rental of such facilities or the use of separate utility connections for such facilities.

Sexually Oriented Business: Refer to any applicable Village regulations addressing Sexually Oriented Businesses or Adult Entertainment Facilities. See Village Ordinance # 2003.09.

Shopping Center: A group of primarily retail and service commercial establishments that is planned, constructed and managed as a total entity, and which provides customer and

employee parking on-site; unloading or delivery areas which are separated from customer access, and aesthetically appropriate design and protection from the elements.

Side Yard: See "Yard, Side".

Single-Family Dwelling, Attached (Townhouse): A dwelling which is joined to another dwelling at one or more sides by a party wall, which is designed for occupancy by one family, and which is located on a separate lot delineated by front, side and rear lot lines.

Single-Family Dwelling, Detached: A dwelling designed and constructed as a free-standing structure for occupancy by one family, and located on a lot or separate building tract having no physical connection to a building located on any other lot or tract.

Single-Family Industrialized Home (also called Modular Prefabricated Structure or Modular Home) - A structure or building module as defined under the jurisdiction and control of the Texas Department of Labor and Standards, 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 fixed 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 mobile homes or HUD-Code manufactured homes as defined in the Texas Manufactured Housing Standards Act (Article 5221f, V.A.C.S.). Industrialized homes must meet all applicable local codes and zoning regulations that pertain to construction of traditional site constructed ("stick built") homes.

Site: Any geographical area; a parcel of land or portion thereof with frontage on a street, devoted to or intended for a use or occupied by a structure or group of structures.

Skilled Nursing Facility (also termed Nursing Home, Convalescent Home or Long-Term Care Facility): A residence providing primarily in-patient health care, personal care, or rehabilitative services over a long period of time to persons who are chronically ill, aged or disabled and who need ongoing health supervision but not hospitalization.

Small Engine Repair Shop: Shop for the repair of lawn mowers, chain saws, lawn equipment, and other machines with one-cylinder engines.

Stable, Commercial: A stable used for the rental of stall space or for the sale or rental of horses or mules; such a stable shall meet all provision and requirements of the zoning district in which it is constructed.

Stable, Private: An area used solely for the owner's private purposes for the keeping of horses, mules or ponies that are not kept for remuneration, hire or sale.

Storage or Wholesale Warehouse: A building used primarily for the storage of goods and materials.

Story: That portion of a building above grade, other than a basement, that is included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, then the space between the floor and the ceiling above it. The average height for a story shall be defined as twelve feet (12'). The definition of a story does not include parapets, gables and other normal roof structures. In cases where the site has a significant slope, the number of stories of a building shall be measured from point representing the average slope from front to back, or side to side, of the building.

Story, Half: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet (3') above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half-story containing an independent apartment or self-contained living quarters shall be counted as a full story.

Street: Any dedicated public thoroughfare that affords the principal means of access to abutting property. A street is termed a major thoroughfare or arterial when the right-of-way is greater than sixty feet (60').

Street Intersection: Any street that joins another street at an angle, whether or not it crosses the other.

Street Yard: The area between the building front line and the front property line.

Structure: Anything constructed or erected, the use of which requires location on the ground or which is attached to something having a location on the ground (also see "Building").

Structural Alterations: Any change in the supporting members of a building, such as load-bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

Technical Construction Standards and Specifications (TCSS) Manual: Travis County's current regulations, which are adopted by reference, as may be amended.

Temporary: Used or lasting for only a limited period of time; not permanent.

Temporary Building: Any non-residential prefabricated structure which is not originally manufactured or constructed at its use site, required on-site installation of utilities and/or foundation.

Temporary Field Office or Construction Yard or Office: A structure or shelter used in connection with a development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment. Temporary permits for one (1) year for a specific time and location as determined may be issued by the Village and shall be subject to review and renewal for reasonable cause.

Texas Commission on Environmental Quality (TCEQ): Formerly referred to as the Texas Natural Resource Conservation Commission (TNRCC).

Tract: A single individual parcel or lot.

Tractor Sales: See "Heavy Machinery Sales and Storage".

Trade and Commercial Schools: See "School, Commercial Trade".

Trailer Park or Court: See "Mobile Home Park".

Trailer, Hauling: A vehicle or device which is pulled behind an automobile or truck and which is designed for hauling animals, produce, goods or commodities, including boats.

Trailer Home: See "Manufactured Housing, Mobile Home".

Trailer or Mobile Home Space: See "Mobile Home Space".

Trailer Rental: The display and offering for rent of trailers designed to be towed by automobiles and light load vehicles.

Trailer, Travel or Camping: A portable or mobile living unit which is used for temporary human occupancy away from the users' permanent place of residence, which does not constitute the users' principal place of residence, and which is designed to be towed behind another vehicle.

Transportation and Utility Structures and Facilities: Permanent facilities and structures operated by companies engaged in providing transportation and utility services including but not limited to railroad track rights-of-way, sewage pumping stations, telephone exchanges, transit station turnarounds, water reservoirs and water pumping stations.

Truck: A light or heavy load vehicle (see definitions for "Light Load Vehicle" and "Heavy Load Vehicle").

Truck Stop: A facility for the parking, refueling or minor repair of heavy load tractor-trailer trucks. These facilities may also include retail sales of food or other items, restaurant(s), restroom/showers facilities, and/or temporary sleeping quarters.

Usable Open Space: An open area or recreational facility that is designed and intended to be used for outdoor living or recreation purposes. An area of usable open space shall have a slope not exceeding ten percent (10%), shall have no dimension of less than ten feet (10'), and may include landscaping, walks, recreational facilities, water features and decorative objects such as art work or fountains.

Use: The purpose for which land or buildings are or may be occupied in a zoning district.

Utility Distribution/Transmission Lines: Facilities which serve to distribute and transmit electrical power, gas and water, including but not limited to electrical transmission lines, gas transmission lines, telephone lines and metering stations, whether operated by the Village or private utility company.

Variance: An adjustment in the application of the specific regulations of the Zoning Ordinance to a particular parcel of property which, because of special conditions or circumstances of hardship peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district; a variance is granted by the Zoning Board of Adjustment (ZBA) of the Village of Webberville.

Veterinarian Clinic (Indoor Kennels): An establishment where animals and pets are admitted for examination and medical treatment (also see "Kennels").

Village Administrator: The Chief administrative officer for the Village. The Mayor shall serve in this capacity absent an appointment of another person by the Village Commission.

Village Commission: The governing body of the Village of Webberville, Texas.

Village of Webberville: An incorporated municipality located in Travis, County Texas; also referred to as the "Village".

Yard: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in this Chapter that the building or structure may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining

the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used.

Yard, Front: A yard located in front of the front elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the main building.

Yard, Rear: The area extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot line and the rear of the outside wall of the main building. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

Yard, Side: The area between the building and side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the main building.

Zero-Lot-Line Dwelling: See "Patio Home".

Zoning Board of Adjustment: A board which is appointed by the Village Commission, and which is authorized to make special exceptions and variances to the Zoning Ordinance, and to hear and decide any appeals that allege error in an order, requirement, decision or determination made by an administrative official in the enforcement of the Zoning Ordinance. Also referred to as the "ZBA".

Zoning District: A classification applied to any certain land area within the Village stipulating the limitations and requirements of land usage and development.

Zoning District Map: The official map upon which the boundaries of the various zoning districts are drawn and which is an integral part of the Zoning Ordinance. (See Section 1.2, "Zoning District Map" and Section 1.3, "Zoning District Boundaries").

SECTION 6: PENALTIES & ENFORCEMENT

6.1 Effect of Interpretation

In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces than are imposed or required by agreements, the provisions of this Ordinance shall govern.

6.2 Stop Orders

Whenever any work is being done contrary to the provisions of this article, the Village may order the work stopped by notice in writing (referred to as a "Stop Work Order") served on any persons engaged in the doing or causing such work to be done. The Stop Work Order shall be posted on the property adjacent to the activity in question, and any such person shall forthwith stop work until authorized by the Village to proceed with the work.

6.3 Permit Revocation

A violation of this article shall authorize the Village Administrator to cancel any permit depending in whole or in part on any approval under this article. If a permit is canceled, no further work shall be done on the project made the subject of the permit until the violation has been cured and new submittals under this article, as required by the Village Administrator have been made and approved in accordance with the provisions of this article and a new permit has been issued.

6.4 Denial of Approvals and Permits

A violation of this article shall authorize the Village Administrator to deny any approvals or permits sought by the person violating this article.

6.5 Penalties & Injunctive Relief

Any person violating this Chapter, upon conviction, is punishable by a fine in accordance with the following:

- 6.5.1 **Civil & Criminal Penalties:** The Village shall have the power to administer and enforce the provisions of this Chapter as may be required by governing law. Any person violating any provision of this Chapter is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this Chapter is hereby declared to be a nuisance.
- 6.5.2 **Criminal Prosecution:** Any person violating any provision of this Chapter shall, upon conviction, be fined a sum not exceeding two thousand dollars (\$2,000.00). Each day that a provision of this Chapter is violated shall constitute a separate offense. An offense under this Chapter is a misdemeanor.
- 6.5.3 **Civil Remedies:** Nothing in this Chapter shall be construed as a waiver of the Village's right to bring a civil action to enforce the provisions of this Chapter, and to seek remedies as allowed by law, including, but not limited to the following:
- (a) Injunctive relief to prevent specific conduct that violates this Chapter or to require specific conduct that is necessary for compliance with this Chapter; and
 - (b) A civil penalty up to one thousand dollars (\$1,000.00) a day (with each day constituting a separate offense and separate violation) when it is shown that the defendant was actually notified of the provisions of this Chapter and after receiving notice committed acts in violation of this Chapter or failed to take action necessary for compliance with this Chapter; and
 - (c) Other available relief.
 - (d) Any person violating this Chapter is subject to suit for injunction as well as prosecution for criminal violations.

APPENDIX A: SETBACK MEASUREMENTS

ILLUSTRATION #1

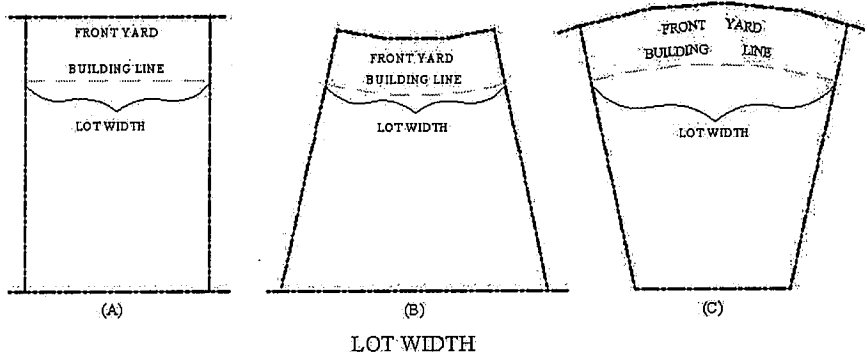
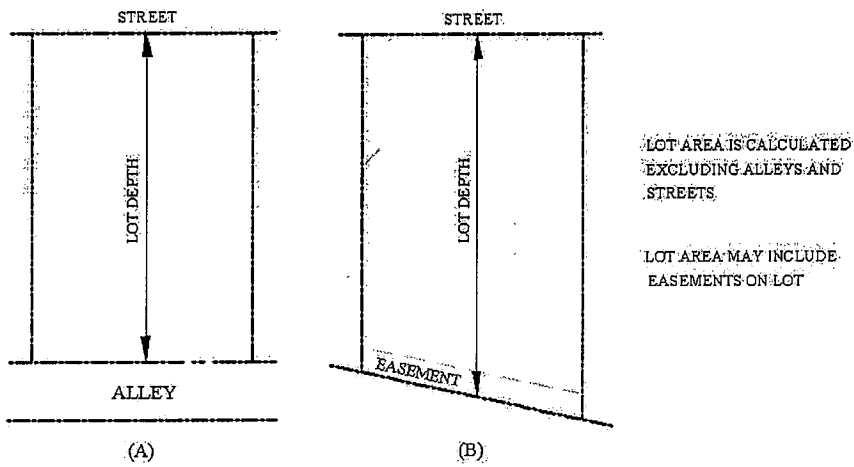
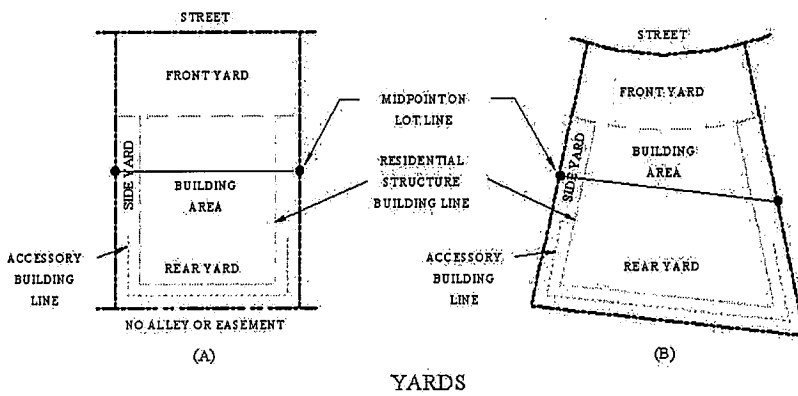


ILLUSTRATION #2



LOT AREA & DEPTH

ILLUSTRATION #3



APPENDIX D: ZONING USE REGULATIONS (CHARTS)

D.1 Use Regulations (Charts)

D.1.1. The use of land or buildings shall be in accordance with those listed in the following Use Charts. No land or building shall hereafter be used and no building or structure shall be erected, altered, or converted other than for those uses specified in the zoning district in which it is located.

(a) The legend for interpreting the permitted uses in the Use Charts is:



Designates that the use is permitted in the zoning district indicated.



Designates that the use is prohibited in the zoning district indicated.



Designates that the use may be permitted in the zoning district indicated by Conditional Use Permit (also see Section 3.8).



Designates that the use is defined within Section 5 of this Ordinance.

- (b) Definitions: See Definitions in Section 5 of the Zoning Ordinance for further description of uses.
- (c) Uses Not Listed: If a use is not listed in the Use Charts, it is not allowed in any zoning district.
- (d) Use Chart Organization: The following use categories are listed in the Use Charts:
- Agricultural Uses
 - Residential Uses

Office Uses

Personal and Business Service Uses

Retail Uses

Transportation and Auto Service Uses

Amusement and Recreational Service Uses

Institutional/Governmental Uses

Commercial and Wholesale Trade Uses

Manufacturing and Light Industrial Uses

D.1.2. Standards for New and Unlisted Uses: Standards for new and unlisted uses may be interpreted by the Village Administrator or Village Administrator's designee as those of a similar use. When a determination of the appropriate zoning district cannot be readily ascertained, the same criteria outlined below shall be followed for determination of the appropriate district. The decision of the Village Administrator or Village Administrator's designee may be appealed by the applicant according to the process for appeals for zoning change requests outlined herein.

D.1.3. 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 Village of Webberville. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use in the Use Charts shall be made as follows:

- (a) Initiation: A person, Village department, the Commission, or the Village Commission may propose zoning amendments to regulate new and previously unlisted uses.
- (b) A person requesting the addition of a new or unlisted use, in writing, shall submit to the Village Administrator or Village Administrator's designee all information necessary for the classification of the use including, but not limited to, the following:

The nature of the use and whether the use involves dwelling activity, sales, services, or processing;

The type of product sold or produced under the use;

Whether the use has enclosed or open storage and the amount and nature of the storage;

Anticipated employment typically anticipated with the use;

Transportation requirements;

The nature and time of occupancy and operation of the premises;

The off-street parking and loading requirements;

The amount of noise, odor, fumes, dust, toxic materials and vibration likely to be generated; and

The requirements for public utilities such as sanitary sewer and water and any special public services that may be required.

- (c) Recommendation of Zoning Classification: The Village Administrator shall refer the question concerning any new or unlisted use to the Commission requesting a recommendation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by the statement of facts required above. An amendment to this Ordinance shall be required as prescribed by Section 2.
- (d) Consideration by the VILLAGE COMMISSION: The VILLAGE COMMISSION shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such use is most similar and should be permitted. The VILLAGE COMMISSION shall submit its findings and recommendations to the Village Commission as to the classification proposed for any new or unlisted use.
- (e) Consideration by the Village Commission: The Village Commission shall approve or disapprove the recommendation of the VILLAGE COMMISSION or make such determination concerning the classification of such use as is determined appropriate based upon its findings. If

approved, the new or unlisted use shall be amended in the use charts of this article according to Section 2.

ZONING USE CHARTS

APPENDIX E: CONDITIONAL USE PERMITS (CUPs)

The following Conditional Use Permits have been granted in conformance with this Zoning Ordinance.