

Town of Cross Timber

Zoning Ordinance

Adopted January 13, 1998
Amended November 12, 2002
Amended January 31, 2018

Article I, Introduction and Definitions

Section 1, Title of Ordinance	4
Section 2, Interpretation and Purpose	4
Section 3, Scope	4
Section 4, Definitions	4

Article II, General Districts, Map, Rules and Changes

Section 5, Zoning Districts	13
Section 6, Zoning Map	13
Section 7, Rules for Interpretation of Zoning District Boundaries	14
Section 8, Changes and Amendments	15

Article III, District Regulations

Section 9, District RF (Residential Ranch/Farm)	17
Section 10, District RR (Residential Rural, Single Family)	20
Section 11, District RE (Residential Estate, Single Family)	23
Section 12, District HCMH (Residential, HUD Code Manufactured Home)	26
Section 13, District CR (Commercial, Retail)	28
Section 14, District CLM (Commercial, Light Manufacturing)	31
Section 15, "PUD" Planned Unit Development District	33
Section 16, Government (G)	37

Article IV, Supplementary District Regulations

Section 17, Non-Conforming Uses	39
Section 18, Home Occupation	41
Section 19, HUD Code Manufactured Home Regulations	42
Section 20, Sign Regulations	43
Section 21, Lighting and Glare Requirements	56
Section 22, Screening Wall Requirements	58
Section 23, Illustrations	59

Article V, Administration and Enforcement

Section 24, Board of Adjustment	62
Section 25, Completion of Existing Buildings	69
Section 26, Conditional Uses	69
Section 27, Building Permits	71
Section 28, Certificate of Occupancy	71
Section 29, Violation and Penalties	72
Section 30, Injunction	72
Section 31, Fees, Charges, and Expenses	72
Section 32, Validity	73
Section 33, Reapplication	73
Section 34, Effective Date	73

ORDINANCE NO. 2018-03

AN ORDINANCE FOR THE TOWN OF CROSS TIMBER, TEXAS, AMENDING ORDINANCE 2002-03, ESTABLISHING A GOVERNMENT ZONING DISTRICT; AMENDING REQUIREMENTS FOR NEW AND REPLACEMENT HUD CODE MANUFACTURED HOMES; AMENDING REQUIREMENTS FOR SECONDARY RESIDENTIAL DWELLINGS; PROVIDING SCREENING WALL REQUIREMENTS; PROVIDING LIGHTING AND GLARE STANDARDS; UPDATING A ZONING MAP WITH COLOR DESIGNATIONS FOR EACH ZONING DISTRICT, FOR AMENDMENT AND CHANGES AND EFFECTIVE DATE.

WHEREAS, The Board of Aldermen of the Town of Cross Timber, Texas, deems it necessary in order to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; to conserve the value of property and encourage the most appropriate use of land throughout the Town of Cross Timber, all in accordance with a comprehensive plan, that the hereinafter contained provisions of this ordinance should be passed, promulgated, and enforced; and

WHEREAS, the Board of Aldermen, acting as the Zoning Commission of the Town of Cross Timber, Texas, has recommended the amendments of regulations as herein contained, after given public notice and after public hearing, as required by law; and

WHEREAS, the Board of Aldermen has given public notice and held public hearings with respect to this zoning ordinance, as required by law;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF CROSS TIMBER, TEXAS:

ARTICLE I, INTRODUCTION AND DEFINITIONS

SECTION 1 TITLE OF ORDINANCE

Section 1-100, Generally: This ordinance shall be known and may be cited as the "Zoning Ordinance of the Town of Cross Timber, Texas."

SECTION 2 INTERPRETATION AND PURPOSE

Section 2-100, Generally: In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety and welfare. The zoning regulations and districts herein established, have been made in accordance with a comprehensive plan for the purpose of promoting health, safety, morals, and the general welfare of the Town of Cross Timber, Texas. They have been designed, among other things to lessen congestion in the streets, to secure safety from fire, panic, and other dangers, to provide adequate light and pure air, to avoid undue concentration of population, and to facilitate adequate provisions for transportation, water, sewerage, schools, parking areas, and other public requirements.

SECTION 3 SCOPE

Section 3-100, Generally: It is not intended by this ordinance to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances, except as the same may be specifically repealed by the terms of this ordinance, or with private restrictions placed upon property by covenant, deed, easement, or other private agreement. Where this ordinance imposes a greater restriction upon land, buildings, or structures than is imposed or required by other laws, ordinances, deeds, covenants, or agreements, the provisions of this ordinance shall govern.

SECTION 4 DEFINITIONS

Section 4-100, Generally: Words used in the present tense include the future; words in the singular number include the plural number, and words in the plural number include the singular number. The word "building" includes the word "structure" and the word "lot" includes the words "plot" or "parcel" or "tract." The words "used" or "occupied" include the words "intended," "designed," or "arranged to be used or occupied." The word "shall" is mandatory.

Section 4-105, Definitions: For the purpose of this ordinance certain terms and words are herewith defined as follows:

ACCESSORY USE OR BUILDING. A subordinate building having a use customarily incidental to and located on the same lot occupied by the main building; or a use customarily incidental to the main or principal use of the property. A building housing an accessory use is considered an integral part of the main building when it has any part of a wall in common with the main building, or is under an extension of the main roof and designed as an integral part of the main building.

AGRICULTURAL USE. The use of land to produce plant or animal products, such as the growing of crops, raising and pasturing of livestock, or farming. It does not include the processing of plant or animal products after harvesting or the production of timber or forest products.

AGRICULTURAL VEHICLES AND EQUIPMENT. Any self-propelled or towed vehicle or equipment designed to be operated primarily in a farm field or farm premises or in the transportation of feed, fertilizer, produce, livestock, and related agricultural goods, regardless of manufacturer's Gross Vehicle Weight Rating (GVWR) or Maximum Loaded Trailer Weight (MLTW). Agricultural Vehicles and Equipment include farm tractors and implements; utility, livestock, and horse trailers; trucks; and other similar agricultural light load and heavy load vehicles.

ANIMAL LOTS AND STABLES (COMMERCIAL). A property or building used for the boarding or quartering of livestock pursuant to the Code of Ordinances of the Town of Cross Timber on a fee or other remuneration basis.

ANIMAL LOTS AND STABLES (PRIVATE). A property or building for the quartering of livestock pursuant to the Code of Ordinances of the Town of Cross Timber for the sole use and enjoyment of the landowner.

ANTENNA, BUILDING ATTACHED. Antenna attached to existing structures in two general forms: (1) roof-mounted, in which antennas are placed on the roofs of buildings, or (2) building-mounted, in which antennas are mounted to the sides of buildings. These antennas can also be mounted on structures such as water tanks, billboards, church steeples, electrical transmission towers, etc.

ANTENNA FACILITY. A building or independent support structure (including, but not limited to, monopoles and lattice towers) used for mounting antennas, along with an associated and necessary equipment building.

ANTENNA, MICROWAVE. Also known as "dish" antenna. A dish-shaped antenna used to link communication sites together by wireless transmission of voice or data, utilizing electromagnetic radiation frequencies from 3 GHz to 300 GHz; and using relatively low transmitter power levels when compared to other forms of transmission.

ANTENNA, PANEL. Also known as "directional" antenna. An antenna or array of antennas designed to concentrate a radio signal in a particular area. Panel antenna are typically flat, rectangular devices approximately 6 square feet in size.

ANTENNA, WHIP. Also known as "omnidirectional" antenna. Shaped cylindrically, whip antennas have diameters between two and six inches, and measure between one and eighteen feet in height. They are used to emit signals in a 360-degree horizontal plane and a compressed vertical plane.

AREA OF LOT. The area of the lot shall be the net area of the lot and shall not include portions of streets and alleys. Easements are included in the lot area calculations.

BASEMENT. A building story which is partly underground but having a least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story in computing building height.

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

BOARD. The Zoning Board of Adjustment as established in *Section 21, Board of Adjustment.*

BOARD OF ALDERMEN. The governing body of the Town of Cross Timber, Texas.

BREEZEWAY. A covered passage one story in height and six (6) feet or more in width connecting a main structure and an accessory building. A breezeway shall be considered an accessory building.

BUILDING. Any structure built for the support, shelter, and enclosure of persons, animals, chattels, or movable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building.

BUILDING, HEIGHT OF. The vertical distance measured from the curb level to the highest point of the roof surface, if a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge for a gable, hip, or gambrel roof, provided, however, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade along the front of the building (See Section 23, Figure 5).

BUILDING LINE. A line parallel or approximately parallel to the street right-of-way line at a specific distance therefrom marking the minimum distance from the street right-of-way line that a building may be erected.

BUILDING OFFICIAL. The Town official designated by the Board of Aldermen to carry the title of building official and charged with specific responsibilities as stated in this ordinance.

BUILDING PERMIT. A permit issued to begin construction of a residential or commercial building after receipt of application detailing plat, building area, and type of construction.

BUILDING SITE. A platted lot of record fronting on an improved public street in conformance with all applicable codes and ordinances of the Town of Cross Timber, Texas.

BUSINESS. Includes local retail, commercial, industrial, and manufacturing uses and districts as herein defined.

CELLAR. A building story with more than one-half its height below the average level of the adjoining ground. A cellar shall not be counted as a story in computing building height.

CERTIFICATE OF OCCUPANCY (OR PERMIT). An official certificate issued by the Town through the administrative or building official which indicates conformance with or approved conditional waiver from the Building or Zoning Regulations and authorizes legal use and occupancy of the premises for which it is issued.

CO-LOCATION. The act of locating wireless communications equipment from more than one provider on a single antenna facility.

COMMERCIAL ANTENNA FACILITY. An antenna facility used for mounting antenna which are operated in the course of business.

CONDITIONAL USE. A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would not be detrimental to public health, safety, or general welfare is permitted in a district subject to approval by the Board of Aldermen, and subject to special requirements, different from those usual requirements for the district in which the conditional use may be located.

DIRECTOR OF PUBLIC WORKS. Person so designated by the Board of Aldermen.

DISTRICT (ZONING). A section of the Town of Cross Timber, Texas, for which the regulations governing the area, height, or use of the land and buildings are uniform.

DWELLING, ONE FAMILY. A detached residential dwelling unit other than a HUD Code Manufactured Home or a mobile home designed for and occupied by one family only.

DWELLING, TWO-FAMILY. An attached residential dwelling unit other than a HUD Code Manufactured Home or a mobile home with accommodations for and occupied exclusively by two families.

DWELLING, MULTI-FAMILY. An attached residential dwelling unit other than a HUD Code Manufactured Home or a mobile home with accommodations for and occupied exclusively by more than two families.

DWELLING, MOBILE HOME. Mobile Home means a structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. A mobile home shall not be permitted unless its existence predates the enactment date of this ordinance in accordance with Texas Occupation Code (Chapter 1201).

DWELLING, MANUFACTURED HOME. A structure that was constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development (HUD), transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width, and forty (40) body feet or more in length, or when erected on site is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation, connected to the required utilities, and includes plumbing, heating, air-conditioning, and electrical systems. The term does not include a recreational vehicle as that term is defined by 24 C.F.R. Section 3282.8(g).

DWELLING UNIT. One room, or any number of rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

EASEMENT. The word "easement" shall mean a designated area, conveyed by plat or separate instrument, for restricted use on private or public property upon which the grantee shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths that may endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of these easements.

EQUIPMENT STORAGE. A small, single story equipment building less than 500 square feet in size used to house radio transmitters and related equipment.

FAMILY. Any number of individuals living together as a single housekeeping unit and doing their cooking on the premises, as distinguished from a group occupying a boarding or rooming house or hotel.

FEED LOT. A plot of land or building on which livestock are fed and fattened for market.

FLOOD PLAIN. An area identified by the Federal Emergency Management Agency (FEMA), as possibly being flood prone or below the intermediate flood line (100-year flood plain). The issuance of building permits for construction of any structure within such flood plain is regulated by FEMA ordinances governing the safeguards, preventive actions against flooding, types of uses permitted in flood prone areas, etc.

FLOOR AREA. The total (gross) square feet of floor space within the outside dimensions of a building including each floor level, but excluding cellars, attics, porches, carports, or garages.

FRONTAGE. All the property abutting on one side of a street between two intersecting streets, measured along the street line, or if the street is dead-ended, then all the property abutting on one side between an intersecting street and the dead-end of the street.

HOBBY. An accessory use housed in a dwelling or in an accessory building in which the residents of the premises engage in recreational activities, none of which shall disturb the neighbors.

HOME OCCUPATION. An occupation, profession, activity, or use carried on principally by the inhabitants of a dwelling which is clearly a customary, incidental, and secondary use of a residential dwelling unit provided that: the existence of the occupation or activity does not change neighborhood character or substantially increase traffic to and from the dwelling; no trading in merchandise or selling of goods or services is carried out on a regular basis.

JUNK. The term "junk" is defined to mean and shall include scrap iron, scrap tin, scrap brass, scrap copper, scrap lead or scrap zinc and all other scrap metals and their alloys and bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old cotton, or used machinery, used tools, used appliances, used fixtures, used utensils, used boxes or crates, used pipe or pipe fittings, used vehicles, boats, or airplanes, tires, and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition; subject to being salvaged for scrap.

KENNELS (INDOOR PENS). An establishment with indoor pens in which more than four (4) dogs, cats, or other domesticated animals, at least four (4) months of age, are housed, groomed, trimmed, bred, boarded, trained and/or sold for commercial purposes.

KENNELS (OUTDOOR PENS). An establishment with outdoor pens in which more than four (4) dogs, cats, or other domesticated animals, at least four (4) months of age, are housed, groomed, trimmed, bred, boarded, trained and/or sold for commercial purposes.

LATTICE TOWER. A tower having three or four support steel legs and capable of supporting several types of antennas. These towers range from 60 to 200 feet in height and can accommodate a number of users.

LEGAL, NON-CONFORMING USE, BUILDING OR LOT. A use, building, or lot existing legally at the time of the passage of this ordinance which does not by reason of design, use, or dimension conform to the regulations of the district in which it is situated. A use, building, or lot established after the passage of this ordinance which does not conform to regulations of the district in which it is situated shall be considered an illegal non-conforming use or lot.

LIVESTOCK. Horses, mules, cattle, poultry, hogs, goats and sheep of any and all kinds, fallow deer, llamas, alpacas, emu's and ostriches, and shall include both the male and female species of such animals.

LOT. An undivided tract or parcel of land having frontage on a public street, or upon an approved open space, having direct street access, and which is, or in the future may be, offered for sale, conveyance, transfer, or improvement, which is designated as a distinct and separate tract, and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed or recorded.

LOT FRONTAGE. The length of street frontage between property lines.

LOT LINES. The lines bounding a lot as defined:

Lot Line, Front. The boundary between a lot and the street on which it fronts.

Lot Line, Rear. The boundary line which is opposite and most distant from the front street line; except that in the case of uncertainty the Board of Aldermen or their designee shall determine the rear line.

Lot Line, Side. Any lot boundary line not a front or rear line thereof. A side line may be a party lot line, a line bordering on an alley or place, or side street line.

LOT MEASUREMENT.

Area of the lot shall be the net area of the lot, expressed in square feet or acreage, and shall not include portions of any public street or alley (See Section 23, Figure 2).

Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear (the mean horizontal distance between the front and rear lot line) (See Section 23, Figure 2).

Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty percent (80%) of the required lot width except in the case of lots on the turning circle of cul-de-sacs, where the eighty percent (80%) requirement shall not apply (See Section 23, Figure 1).

LOT OF RECORD. A lot which is part of a subdivision plat of which has been recorded in the office of the County Clerk of Johnson County or a lot subdivided by metes and bounds description prior to its date of annexation.

LOT, VACANT. A lot not used for any purpose and not regularly or consistently tended by the owner or his representative.

MAIN (PRINCIPAL) BUILDING. The building or buildings on a lot which are occupied by the primary use.

MONOPOLE. An antenna facility composed of a single spire used to support communications equipment. No guy wires are used or permitted.

NON-CONFORMING USE. A building, structure, or use of land lawfully occupied at the time of the effective date of this ordinance or amendments thereto, and which does not conform to the use regulations of the district in which it is situated.

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

OPEN SPACE. Area included in any side, rear, or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves, or porches.

PERMITTED USE. Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

PLANNING AND ZONING COMMISSION. The Board of Aldermen shall act as the Planning and Zoning Commission for the Town of Cross Timber.

PLAT. A plan of a subdivision of land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the subdivision standards of the Town of Cross Timber, Texas, and subject to approval by the Planning and Zoning Commission. Reference to a plat in this ordinance means an official plat of record which has been approved by the Planning and Zoning Commission and filed in the plat records of Johnson County.

PREMISES. Land together with any buildings or structures occupying it.

PRIVATE DRIVE (STREET OR PLACE). An open, unoccupied space, other than a street or alley, permanently established or reserved or dedicated in private ownership as the principal of vehicular access to property abutting thereon.

RELIGIOUS INSTITUTION. 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 (tax exempt as defined by State law). For the purposes of this Code, bible study and other similar activities which occur in a person's primary residence shall not apply to this definition.

RESIDENCE. Same as a dwelling; also when used with the word District, an area of residential regulations.

REPLATTING. The division of an existing subdivision, together with any changes of lot size therein, or the relocation of any street lines or lot lines.

REVERSED FRONTAGE. A lot abutting two or more streets at their intersection. A reversed frontage lot shall be deemed to front on that street at which it has its greatest frontage unless otherwise specified by the Board of Aldermen.

SATELLITE RECEIVE-ONLY ANTENNA. An antenna that enables the receipt of television or video signals transmitted directly from satellites to be viewed on a television monitor. Such antennas are commonly known as a satellite dish, television receive-only antennas, dish antennas, parabolic antennas, or satellite earth station antennas.

SETBACK. The minimum horizontal distance between the front wall, or any projection of the building, excluding steps and unenclosed porch, and the street line. (same as "Building Line").

SEWAGE DISPOSAL SYSTEM. A system designed for underground disposal of sewage from a single residential dwelling requiring a minimum one-acre lot size for installation.

SEWAGE TREATMENT SYSTEM OR PLANT. A system designed to collect, treat, and dispose of sewage from more than one single residential dwelling. No sewage treatment systems or plants shall be allowed within the town corporate limits.

SIGN. An outdoor advertising device that is a structure or that is attached to or painted on a building or displaced on the premises to promote a person, group, commodity or item or to attract attention to the premises or some object or item.

SPECIAL EXCEPTION. A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would be wholly compatible with conditions affecting the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning district as special exceptions if approved by the Board of Adjustment. (See Section 21, Board of Adjustment.)

STORY. The height between the successive floors of a building or from the top floor to the roof. The standard height for a story is eleven (11) feet, six (6) inches.

STREET. A public way between two right-of-way lines, other than an alley or private drive, which has been dedicated or deeded to the public for public use and affords a principal means of access (vehicular or otherwise) to property abutting thereon, as well as for utilities and sidewalks.

STREET LINE. A dividing line between a lot, tract, or parcel of land and a contiguous street; the right-of-way line.

STRUCTURE. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile or manufactured homes, walls, fences, billboards, and poster panels.

SUBDIVISION. The division of any tract of land situated inside the boundaries of the Town of Cross Timber, Texas, in two or more parts to layout a subdivision of the tract, including an addition, or to layout suburban lots or building lots, and to layout streets, alleys, squares, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, or other parts. This includes a division of land regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for deed, by using a contract of sale or other executory contract to convey, or by using any other method.

TOWER. A monopole or lattice tower.

TRAVEL TRAILER. A mobile vehicle built on a chassis and designed and used as a temporary place of dwelling and of such size and design as to be subject to licensing for towing on the highway by a passenger motor vehicle or other prime mover and not requiring a special permit for moving on the highway as contrasted to a mobile or manufactured home.

VARIANCE. A relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

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 from a point thirty (30) inches above the general ground level of the graded lot to the sky, except where otherwise specifically provided in this Code that the building or structure may be located in a portion of a yard required for a main building. Roof overhang and similar special architectural features are not subject to yard restrictions. 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 (See Section 23, Figure 3).

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 (See Section 23, Figure 4).

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 (See Section 23, Figure 3).

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 (See Section 23, Figure 3).

ZONING DISTRICT MAP. The official certified map upon which the boundaries of the various zoning districts are drawn and which is an integral part of the Zoning Ordinance.

ARTICLE II - GENERAL DISTRICTS, MAP, RULES AND CHANGES

SECTION 5 ZONING DISTRICTS

Section 5-100, Zoning Districts: To accomplish the stated purposes of this ordinance, the Town is divided into zoning districts as follows:

<u>Abbreviated Designation</u>	<u>Zoning District Name</u>
District RF	Residential Ranch/Farm
District RR	Residential Rural, Single Family
District RE	Residential Estate, Single Family
District HCMH	Residential HUD Code Manufactured Homes
District CR	Commercial, Retail
District CLM	Commercial, Light Manufacturing
District PUD	Planned Unit Development
District G	Government

SECTION 6 ZONING MAP

Section 6-100, Boundaries: The boundaries of these districts are delineated on the Official Zoning Map included in the records maintained by the Town Secretary and designated as "Cross Timber Zoning Map" and said map, together with all notations, references, and information thereon, is hereby adopted and made a part of this Section as though the same were fully copied herein.

Section 6-105, Adoption: The Official Zoning Map shall be identified by the signature of the Mayor, attested by the Town Secretary, and bearing the seal of the Town under the following words: "This is to certify that this is the Official Zoning Map referred to in Ordinance No. 1998-03 and subsequent amendments thereto, of the Town of Cross Timber, Texas" together with the date of the adoption of the ordinance.

Section 6-110, Maintenance:

1. The Official Zoning Map shall be made current from time to time to reflect the changes and amendments, if any, that are approved by the Board of Aldermen. Any unauthorized changes of whatever kind in the Official Zoning Map by any person is prohibited.
2. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Board of Aldermen may by resolution adopt a new Official Zoning Map and may correct drafting or other errors or omissions in the prior Official Zoning Map and bring the Official Zoning Map up-to-date to reflect any and all amendments or changes in the same.

SECTION 7 RULES FOR INTERPRETATION OF ZONING DISTRICT BOUNDARIES

Section 7-100, Typically: The district boundary lines shown on the zoning district map are usually along streets, alleys, property lines, or their extensions. Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Official Zoning Map, the following rules shall apply:

1. Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or highway rights-of-way lines shall be construed to be said boundaries.
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
3. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale on said Official Zoning Map.
4. In un-subdivided property, the district boundary lines of the Official Zoning Map shall be determined by use of the scale appearing on the map.
5. In the case of a district boundary line dividing a property into two parts, the district boundary line shall be construed to be the property line nearest the district line as shown.
6. Whenever any street, alley, or other public way is vacated by official action of the Board of Aldermen, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all regulations of the extended districts.
7. Where the streets or alleys on the ground differ from the streets or alleys as shown on the Official Zoning Map, the streets or alleys on the ground shall control.

SECTION 8 CHANGES AND AMENDMENTS

Section 8-100, Generally: The Board of Aldermen, after receiving a recommendation thereon by the Planning and Zoning Commission and after public hearings required by law, may from time to time amend, supplement, or change by ordinance the boundaries of the district or the regulations herein established. A public hearing shall be held by the Board of Aldermen, upon receiving a recommendation by the Planning and Zoning Commission, before adopting any proposed amendment, supplement, or change. Unless such proposed amendment, supplement, or change has been approved by the Board of Aldermen or if a protest against such amendment, supplement, or change has been filed with the Mayor, duly signed and acknowledged by the owners of twenty (20) percent or more, either of the area of the lots included in such proposed changes or all property within two hundred (200) feet of all boundaries of the proposed change, such amendment, supplement, or change shall not become effective except by a favorable vote of four (4) of the five (5) members of the Board of Aldermen.

Section 8-105, Notice: Written notice of all public hearings on proposed changes in classification shall be sent to all owners of property, or to the person rendering the same for Town taxes, affected by such proposed changes of classification, located within one thousand five hundred (1,500) feet of any property affected thereby, within not less than fifteen (15) days before such hearing is held before the Planning and Zoning Commission. Such notice may be served by using the last known address as listed on the Town tax roll and depositing the notice, postage paid, in the United States mail. Notice of public hearing for the Town of Alderman shall be given by publication one (1) time in the official newspaper of the Town of Cross Timber, Texas, stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the date of publication.

Section 8-110, Persons or Bodies That May Request Changes or Amendments: Any person or corporation or group of persons owning an interest in any real property, upon proof of such interest, may petition the governing body for a change or amendment to the provisions of this ordinance or the Planning and Zoning Commission or the Town Aldermen may, on its own motion, institute proposals for change and amendment in the public interest. All petitions initiated by a person, corporation, or group of persons, owning interest in real property for the amendment of this ordinance shall bear the signature of the owners of all property within the area of request.

Section 8-115, Expiration of Application for Rezoning: In the event that the Planning and Zoning Commission has recommended against a proposed amendment, supplement, change or modification in the boundaries of any zoning district, and such amendment or change has not been approved by the Town Aldermen as provided, such proposed amendment, supplement, change, or modification shall neither be submitted nor considered for recommendation by the Commission prior to the expiration of six (6) months from the date of the order of decision by the Town Aldermen against such zoning change,

unless conditions pertaining to property considered in the original application and/or property in the area have, in the opinion of the Planning and Zoning Commission, changed to such an extent as to justify a subsequent application prior to the expiration of six (6) months from the date of the original order or decision of the Planning and Zoning Commission.

ARTICLE III - DISTRICT REGULATIONS

SECTION 9 DISTRICT RF (RESIDENTIAL RANCH/FARM)

Section 9-100, Purpose: The RF Residential Ranch/Farm district is established to provide for areas requiring minimum lot sizes of five (5) acres in order to promote low population density and to maintain the agrarian character of the community.

Section 9-105, Use Regulations: In the RF District, no building or land shall be used, and no building constructed, reconstructed, altered or enlarged, unless otherwise provided in this ordinance, except for one of the following uses:

1. Permitted Uses:

Single-family dwellings and associated accessory buildings

Usual agricultural practices of pasturage, farming, gardening, and animal husbandry excluding feed lots, dairies, poultry farms and hog farms, or the land may remain in a "natural" condition.

Accessory buildings for housing animals and for equipment and/or product storage, provided said buildings do not comprise more than twenty-five percent (25%) of the land area

Kennels (Indoor Pens)

Private and Commercial Animal Lots and Stables

Religious Institutions

Satellite Receive-Only Antenna (less than 5-meter diameter)

2. Conditional Uses:

Allowances for additional residential unit (with a conditional use permit) not to exceed one (1) for a caretaker or three (3) agricultural workers.

Kennels (Outside Pens)

Section 9-110, Development Regulations: In the RF District, the following regulations apply to all uses:

- | | |
|---|---------------------|
| 1. Lot Size | minimum of 5 acres |
| 2. Floor Area | 1,400 square feet |
| 3. Depth of front yard | minimum of 25 feet |
| 4. Depth of rear yard | minimum of 25 feet |
| 5. Width of side yard | minimum of 10 feet |
| 6. Width of side yard adjacent to side street | minimum of 25 feet |
| 7. Depth of lot | minimum of 250 feet |
| 8. Width of lot | minimum of 250 feet |

- | | |
|----------------------|---|
| 9. Roof Construction | composition, metal, or tile roof (no wood shingles) |
| 10. Height | Not to exceed 3 stories or 45 feet |
| 11. Landscaping | None |
| 12. Parking | minimum of 2 off-street spaces for each residential structure |

Section 9-115, **Masonry Materials:** Construction of residential structures in this district must be 80% brick, stone, cinder-block stucco, log, log veneer or like materials.

Section 9-120, **Lots of Record:** All lots of record, as of the effective date of this ordinance, which exceed five (5) acres in size but do not meet other area requirements of the RF district, shall not be deemed to be non-conforming but shall be deemed to be legal conforming uses as it relates to area requirements.

Section 9-125, **Supplementary HUD Code Manufactured Home Regulations** for any existing or replacement manufactured homes: as specified in *Section 19, HUD Code Manufactured Home Regulations*.

Section 9-130, **Private and Commercial Animal Lots and Stables:** Private and commercial animal lots or stables may be allowed subject to the following standards:

1. **Standards for Private Animal Lots and Stables:**
 - a. The minimum lot area for a private animal lot and/or private stable/barn shall be two (2) acres. In no case shall more than two (2) animals be kept for each acre of land available for grazing (excluding property used for structures and other nonagricultural uses).
 - b. If animals are kept inside a building, then one (1) sheltered stall shall be provided for each animal. A box stall shall be a minimum of ten (10) feet by ten (10) feet.
 - c. Stables, corrals, and piles of manure, feed, and bedding shall be located at least fifty (50) feet from any street or lot line and at least one hundred (100) feet from any adjacent existing residence. Pasture may extend to the lot line so long as runoff is controlled from entering onto an adjacent lot or tract.
 - d. It shall be unlawful for any person to allow horses or any other livestock within fifty (50) feet of any person's dwelling other than the owner's dwelling.
 - e. Manure and droppings shall be removed from pens, stables, yards, etc., on a regular basis and disposed of in such a manner to keep the premises free of any nuisance.

- f. Watering troughs and tanks shall be maintained and cleaned regularly in such a way to prevent the breeding of flies, mosquitoes or other insects.

2. Standards for Commercial Animal Lots and Stables:

- a. The minimum lot size for a commercial animal lot or stable/barn shall be five (5) acres, or one (1) acre for each animal, whichever is greater. If animals are maintained on pasture as their primary source of feed, then in no case shall more than two (2) animals be kept for each acre of land. If animals are kept inside a building at all times (excluding exercise), then the maximum number of animals permitted shall be limited to the building capacity to house, show, and ride said horses, but in no case shall the number of animals exceed two (2) for each acre of land available. A stall shall be provided for each animal and each stall shall be a minimum of ten (10) feet by ten (10) feet.
- b. Stables, corrals, and piles of manure, feed, and bedding shall be located at least fifty (50) feet from any street or lot line and at least one hundred (100) feet from any adjacent existing residence. Pasture may extend to the lot line so long as runoff is controlled from entering onto an adjacent lot or tract.
- c. It shall be unlawful for any person to allow horses or any other livestock within fifty (50) feet of any person's dwelling other than the owner's dwelling.
- d. Manure and droppings shall be removed from pens, stables, yards, etc., on a regular basis and disposed of in such a manner to keep the premises free of any nuisance.
- e. Watering troughs and tanks shall be maintained and cleaned regularly in such a way to prevent the breeding of flies, mosquitoes or other insects.

SECTION 10 DISTRICT RR (RESIDENTIAL RURAL, SINGLE FAMILY)

Section 10-100, Purpose: The RR Residential Rural, Single Family district is established to provide for areas requiring minimum lot sizes of two (2) acres in order to promote low population density and establish or maintain low-density residential character within the subdivision.

Section 10-105, Use Regulations: In the RR District, no building or land shall be used, and no building constructed, reconstructed, altered or enlarged, unless otherwise provided in this ordinance, except for one of the following uses:

1. Permitted Uses:

- Single-family dwellings and associated accessory buildings
- Usual agricultural practices of pasturage, farming, gardening, and animal husbandry excluding feed lots, dairies, poultry farms and hog farms, or the land may remain in a "natural" condition.
- Kennels (Indoor Pens)
- Private and Commercial Animal Lots and Stables
- Religious Institutions
- Satellite Receive-Only Antenna (less than 5-meter diameter)

2. Conditional Uses:

- Kennels (Outside Pens)

Section 10-110, Development Regulation: In the RR District, the following regulations apply to all uses:

- | | |
|---|---|
| 1. Lot Size | minimum of 2 acres |
| 2. Floor Area | 1,600 square feet |
| 3. Depth of front yard | minimum of 25 feet |
| 4. Depth of rear yard | minimum of 25 feet |
| 5. Width of side yard | minimum of 10 feet |
| 6. Width of side yard adjacent to side street | minimum of 25 feet |
| 7. Depth of lot | minimum of 150 feet |
| 8. Width of lot | minimum of 150 feet |
| 9. Roof Construction | composition, metal, or tile roof (no wood shingles) |
| 10. Height | Not to exceed 3 stories or 45 feet |
| 11. Landscaping | None |

12. Parking

minimum of 2 off-street spaces

Section 10-115, **Masonry Materials:** Construction of residential structures in this district must be 80% brick, stone, cinder-block stucco, log, log veneer or like materials.

Section 10-116, **Supplementary HUD Code Manufactured Home Regulations** for any existing or replacement manufactured homes: as specified in *Section 19, HUD Code Manufactured Home Regulations*.

Section 10-120, **Private and Commercial Animal Lots and Stables:** Private and commercial animal lots or stables may be allowed subject to the following standards:

1. Standards for Private Animal Lots and Stables:

- a. The minimum lot area for a private animal lot and/or private stable/barn shall be two (2) acres. In no case shall more than two (2) animals be kept for each acre of land available for grazing (excluding property used for structures and other nonagricultural uses).
- b. If animals are kept inside a building, then one (1) sheltered stall shall be provided for each animal. A box stall shall be a minimum of ten (10) feet by ten (10) feet.
- c. Stables, corrals, and piles of manure, feed, and bedding shall be located at least fifty (50) feet from any street or lot line and at least one hundred (100) feet from any adjacent existing residence. Pasture may extend to the lot line so long as runoff is controlled from entering onto an adjacent lot or tract.
- d. It shall be unlawful for any person to allow horses or any other livestock within fifty (50) feet of any person's dwelling other than the owner's dwelling.
- e. Manure and droppings shall be removed from pens, stables, yards, etc., on a regular basis and disposed of in such a manner to keep the premises free of any nuisance.
- f. Watering troughs and tanks shall be maintained and cleaned regularly in such a way to prevent the breeding of flies, mosquitoes or other insects.

2. Standards for Commercial Animal Lots and Stables:

- a. The minimum lot size for a commercial animal lot or stable/barn shall be five (5) acres, or one (1) acre for each animal, whichever is greater. If animals are maintained on pasture as their primary source of feed, then in no case shall more than two (2) animals be kept for each acre of land. If animals are kept inside a building at all times (excluding exercise), then the maximum number of animals permitted shall be limited to the building capacity to house, show, and ride said horses, but in no case shall the number of animals exceed two (2) for each acre of land available. A stall

shall be provided for each animal and each stall shall be a minimum of ten (10) feet by ten (10) feet.

- b. Stables, corrals, and piles of manure, feed, and bedding shall be located at least fifty (50) feet from any street or lot line and at least one hundred (100) feet from any adjacent existing residence. Pasture may extend to the lot line so long as runoff is controlled from entering onto an adjacent lot or tract.
- c. It shall be unlawful for any person to allow horses or any other livestock within fifty (50) feet of any person's dwelling other than the owner's dwelling.
- d. Manure and droppings shall be removed from pens, stables, yards, etc., on a regular basis and disposed of in such a manner to keep the premises free of any nuisance.
- e. Watering troughs and tanks shall be maintained and cleaned regularly in such a way to prevent the breeding of flies, mosquitoes or other insects.

SECTION 11 DISTRICT RE (RESIDENTIAL ESTATE, SINGLE FAMILY)

Section 11-100, Purpose: The RE Residential Estate, Single Family district is established to provide for areas requiring minimum lot sizes of one (1) acre in order to promote low population density and establish or maintain low-density residential character within the subdivision.

Section 11-105, Use Regulations: In the RE District, no building or land shall be used, and no building constructed, reconstructed, altered or enlarged, unless otherwise provided in this ordinance, except for one of the following uses:

1. Permitted Uses:

Single-family dwellings and associated accessory buildings
Usual agricultural practices of pasturage, farming, gardening, and animal husbandry excluding feed lots, dairies, poultry farms and hog farms, or the land may remain in a "natural" condition.
Kennels (Indoor Pens)
Private and Commercial Animal Lots and Stables
Religious Institutions
Satellite Receive-Only Antenna (less than 5-meter diameter)

2. Conditional Uses

Kennels (Outside Pens)

Section 11-110, Development Regulations: In the RE District, the following regulations apply to all uses:

- | | |
|---|---|
| 1. Lot Size | minimum of 1 acre |
| 2. Floor Area | 1,800 square feet |
| 3. Depth of front yard | minimum of 25 feet |
| 4. Depth of rear yard | minimum of 25 feet |
| 5. Width of side yard | minimum of 10 feet |
| 6. Width of side yard adjacent to side street | minimum of 15 feet |
| 7. Depth of lot | minimum of 100 feet |
| 8. Width of lot | minimum of 100 feet |
| 9. Roof Construction | composition, metal, or tile roof (no wood shingles) |
| 10. Height | Not to exceed 3 stories or 45 feet |
| 11. Landscaping | None |
| 12. Parking | minimum of 2 off-street spaces |

Section 11-115, **Masonry Requirement:** Construction of residential structures in this district must be 80% brick, stone, cinder-block stucco, log, log veneer or like materials.

Section 11-116, **Supplementary HUD Code Manufactured Home Regulations** for any existing or replacement manufactured homes: as specified in *Section 19, HUD Code Manufactured Home Regulations*.

Section 11-120, **Private and Commercial Animal Lots and Stables:** Private and commercial animal lots or stables may be allowed subject to the following standards:

1. **Standards for Private Animal Lots and Stables:**

- a. The minimum lot area for a private animal lot and/or private stable/barn shall be two (2) acres. In no case shall more than two (2) animals be kept for each acre of land available for grazing (excluding property used for structures and other nonagricultural uses).
- b. If animals are kept inside a building, then one (1) sheltered stall shall be provided for each animal. A box stall shall be a minimum of ten (10) feet by ten (10) feet.
- c. Stables, corrals, and piles of manure, feed, and bedding shall be located at least fifty (50) feet from any street or lot line and at least one hundred (100) feet from any adjacent existing residence. Pasture may extend to the lot line so long as runoff is controlled from entering onto an adjacent lot or tract.
- d. It shall be unlawful for any person to allow horses or any other livestock within fifty (50) feet of any person's dwelling other than the owner's dwelling.
- e. Manure and droppings shall be removed from pens, stables, yards, etc., on a regular basis and disposed of in such a manner to keep the premises free of any nuisance.
- f. Watering troughs and tanks shall be maintained and cleaned regularly in such a way to prevent the breeding of flies, mosquitoes or other insects.

2. **Standards for Commercial Animal Lots and Stables:**

- a. The minimum lot size for a commercial animal lot or stable/barn shall be five (5) acres, or one (1) acre for each animal, whichever is greater. If animals are maintained on pasture as their primary source of feed, then in no case shall more than two (2) animals be kept for each acre of land. If animals are kept inside a building at all times (excluding exercise), then the maximum number of animals permitted shall be limited to the building capacity to house, show, and ride said horses, but in no case shall the number of animals exceed two (2) for each acre of land available. A stall shall be provided for each animal and each stall shall be a minimum of ten (10) feet by ten (10) feet.

- b. Stables, corrals, and piles of manure, feed, and bedding shall be located at least fifty (50) feet from any street or lot line and at least one hundred (100) feet from any adjacent existing residence. Pasture may extend to the lot line so long as runoff is controlled from entering onto an adjacent lot or tract.
- c. It shall be unlawful for any person to allow horses or any other livestock within fifty (50) feet of any person's dwelling other than the owner's dwelling.
- d. Manure and droppings shall be removed from pens, stables, yards, etc., on a regular basis and disposed of in such a manner to keep the premises free of any nuisance.
- e. Watering troughs and tanks shall be maintained and cleaned regularly in such a way to prevent the breeding of flies, mosquitoes or other insects.

SECTION 12 DISTRICT HCMH (RESIDENTIAL, HUD MANUFACTURED HOME)

Section 12-100, Purpose: The HCMH HUD Code Manufactured Home District is established to provide for areas for the location of HUD Code Manufactured Homes.

Section 12-105, Use Regulations: In the HCMH District, no building or land shall be used, and no building constructed, reconstructed, altered or enlarged, unless otherwise provided in this ordinance, except for one of the following uses:

1. Permitted Uses:

- HUD Code Manufactured Homes and associated accessory buildings.
- Usual agricultural practices of pasturage, farming, gardening, and animal husbandry excluding feed lots, dairies, poultry farms and hog farms, or the land may remain in a "natural" condition.
- Religious Institutions
- Satellite Receive-Only Antenna (less than 5-meter diameter)

2. Conditional Uses:

None

Section 12-110, Development Regulations: In the HCMH District, the following regulations apply to all uses:

- | | |
|---|--|
| 1. Lot Size | minimum of 1 acre |
| 2. Floor Area | minimum 840 square feet |
| 3. Depth of front yard | minimum of 25 feet |
| 4. Depth of rear yard | minimum of 25 feet |
| 5. Width of side yard | minimum of 10 feet |
| 6. Width of side yard adjacent to side street | minimum of 15 feet |
| 7. Depth of lot | minimum of 100 feet |
| 8. Width of lot | minimum of 100 feet |
| 9. Roof Construction | None |
| 10. Height | None |
| 11. Landscaping | None |
| 12. Parking | minimum of 2 off-street spaces per dwelling unit |
| 13. Anchor Requirements. | Each unit must be anchored to the ground using standard industry methods and materials and shall |

be inspected for compliance within thirty (30) days of placement and prior to skirting.

14. Skirting Requirement. Skirting shall be completed within sixty (60) days of placement.

Section 12-115, Supplementary HUD Code Manufactured Home Regulations: as specified in *Section 19, HUD Code Manufactured Home Regulations.*

SECTION 13 DISTRICT CR (COMMERCIAL, RETAIL)

Section 13-100, Purpose: The land and buildings within this zoning district may be used for those lawful retail business activities usually and commonly found to exist in small incorporated towns.

Section 13-105, Use Regulations: In the CR Commercial Retail district, no building or land shall be used, and no building constructed, reconstructed, altered or enlarged, unless otherwise provided in this ordinance, except for one of the following uses:

1. Permitted Uses:

- Accounting office
- Administrative, executive, editorial office
- Antique Shops
- Architectural, Engineering, Planning Office
- Art, crafts, and Hobby Shops
- Art Supply Store
- Attorney's Office
- Bakery Shops
- Banks
- Barber & Beauty Shops
- Bicycle Shops
- Confectionery Shops
- Children's Day Care Centers and Kindergarten
- Cultural Buildings and Facilities
- Dairy Food Stores
- Dance Studio
- Drug Stores, Apothecary, & Pharmacy
- Dry Cleaners
- Duplication and Mailing Services
- Electrical Goods and Fixtures
- Fabric and Knitting Shops
- Feed Store
- Florist
- Governmental Maintenance Buildings and Storage Yards
- Grocery Store
- Hardware Store
- Health and Athletic Shops
- Household Appliance Store
- Household Furnishings and Fixtures
- Ice Cream Shops
- Insurance Office
- Jewelry and Watch Stores
- Medical, Dental, Chiropractic, Optometry, etc.
- Municipal Administration & Public Service Buildings and Facilities
- Music Store
- Parks, Playgrounds, Play Lots and Related Facilities
- Pawn Shops
- Personal or Family Counselor
- Photographic Service and Studio

Physician or Dentist
 Police and Fire Station and Facilities
 Printing, Publishing, and Engraving
 Produce Market
 Public Secretary
 Real Estate Office
 Restaurants
 Restaurants, Drive-in
 Religious Institutions
 Satellite Receive-Only Antenna (less than 5-meter diameter)
 Schools, Private Business and Professional
 Schools, Primary and Secondary
 Social, Recreational and Assembly Buildings Facilities
 Sporting Goods Stores
 Travel Bureau/Agency
 Utility Distribution lines
 Wallpaper and Paint Store
 Wearing Apparel Shops
 Weight Reduction Studios

2. Conditional Uses:

None

Section 13-110, Development Regulations: In the CR District the following regulations apply to all uses:

- | | |
|---|---|
| 1. Lot Size | minimum of 1 acre |
| 2. Floor Area | None |
| 3. Depth of front yard | minimum of 25 feet |
| 4. Depth of rear yard | minimum of 25 feet adjacent to residential districts |
| 5. Width of side yard | minimum of 10 feet adjacent to residential districts |
| 6. Width of side yard adjacent to side street | minimum of 15 feet |
| 7. Depth of lot | None |
| 8. Width of lot | None |
| 9. Roof Construction | composition, metal, or tile roof (no wood shingles) |
| 10. Height | None |
| 11. Landscaping | 10% of lot landscaped with 40% located in the front yard. |

12. Parking

Each business shall provide off-road parking for their customers, but shall not be less than 1 space for each 350 square feet of structure (not including accessory buildings).

13. Screening

See Section 22, Screening Wall Requirements

SECTION 14 DISTRICT CLM (COMMERCIAL, LIGHT MANUFACTURING)

Section 14-100, Purpose: The land and buildings within this zoning district may be used for those lawful activities usually and commonly known as "light manufacturing" or "light industry."

Section 14-105, Use Regulations: In the CLM Commercial Light Manufacturing district, no building or land shall be used, and no building constructed, reconstructed, altered or enlarged, unless otherwise provided in this ordinance, except for one of the following uses:

1. Permitted Uses:

Automotive Glass, Trim, & Upholstery Shops
Automotive Repair Shops and Garages, (principal, accessory, or secondary use)
Bakeries (wholesale)
Building Contractors & Related Trades (office only)
Farm Machinery and Farm Implements, Sales and Service
Food Catering
Office Showroom
Radio, Television, Recording & Telegraph Office
Religious Institutions
Rental Services with Inside Storage
Satellite Receive-Only Antenna (less than 5-meter diameter)
Scientific Research, Development, office only
Water Well Drilling Services
Wholesale Food Facility

2. Conditional Uses:

Building Contractors & Related Trades
Construction Yards & Storage Buildings
Dairy Products Manufacturing, and/or Wholesale Distribution
Laundry, Dry Cleaning & Dyeing Plants
Mini warehouse Facilities
Moving, Transfer & Storage Companies
Office Warehouse
Pest & Rodent Extermination Services
Rental Services with Outside Storage
Scientific Research, Development, and Testing Laboratories

Section 14-110, Development Regulations: In the CLM District the following regulations apply to all uses:

- | | |
|------------------------|--|
| 1. Lot Size | minimum of 1 acre |
| 2. Floor Area | None |
| 3. Depth of front yard | minimum of 25 feet |
| 4. Depth of rear yard | minimum of 25 feet adjacent to residential districts |

- | | |
|---|---|
| 5. Width of side yard | minimum of 10 feet adjacent to residential districts |
| 6. Width of side yard adjacent to side street | minimum of 15 feet |
| 7. Depth of lot | None |
| 8. Width of lot | None |
| 9. Roof Construction | composition, metal, or tile roof (no wood shingles) |
| 10. Height | None |
| 11. Landscaping | 10% of lot landscaped with 40% located in the front yard. |
| 12. Parking | Each business shall provide off-road parking for their customers, but shall not be less than 1 space for each 350 square feet of structure (not including accessory buildings). |
| 13. Screening | See Section 22, Screening Wall Requirements |

SECTION 15 "PUD" PLANNED UNIT DEVELOPMENT DISTRICT

Section 15-100, Purpose: The purpose of this district is to accommodate planned associations or uses developed as integral land use units such as industrial parks or industrial districts, office, commercial or service centers, shopping centers, residential developments of multiple or mixed housing, or any appropriate combination of uses which may be planned, developed, and operated as integral land use units either by a single owner or combination of owners.

Section 15-105, Height, Area and Density Regulations: In said PUD District the height, area, and density regulations shall be determined by the standards adopted in the approved Development Plan by the Town Aldermen upon recommendation by the Planning and Zoning Commission. The following circumstances shall be considered by the Planning and Zoning Commission and the Town Aldermen when considering a proposed Development Plan.

1. The proposed height, area and density regulations substantially meet the intent of this ordinance and the Comprehensive Land Use Plan.
2. The proposed height, area, and density regulations provide for better project design.
3. The combination of different dwelling types and/or the variety of land uses in the proposed Development Plan complement each other and will be compatible with existing and proposed land uses in the vicinity.
4. The proposed development will not generate more traffic than the streets in the vicinity can carry without congestion and the development will not overload utilities as determined by the City Engineer.

Section 15-110, Parking Regulations: In said PUD District, the minimum off-street and loading regulations shall be an all-weather paved surface and shall be determined by the standards adopted in the approved Development Plan by the Town Aldermen upon recommendation by the Planning and Zoning Commission.

Section 15-115, Application: An application for a PUD District may be made to the Planning and Zoning Commission in the same manner that an application for zoning change is made. Applications for approval of a PUD District shall be processed according to the procedure specified herein and a Development Plan and related data shall be submitted for approval in accordance with the requirements set out in *Section 15-125, Development Schedule* and *Section 15-130, Development Plan Required*.

Section 15-120, Procedure for Establishing Standards: In approving the Development Plan and the ordinance establishing the Planned Unit Development District, the Town Aldermen shall, after recommendation by the Planning and Zoning Commission, consider the maximum height, floor-area ratio, density and minimum off-street parking and loading standards with the limits of those specified in the districts listed for the specific uses involved as submitted by

the applicant. The Town Aldermen shall, after receiving the recommendations of the Planning and Zoning Commission, consider the standards for yards, signs, building spacing, site coverage, access, screening walls or landscaping, building area, open space, pedestrian ways, public or private streets, and alleys to be observed in a Planned Unit Development District as submitted by the applicant. Such standards shall be specified in the ordinance establishing the district.

Section 15-125, Development Schedule: An application for a Planned Unit Development District shall be accompanied by a Development Schedule indicating the appropriate date on which construction is expected to begin and the rate of anticipated development to completion. The Development Schedule, if adopted and approved by the Town Aldermen, shall become part of the Development Plan and shall be adhered to by the owner, developer, and his successors in interest.

Annually, the Building Inspector shall report to the Planning and Zoning Commission the actual development accomplished in the various Planned Unit Development Districts as compared with the Development Schedule.

The Planning and Zoning Commission may, if in its opinion the owner or owners of property are failing or have failed to meet the approved schedule, initiate proceedings to amend the Zoning District Map or the Planned Unit Development District by removing all or part of the Planned Unit Development District from the Zoning District Map and placing the area involved in another appropriate zoning district. Upon the recommendation of the Planning and Zoning Commission and for the good cause shown by the owner and developer, the Town Aldermen may also extend the development schedule or adopt such new development schedule as may be indicated by the facts and conditions of the case.

Section 15-130, Development Plan Required: An application for a Planned Unit Development District shall include and be accompanied by a Development Plan which shall become a part of the amending ordinance and shall be referenced on the Zoning District Map. Changes in the Development Plan shall be considered the same as changes in the Zoning District Map and shall be processed as required except that changes of detail which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density, floor area ratio, height ratio, or reduce the yards provided at the boundary of the site as indicated on the approved development plan may be authorized by the Zoning Administrator if designated by the Town. If no such designation is made by the Town alterations shall be reviewed by the Planning and Zoning Commission. The applicant may appeal the decision of the Zoning Administrator, if so designated, to the Planning and Zoning Commission for review and decisions as to whether an amendment to the Planned Unit Development District ordinance shall be required.

The Development Plan shall include:

1. A scale drawing showing any proposed public or private streets and alleys; building sites or building lots; any areas proposed for dedication or reserved as parks, parkways, playgrounds, utility and garbage easements, school sites, street widening, street changes; the points of ingress and egress from existing public streets on an accurate survey of the boundary of tract and topography with a contour interval of not less than five (5) feet, or spot grades where the relief is limited;
2. A land use plan where multiple types of land use are proposed that delineates the specific areas to be devoted to various uses;
3. A site plan where building complexes are proposed showing the location of each building and the minimum distance between buildings, and between buildings and the property line, street line and or alley line. (For buildings more than one (1) story in height, except for single-family and two-family residences, elevations and/or perspective drawings may be required in order that the relationship of the buildings to adjacent property, open spaces and to other features of the development plan may be determined. Such drawings need only indicate the height, number of floors and exposures for access, light and air.)
4. A plan indicating the arrangement and provision of off-street parking and off-street loading where required. (Such a plan may be presented as a ratio of off-street parking and off-street loading area to building area when accompanied by a typical example indicating the feasibility of the arrangement proposed and when the areas where the example would be applied are dimensioned on the drawing of the entire site). In addition, any special traffic regulation facilities proposed or required to assure the safe function of the circulation plan shall be indicated;
5. A designation of the maximum building coverage of the site shall be indicated upon the site plan;
6. Screening and landscaping plan shall be required where such treatment is essential to the proper arrangement of the development in relation to adjacent property. (Such plan shall when required include screening walls, ornamental planting, playgrounds, wooded areas to be retained, lawns and gardens if such are determined to be necessary by the Board of Aldermen);
7. Any or all of the required features may be incorporated on a single drawing if such drawing is clear and capable of evaluation by the Planning and Zoning Commission and Board of Aldermen.

Every Planned Unit Development District approved under the provisions of this ordinance shall be considered as an amendment to the Zoning Ordinance as applicable to the property involved. In carrying out the development of a Planned Unit Development District, the development conditions indicated in the Development Plan and the Development Schedule, shall be complied with and such conditions as are specified for the development of a Planned Unit Development District shall not be construed as conditions precedent to the approval of the zoning amendment, but shall

be construed as conditions precedent to the granting of a certificate of occupancy and compliance.

SECTION 16 DISTRICT G (GOVERNMENT)

Section 16-100, Purpose: The G Government is established to provide for areas for governmental operations for the Town.

Section 16-105, Use Regulations: In the G Government district, no building or land shall be used, and no building constructed, reconstructed, altered or enlarged, unless otherwise provided in this ordinance, except for one of the following uses:

1. Permitted Uses:

Cultural Buildings and Facilities
Governmental Maintenance Buildings and Storage Yards
Municipal Administration & Public Service Buildings and Facilities

2. Conditional Uses:

None

Section 16-110, Development Regulations: In the G District the following regulations apply to all uses:

- | | |
|---|---|
| 1. Lot Size | minimum of 1 acre |
| 2. Floor Area | None |
| 3. Depth of front yard | minimum of 25 feet |
| 4. Depth of rear yard | minimum of 25 feet adjacent to residential districts |
| 5. Width of side yard | minimum of 10 feet adjacent to residential districts |
| 6. Width of side yard adjacent to side street | minimum of 15 feet |
| 7. Depth of lot | None |
| 8. Width of lot | None |
| 9. Roof Construction | composition, metal, or tile roof (no wood shingles) |
| 10. Height | Not to exceed 3 stories or 45 feet |
| 11. Landscaping | 10% of lot landscaped with 40% located in the front yard. |
| 12. Parking | Each business shall provide off-road parking for their customers, but shall not be less than 1 space for each 350 square feet of structure (not including accessory buildings). |
| 13. Screening | Screening wall requirements of Section 22 shall not be required for this zoning district. |

Section 16-115, Exterior Materials: Construction of non-residential structures in this district must be brick, stone, cinder block, stucco, log, log veneer, siding, metal, or like materials.

ARTICLE IV - SUPPLEMENTARY DISTRICT REGULATIONS

SECTION 17 NON-CONFORMING USES

Section 17-100, Purpose: Within the districts established by this Ordinance, there exist lots, structures, and uses of land and structures which were lawful before this ordinance was passed, but which would be prohibited, regulated, or restricted under the terms of this ordinance. It is the intent of this section to permit these non-conformities to continue until they are removed, but not to encourage their continuance.

Section 17-105, General Provisions: A non-conforming status shall exist under the following provisions of this section:

1. The lawful use of a "building" existing at the time of this ordinance may be continued, although such use does not conform with the provisions hereof, and such use may be extended throughout the building provided there are no structural alterations, enlargement, expansion, or extension of the building, except those required by law or ordinance, are made therein. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification. If such non-conforming building is removed, every future use of such premises shall be in conformity with the provisions of this ordinance.
2. Repairs and alterations may be made to a legal non-conforming building, provided that no structural alterations, enlargement, expansion, or extension of the building shall be made except those required by law or ordinance, unless the building is changed to a conforming use and provided that no additional dwelling units shall be added where the nonconforming use results from there. being more dwelling units on the lot than is permissible in the district in which the building is located.
3. The lawful use of "land" existing at the time of the passage of this ordinance, although such does not conform to the provisions hereof, may be continued, but if such non-conforming uses is discontinued, any future use of said premises shall be in conformity with the provisions of this ordinance.
4. A legal non-conforming use, if changed to conforming use, may not hereafter be changed back to a non-conforming use. A legal non-conforming use, if changed to a more restricted non-conforming use, may not thereafter be changed unless to an equal or to a more restricted use.
5. A legal non-conforming use, when discontinued or abandoned, shall not be resumed, except that the existing yards for all single family residences existing at the time of the passage of this ordinance shall be deemed to be conforming. Discontinuance or abandonment shall be defined as follows:
 - a. When land used for a legal non-conforming use shall cease to be used in a bona fide manner for one (1) year.
 - b. When a building designed or arranged for a non-conforming use or a HUD Code Manufactured Home shall cease to be used in a bona fide

manner as a legal non-conforming use for a continuous period of six (6) consecutive calendar months.

6. If a building occupied by a non-conforming use is destroyed by more than fifty percent (50%) of its value, by fire or the elements, it may not be reconstructed or rebuilt except to conform with provisions of this ordinance. In the case of partial destruction, less than fifty percent (50%) of its value, the Board of Aldermen or their designee may issue a permit for reconstruction.
7. Nothing herein contained shall require any change in the plans, construction or designated use of a building for which a legal building permit has been heretofore issued, provided such construction shall have been started and shall be diligently prosecuted to completion.
8. The lawful location and maintenance of commercial signboards and billboards existing at the time of the passage of this ordinance may be continued, although such use does not conform with the provisions hereof, provided, however, that no structural alterations are made therein and provided, however, any sign installed and in use prior to the enactment of this ordinance will not be restricted by the ordinance so long as its location, height, basic construction, and other significant characteristics remain unchanged. A sign existing in any zoning district at the time of enactment of this ordinance, which is rebuilt, relocated, modified, enlarged, extended, altered other than by normal maintenance to the configuration, shall be regulated by this ordinance.

SECTION 18 HOME OCCUPATION

Section 18-100, Generally: The following regulations shall apply to all Home Occupations in the Town of Cross Timber:

1. No person other than members of the family residing on the premises shall be engaged in such occupation on the premises;
2. The use of the dwelling unit for the home occupation shall be clearly indicated and subordinate to its use for residential purposes by its occupants;
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation. No sign advertising a home occupation shall be placed on property where a home occupation is conducted;
4. There shall be no sales from the dwelling in connection with such home occupation. Any sales shall be clearly secondary;
5. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any needed parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard;
6. No equipment, process or work shall be used or conducted in such home occupation, which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence. In the case of electrical interference, no equipment, process or work shall be used or conducted which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises;
7. The operation of a beauty salon, barber shop, tearooms or restaurants, rest homes or clinics, bed and breakfast facilities, pet grooming establishment, metalworking shops, cabinet repair shops or auto repair services shall not be permitted as a home occupation; and
8. No outdoor storage or display of merchandise of any type shall be permitted with any home occupation.

SECTION 19 HUD-CODE MANUFACTURED HOME REGULATIONS

Section 19-100 Generally: The following regulations shall apply to the placement of all HUD Code Manufactured Homes in the Town of Cross Timber.

1. Approval by the Mayor or a duly authorized representative of an application to locate a HUD Code Manufactured home that is replacing an existing HUD Code Manufactured Home.
2. HUD Code Manufactured Homes located on residential lots such that the HUD Code Manufactured Home constitutes the only residential structure on the lot shall be subject to all the setback requirements as defined for that district.
3. No other HUD Code Manufactured Home structure shall be located on the lot.
4. The HUD Code Manufactured Home must be anchored and guyed such that it is structurally stable. An inspection of the anchoring system shall be conducted within thirty (30) days of placement of the HUD Code Manufactured Home and prior to skirting the unit, which shall be completed within sixty (60) days.
5. The HUD Code Manufactured Home must be screened with a fence, wall, or dense landscaping if located within fifteen (15) feet of abutting residential property.
6. The HUD Code Manufactured Home shall have a screening apron of appropriate material or shall have a veneer siding.
7. The HUD Code Manufactured Home must be connected to its own sewage disposal system and water supply.

SECTION 20 SIGN REGULATIONS

Section 20-100, Purpose: The regulations established in this section are intended to provide minimum standards to safeguard life, property, and public welfare regulating and controlling the use, materials, construction, location, number, maintenance, and the permitting of certain signs and sign structures. In addition, the ordinance is intended to enhance the beauty of the town by limiting visual clutter. The provisions of this section are not intended to permit a violation of any provision of any other ordinance or federal or state law.

It shall be unlawful to construct or install or permit to be constructed or installed any sign or billboard within the corporate limits of the Town of Cross Timber, Texas, except as is expressly permitted herein.

Section 20-105, Residential Signs: Each family may install or permit to be installed a sign no larger than four (4) square feet containing the name of the occupant of the premises. Signs may be illuminated but the source of light shall not be visible and shall not be intermittent or flashing. Revolving signs, neon-lighted signs and beacon or strobe type lights shall not be permitted. Symbols which are designed as an integral part of the building structure, and symbols and signs which are not visible or readable from the public streets shall not be limited by these regulations. Residential signs that serve as a property identifier only, may exceed 4 feet with approval of a Special Exception from the Board of Adjustment.

Section 20-110, Definitions: For the purposes of *Section 20, Sign Regulations*, the following definitions shall apply:

1. *Awning* - A structure made of cloth, with metal or other material for support and which is affixed to a building in such a manner that the structure may be raised or retracted to a position against the building.
2. *Balloon or Inflatable Sign* - A sign in the form of or attached to a balloon or other inflatable, inflated or floating device, which measures more than three feet across in any direction.
3. *Banner* - A sign made of paper, plastic, or fabric, with or without a frame, containing characters, letters, illustrations, or ornamentations, the surface of which exceeds fifty (50) square feet. Banner does not include a flag.
4. *Billboard* - A permanent ground or pole sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premise where the sign is located.
5. *Builder's Sign* - A temporary sign which provides direction or announces the location of model homes or a group of homes built by one builder.
6. *Canopy* - A structure made of metal or other material with frames affixed to a building and carried by a frame which is supported by the ground.

7. *Construction sign* - A sign identifying individuals or companies involved in design, construction, wrecking, financing, or development when placed upon the premises where work is under construction, but only for the duration of construction or wrecking.
8. *Directional or Instructional sign* - a sign, providing no advertising of any kind, which provides direction or instruction to guide persons to facilities intended to serve the public, including but not limited to those signs identifying restrooms, public telephones, public walkways, parking areas, and other similar facilities.
9. *Directory sign* - A sign which indicates the name and/or address of the occupant, the address of the premises, and/or identification of any business or occupation which may exist at the premises.
10. *External illumination* - Illumination of a sign by an artificial source of light which is not contained within the sign itself.
11. *Flag* - Any fabric containing distinctive color, pattern, or symbols, used as a symbol of a government, political subdivision, or non-profit organizations.
12. *Flashing sign* - An illuminated sign on which the artificial source of light is not maintained stationary or constant in intensity and color when the sign is illuminated. For the purpose of this ordinance, any moving illuminated sign displaying alternating illumination being turned on and off which induces a strobe or pulsating effect shall be deemed to be a flashing sign.
13. *Gross surface area* - The area of the smallest rectangle enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other fixtures, material, or color forming a part of the sign. Structural supports bearing no sign copy shall not be included in gross surface area; however, if any portion of the required structural supports become enclosed for decorative or architectural purposes, that portion will be included in the total gross surface area of the sign. Gross surface area shall be measured on one side only of a two-faced (back-to-back) sign carrying the same image and message on both faces. Two-faced signs carrying different messages and images on each side shall be considered as separate signs.
14. *Ground sign* - A sign which is supported by two or more columns, poles, uprights, or braces placed in or upon the ground and is not a part of a building.
15. *Illuminated sign* - A sign in which an artificial source of light is used in connection with the display of the sign.
16. *Marquee* - A permanent roof-like structure extending from part of the wall of a building not supported by the ground, and constructed of durable material such as metal, glass, or wood.
17. *Monument sign* - A sign which is supported upon its own foundation, separate from a building (other than a ground or pole sign).

18. *Moving sign* - A sign which revolves, rotates, swings, undulates, or otherwise attracts attention through the movement of parts or through the impression of movement, including automatic electronically controlled copy changes, but not including flags, banners, or pennants.
19. *Nameplate sign* - A non-illuminated sign identifying only the name and occupation or profession of the occupant of the premises on which the sign is located.
20. *Off-premise sign* - A sign which directs attention to a business, profession, activity, commodity, service, or entertainment other than one conducted, sold, or offered upon the premises where such sign is located.
21. *On-premise sign* - A sign which is located upon the premises where the business, profession, activity, commodity, service, or entertainment referred to by the sign is located.
22. *Permanent sign* - A sign which is fixed in nature that is erected, affixed, or maintained on a premise for a period of time which is regulated by Table 1, Schedule of Permanent Signs.
23. *Pole sign* - A sign that is mounted on a single free-standing column, pole, upright, or brace placed in or upon the ground and is not a part of a building.
24. *Portable sign* - Any temporary sign supported by the ground but not attached to the ground, which can be regularly moved from a location at periodic intervals, and which is located upon the premises where the business, profession, activity, commodity, service, or entertainment referred to by the sign is located. The term "Portable sign" shall include the following:
 - (1) A sign mounted on a trailer or wheels or is part of a trailer and by its design can be towed from one location to another by the use of attached wheels or by attaching an axle to existing mounts;
 - (2) An "A-frame" type sign;
 - (3) A sign affixed by pole or poles to a portable base made of wood, metal, or concrete;
 - (4) A sign suspended or attached to a stand with an inverted "T" base; and
 - (5) Any sign that the base is inserted into a sleeve mounted or driven into the ground which can be easily extracted from said sleeve by simply lifting or removing bolts.
25. *Premises* - A lot or tract, or a combination of contiguous lots or unplatted tracts if the lots or tracts or combination are under a single ownership and are reflected in the plat or deed records of Johnson County. Multi-tenant locations shall be considered as being one premises.

26. *Reader Board signs* - A sign comprised of non-permanent letters, numerals, or symbols which may be changed by adding, removing, or rearranging the letters, numerals, or symbols, either manually or electronically.
27. *Real estate sign* - A sign relating to the sale, lease, or rental of the premises upon which such a sign is placed.
28. *Roof sign* - A sign erected or maintained in whole or in part upon, against, or directly above the roof or parapet line of a building.
29. *Search light sign* - A large outdoor lighting apparatus used to attract attention to a business or a specific location.
30. *Secondary sign* - signs located on premise identifying individual uses in a mixed use multi-tenant commercial shopping center.
31. *Sign* - Any identification, description, illustration, or device illuminated or non-illuminated which is visible to the general public and directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise, or facsimile, or any emblem, painting, flag, banner, pennant, or placard designed to advertise, identify, or convey information.
32. *Street grade* - The average elevation of the projected comers of a property, adjacent to a dedicated street right-of-way or roadway easement, the elevation of the comers being measured at the top of curb, or centerline of street if no curb is present.
33. *Temporary event* - An event such as a "grand opening", or a "going out of business sale" which lasts for a period of time not to exceed 60 days.
34. *Temporary sign* - A non-permanent sign erected, affixed, or maintained on a premises for a period of time regulated by *Table 2, Schedule of Temporary Signs*.
35. *Wall sign* - A sign attached or painted directly to an exterior wall of a building or dependent upon a building for support with the exposed face of the sign located in a place substantially parallel to an exterior building wall to which it is attached or by which it is supported.
36. *Warning sign* - A sign, containing no advertising material, warning the public of the existence of danger.
37. *Window sign* - A sign attached to, placed upon, or painted on the exterior or interior of a window or door, of a building which is intended for viewing from the exterior of such building.
38. *Yard sign* - Any sign of a temporary nature other than a development, real estate, builders or construction sign, which includes the advertisement of a service of which has been performed on premise, or construction / repair that has been performed on premises.

Section 20-115, Schedule for Permanent Signs: No permanent sign shall be erected, placed, displayed or located except in accordance with the Schedule for Permanent Sign contained in Table 1.

Section 20-120, Pole and Monument Not to be Used in Combination: Pole and monument signs shall not be used in combination on the same premise. Each premise shall be permitted only one pole sign or one monument sign. A pole sign or monument sign may be used in combination with other permanent signs listed in Table 1, Schedule of Permanent Signs.

Section 20-125, Schedule for Temporary Signs: No temporary sign shall be erected, placed, displayed or located except in accordance with the Schedule for Temporary Sign contained in Table 2.

**Table 1
Schedule of Permanent Signs**

Sign Type	Permitted Districts	Permit Required	Max. Area (sq. ft.)	Height of Sign	Number of Signs	Setback	Spacing of Signs
Wall	CR, CLM	Yes	25% of wall facing street	Attached to structure and not to exceed the roof line	One sign for each business tenant, for each street frontage	—	—
Ground	CR, CLM	Yes	200 sq. ft. in CR 300 sq. ft. CLM	30' maximum height 10' from bottom of sign to ground	One for each premises, or for each street frontage	10' (any portion of the sign)	100' separation from adjacent Ground sign on each premises. Minimum of 50' on adjacent premises.
Pole	CR, CLM	Yes	200 sq. ft. in CR 300 sq. ft. CLM	30' maximum height 10' from bottom of sign to ground	One for each premises, or for each street frontage	10' (any portion of the sign)	100' separation from adjacent Pole sign on each premises. Minimum of 50' on adjacent premises.
Monument	CR, CLM	Yes	100 sq. ft. in CR 200 sq. ft. CLM	6 feet	One for each premises, or for each street frontage	10' (any portion of the sign)	No restriction
Canopy, Marquee, or Projection	CR, CLM	Yes	50% of Canopy, Marquee, or Projection	—	One for each main structure or tenant, for each street frontage	—	—
Window	CR, CLM	No	No Restrictions	—	—	—	—
Nameplate	CR, CLM	No	5 sq. ft. in CR 10 sq. ft. CLM	—	One for each main structure or tenant, for each street frontage	—	—
Roof	CR, CLM	Yes	100 sq. ft. in CR 200 sq. ft. CLM	10' from top of roof, not to exceed a total distance of 40' from ground	One for each main structure	—	—

**Table 2
Schedule of Temporary Signs**

Sign Type	Permitted Districts	Permit Required	Max. Gross Surface Area (sq. ft.)	Height of Sign	Number of Signs	Setback	Spacing of Signs	Time Limitation
Real Estate	All districts	No	Res. = 6 s.f./ea. face & 12 s.f. total surface Non-res. = 75 s.f./ea. face & 150 s.f. total surface	Res. = 5' Non-res. = 15' Measured from greater of base of sign or street grade	1 sign/premise & for lots abutting 2 or more streets, 1 sign for ea. street orientation	On premise (10' from curb or improved surface) & 15' from any point of vehicular access	No Restriction	Must be removed within 7 days of sale, lease rental
Search Light	CR, CLM	Yes	—	—	Maximum of 3 located on premise only	On premise	—	14 days max
Banner	All districts	No	No Restriction	Not to exceed height of main structure	1 sign per premise, on premise only	On premise	No Restriction	30 days max
Balloon or Inflatable	CR, CLM	Yes	—	No Restriction	Maximum of 2 located on premise only	Secured on premise	—	14 days max
Political	All districts	No	36 sq. ft. per face	Res. = 8' Non-res. = 8' Measured from greater of base of sign or street grade	No Restriction	On premise (10' from curb or improved surface) & 15' from any point of vehicular access.	No Restriction	60 days prior to the election through 72 hours after the date of the election
Portable	CR, CLM	Yes	25 s.f. / ea. face & 50 s.f. total surface	15' measured from sign base or street grade, whichever is greater	1 sign per premise located on premise only	On premise (10' from curb or improved surface) & 15' from any point of vehicular access. No off premise signs	20' in any direction from any other portable sign	30 day period, and max of 2 periods annually
Construction	All districts	No	Res. = 50 s.f./ea. face & 100 s.f. total surface Non-res. = 200 s.f./ea. face & 400 s.f. total surface	15' measured from sign base or street grade, whichever is greater	1 sign / premise. For lots abutting 2 or more streets, 1 sign for ea. street orientation. All located on premise only.	On premise (10' from curb or improved surface) & 15' from any point of vehicular access.	No Restriction	60 days prior to construction through 14 days after construction completion
Garage Sale	All residential districts	No	308 sq. in. / one face	No Restriction	1 sign / premise located on premise. 2 signs located off-premise with permission of property owner.	On premise (10' from curb or improved surface) & 15' from any point of vehicular access.	No Restriction	Sign must be removed 3 days after completion of the event

Yard	All districts	No	Res. = 6 s.f./ea. face & 12 s.f. total surface Non-res. = 15 s.f./ea. face & 32 s.f. total surface	Res. = 5' Non-res. = 8' Measured from greater of base of sign or street grade	1 sign / premise & for lots abutting 2 or more streets, 1 sign for ea. street orientation. All located on premise only.	On premise (10' from curb or improved surface) & 15' from any point of vehicular access.	No Restriction	For the duration of the activity and signs must be removed on completion of the activity.
Builder's	All districts	Annual Permit for off premises	Res. = 6 s.f./ea. face & 12 s.f. total surface Non-res. = 75 s.f./ea. face & 32 s.f. total surface	Res. = 5' Non-res. = 8' Measured from greater of base of sign or street grade	1 sign / premise located on premise. 2 signs located off-premises with permission of property owner	On premise (10' from curb or improved surface) & 15' from any point of vehicular access.	No Restriction	On premise – must be removed within 7 days of sale, lease, rental Off premise – permitted noon Fri. till noon Sunday

Section 20-130, Permanent Off-Premises Signs: Permanent off-premise signs are permitted only in CR and CLM zoning districts. The following regulations apply to all permanent off-premise signs.

1. No more than two panels or sign faces will be allowed for each sign.
2. Each panel or sign face shall not exceed 300 sq. ft. in total area.
3. No off-premise sign shall exceed the height limit as provided for in *Table 1, Permanent Signs*.
4. No off-premise sign shall exceed 60 feet in length, inclusive of border and trim.
5. Each off-premise sign shall have a minimum ground clearance of 10 feet.
6. Along Interstate Highways and Freeway Primary Highways, a sign shall not be located within 1,500 feet of another sign, on the same side of the roadway.
7. Along Non-freeway Primary Highways, a sign shall not be located within 1,000 feet of another sign, on the same side of the roadway.
8. Signs may not be located within 1,500 feet of any public park, public forest, public playground, or scenic area as designated by the State Highway Department or other governmental agency having and exercising such authority when said park area is adjacent to the highway.
9. Spacing from a residential zoning district shall be 500 linear feet for an off-premise sign.
10. All off-premise signs shall set back a minimum of 10 feet from any highway right-of-way line.
11. Illumination of off-premise signs shall be shielded upward to prevent beams or rays from being directed at any portion of a traveled roadway or an occupied residential area and shall not be of such intensity or brilliance as to cause glare or impair vision.

Section 20-135, Prohibited Signs: The following signs are absolutely prohibited within the corporate limits of the Town of Cross Timber, Texas.

1. Signs which imitate or resemble "any official traffic sign, signal or device" or using a revolving beam or beacon resembling any "emergency vehicle."
2. Signs which are erected or maintained upon trees or which are painted or drawn upon rocks or other natural features.
3. Any sign which obscures or interferes with the effectiveness of an official traffic sign, signal or device, or which obstructs or interferes with a driver's view of approaching, merging or intersecting traffic.

4. "A" Frame or Sandwich Board Signs. "A" frame or sandwich board and sidewalk, or curb signs, is prohibited
5. Banners and balloons or inflatable signs. Banners, and balloons or inflatable signs, except as a temporary sign.
6. Moving and Flashing Signs. Moving and flashing signs except for reader boards which convey a message.
7. Portable signs, except as temporary signs.
8. Signs on Parked Vehicles. Signs placed on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property. However, this does not prohibit signs placed to vehicles and trailers, that are incidental to the primary use or ownership of the vehicle or trailer as transportation.

Section 20-140, Signs Exempted from Regulation: The following signs are exempt from the provisions and regulations of *Section 20, Sign Regulations* of this Code:

1. Public Signs. Signs required by governmental bodies or specifically authorized for a public purpose by any law, statute, or ordinance. Such public signs may be of any type, number, area, height, location, or illumination as required by law, statute, or ordinance.
2. Signs on vehicles. Signs placed on or affixed to vehicles and I or trailers where the sign is incidental to the primary use of the vehicle or trailer as transportation.
3. Warning Signs. Signs warning the public of the existence of danger but containing no advertising material; to be removed within three days upon the subsidence of danger. Such warning signs may be of any type, number, area, height, location, or illumination as deemed necessary to warn the public of the existence of danger.
4. Flags. Flags of governmental entities or non-profit organizations.
5. Governmental Signs. Signs of a duly constituted governmental body, including traffic or similar regulatory devices, legal notices, warnings at railroad crossings, and other instructional or regulatory signs having to do with health, hazards, parking, swimming, dumping, etc.
6. Address Numerals. Address numerals and other signs required to be maintained by and placed in accordance with law or governmental order, rule or regulation.
7. Athletic Signs. Signs used as scoreboards in athletic stadiums.

8. Directional Signs. Signs which direct vehicles and pedestrian traffic, which may display arrows, words, or other symbols to indicate direction of facilities.
9. Directory Signs. Signs which are located in or adjacent to entrances or foyers.
10. Instructional Signs. Signs, providing no advertising of any kind, which provide direction or instruction to guide persons to facilities intended to serve the public, including but not specifically limited to the signs identifying restrooms, public telephones, public walkways, parking areas, and other similar facilities.

Section 20-145, Signs (Multi-tenant): Primary and secondary permanent signs shall be permitted on commercial shopping center sites having multi-tenants in accordance with the following regulations.

1. Primary Signs: Each commercial shopping center having multi-tenants is permitted one primary pole or monument sign identifying the shopping center and the tenants within that center. The dimensions of a primary sign shall be as follows:
 - (a). Area of Primary Signs - Pole sign maximum square feet - 200
Monument sign maximum square feet - 100.
 - (b) Height of Primary Signs - Pole sign maximum height - 30 feet.
Monument sign maximum height - 6 feet.
2. Secondary Signs: In a multi-tenant shopping center all signs in addition to the primary sign identifying the center and the tenants within that center are secondary signs. Secondary signs shall be permitted on a multi-tenant shopping center site in accordance with the following regulations:
 - (a) Separation - all pole or monument type secondary signs shall be separated by a distance of at least 100 feet.
 - (b) Number of signs - The total number of pole or monument type secondary signs shall be limited according to the table below:

Leasable Square Feet (in whole shopping center)	Number of Secondary Pole or Monument Signs
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Up to 50,000 sq. ft.	1
50,000 to 100,000 sq. ft.	2
1,000,000+ sq. ft.	3

- (c) Area of Secondary Signs - Maximum area for a secondary pole sign - 60 square feet. Maximum area for a secondary monument sign - 48 square feet.
- (d) Height of Secondary Signs -.Maximum height for a secondary pole sign- 25 feet. Maximum height for a secondary monument Sign - 6 feet.

3. Other Signs - Each tenant maybe permitted one additional sign, which will be limited to one of the following: a canopy, marquee, wall, reader board or nameplate sign meeting the requirements of *Table 1, Schedule of Permanent Signs*.

Section 20-150, Illumination: Signs may be illuminated provided that the provisions of this section are complied with.

1. Brightness Limitations: The lighting intensity of a sign, whether resulting from internal illumination or external illumination, shall not exceed 75 foot candles when measured with a standard light meter perpendicular to the face of the sign from a distance equal to the most narrow dimension of the sign.
2. Glare: Signs shall be designed, located, shielded, and directed to prevent the casting of glare or direct light from artificial illumination, upon adjacent public right-of-way and surrounding property.
3. Electrical Permit. All signs in which electrical wiring and connections are to be used shall be subject to the applicable provisions of the City's Electrical Code.

Section 20-155, Visibility Triangle: No permanent or temporary sign shall be located to block the visibility triangle as defined in the Cross Timber Subdivision Regulations.

Section 20-160, Noncommercial Messages: Any sign authorized in this ordinance is allowed to contain a noncommercial message in place of any other authorized message.

Section 20-165, Temporary Signs: Temporary signs pertaining to garage sales and name plates not exceeding four square feet in area may be permitted. Temporary signs pertaining to the sale or rental of real property are permitted. The maximum size of a real estate sales sign is sixteen (16) square feet with a maximum height of five (5) feet.

Signs for the purpose of advertising garage sales are limited to only seven (7) days of use and those advertising a political candidate or party are limited to use during the period of campaign duration. Such signs are allowed only on private premises and not permitted to be placed in public right-of-ways.

Section 20-170, Effective Date for Portable Signs: If a portable sign was leased for a term beginning before the effective date of enforcement of this section as it pertains to that sign, shall be at the termination of the lease, this ordinance applies to all other portable signs as of the effective date of this ordinance.

Section 20-175, Conversion of Portable Signs to Permanent Signs: Portable signs may be converted into permanent signs by permanently affixing the portable sign to a foundation or pole. In order to convert a portable sign, the applicant must submit a diagram indicating the structural design of the proposed permanent

sign to be reviewed by the Board of Aldermen. Any proposed converted sign must meet all the requirements of *Section 20, Sign Regulations*.

Section 20-180, Existing Signs: Any permanent sign installed and in use prior to the enactment of this ordinance will not be restricted by this ordinance so long as its location, height, basic construction, and other significant characteristics remain unchanged. Any sign which is rebuilt, relocated, modified, enlarged, extended, or altered, other than by normal maintenance to the configuration existing at the time of enactment of this ordinance, shall be regulated by this ordinance.

SECTION 21 LIGHTING AND GLARE STANDARDS

Section 21-100, Purpose: Standards for controlling lighting and glare are set forth to reduce the annoyance and inconvenience to property owners and traffic hazards to motorists. These standards are intended to allow reasonable enjoyment of adjacent and nearby property by their owners and occupants while requiring adequate levels of lighting of parking areas.

Section 21-105, Non-Residential Site Lighting and Glare Standards

1. A photometric plan is required to be submitted with all site plans for non-residential uses, which are adjacent to residential zoning or use, showing the light intensity within and around the perimeter of the site.
2. Any use shall be operated so as not to produce obnoxious and intense glare or direct illumination across the bounding property line from a visible source of illumination of such intensity as to create a nuisance or detract from the use or enjoyment of adjacent property. All outside lights shall be made up of a light source and reflector so selected that acting together, the light beam is controlled and not directed across any bounding property line. The allowable maximum intensity measured at the property line of a residential use in a residential district shall be two-tenths (0.2) foot candles. Light poles shall be placed on the site a setback equal to its height from all adjacent residential property. Wall packs shall be designed to match the building in color and shall directly shine down without spill over onto residential properties. Any alternative lighting technique may be considered on a case-by-case basis and approved by the Board of Alderman at time of site plan review.
3. All off-street parking areas for non-residential uses, which are used after dark, shall be illuminated beginning one-half ($\frac{1}{2}$) hour after sunset and continuing throughout the hours of business operation. If only a portion of a parking area is offered for use after dark, only that part is required to be illuminated in accordance with these standards. However, the portion offered for use shall be clearly designated. Lighting within the parking areas shall meet the following minimum requirements:
 - a. Intensity
 - 1) Minimum at any point on the parking area surface to be at least six-tenths (0.6) foot candles initial, and at least three-tenths (0.3) foot candles maintained or one-third ($\frac{1}{3}$) of the average, whichever is greater.
 - 2) Illumination shall not exceed an average of one (1) foot candle at ground level and shall distribute not more than two-tenths (0.2) foot candles of light upon any adjacent residentially zoned or residentially used property.
 - b. A lighting plan shall be submitted with the site plan showing the type, location, and height of fixtures which are adjacent to residential zoning or use. Light poles and fixtures shall be consistent throughout a planned

development or property platted as one project. This includes pad sites developed at various times by separate owners within a development

- c. Light source height shall fit the character of the development as approved by the Mayor or a duly authorized representative. Decisions of the Mayor or a duly authorized representative may be appealed to the Board of Alderman for a final decision. Street lights and other traffic safety lighting are exempt from this standard.
- d. Decorative lighting shall be placed in large parking lots to break up a vast area of concrete and to provide human scale lighting within the parking lot, building, and adjacent to buildings. The locations will be reviewed at the time of site plan review. Decorative building lighting shall be applicable for a means to break up a massive facade, adjacent to residential zoning or fronting on a thoroughfare.

Section 21-110, Residential Lighting and Glare Standards

Residential lighting for security and night recreation use is permitted in all residential districts provided the following requirements are met:

1. Light source height shall fit the character of the development as approved by the Mayor or a duly authorized representative. Decisions of the Mayor or a duly authorized representative may be appealed to the Board of Alderman for a final decision. Street lights and other traffic safety lighting are exempt from this standard.
2. Lighting shall not directly shine on adjacent dwellings or produce more than two-tenths (0.2) foot candles of light upon an adjacent property.

Section 21-115, Luminaries

Light sources shall be of a down-light type, indirect, diffused, or shielded type luminaries installed and maintained so as to reduce glare effect and consequent interference with use of adjacent properties and boundary streets. Bare bulbs above seventy-five (75) watts and strings of lamps are prohibited except for temporary lighting as provided in this Code.

SECTION 22 SCREENING WALL REQUIREMENTS

Section 22-100, Design: Screening walls shall be constructed of masonry material such as brick, stone, concrete panels, or similar materials consistent in material, finish, and color with the primary buildings within the development or adjacent buildings in the area. Screening walls shall be a minimum of six feet (6') in height. An eight feet (8') wall may be required on a case-by-case basis at the time of the site plan review. The wall finish shall be consistent on both sides. Alternative screening methods may be requested as part of the site plan review process and may be approved by the Board of Alderman.

Section 22-105, Location: Screening walls shall be required to be installed for the following areas:

1. Screening walls are required when a non-residential development, including religious institutions, is constructed adjacent to a single-family residential use or zoning district. The construction responsibility is with the non-residential development.
2. Screening walls are required if a single-family development is being constructed adjacent to a developed non-residential use without a screening wall in place. The single-family residential development is required to construct a screening wall in accordance with this Code.
3. Screening walls are required around refuse storage, trash compactor, and loading areas.

Section 22-110, Plans: Screening wall plans are required to be submitted to the Town for review and permitting and shall be signed and sealed by a Structural or Civil Engineer licensed by the State of Texas. All screening wall plans shall be submitted at time of Building Permit application.

Section 22-115, Maintenance: All screening walls shall be kept in good repair and shall not create urban blight. Dilapidated screening walls shall be repaired or replaced in accordance with provisions of this Code. Repairs or replacements shall match the existing material (brick, panel, stone, etc.) colors.

SECTION 23 ILLUSTRATIONS

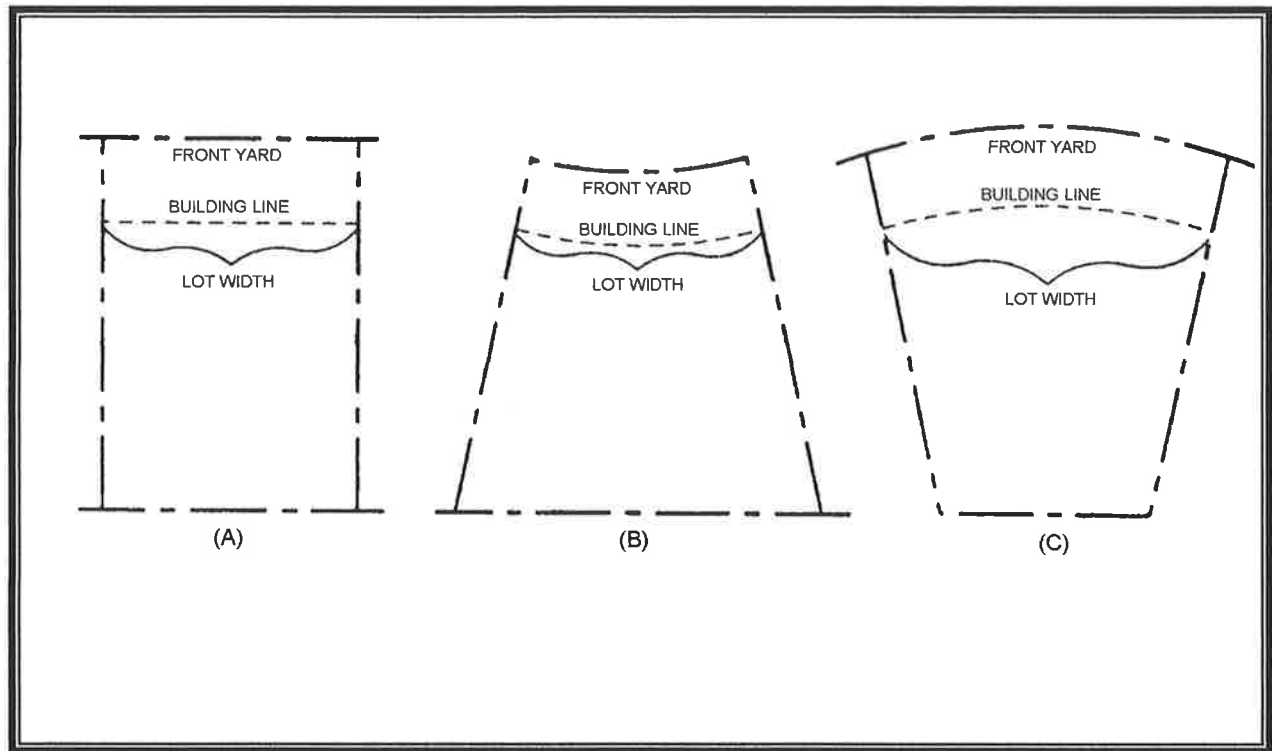


Figure 1 - Lot Width

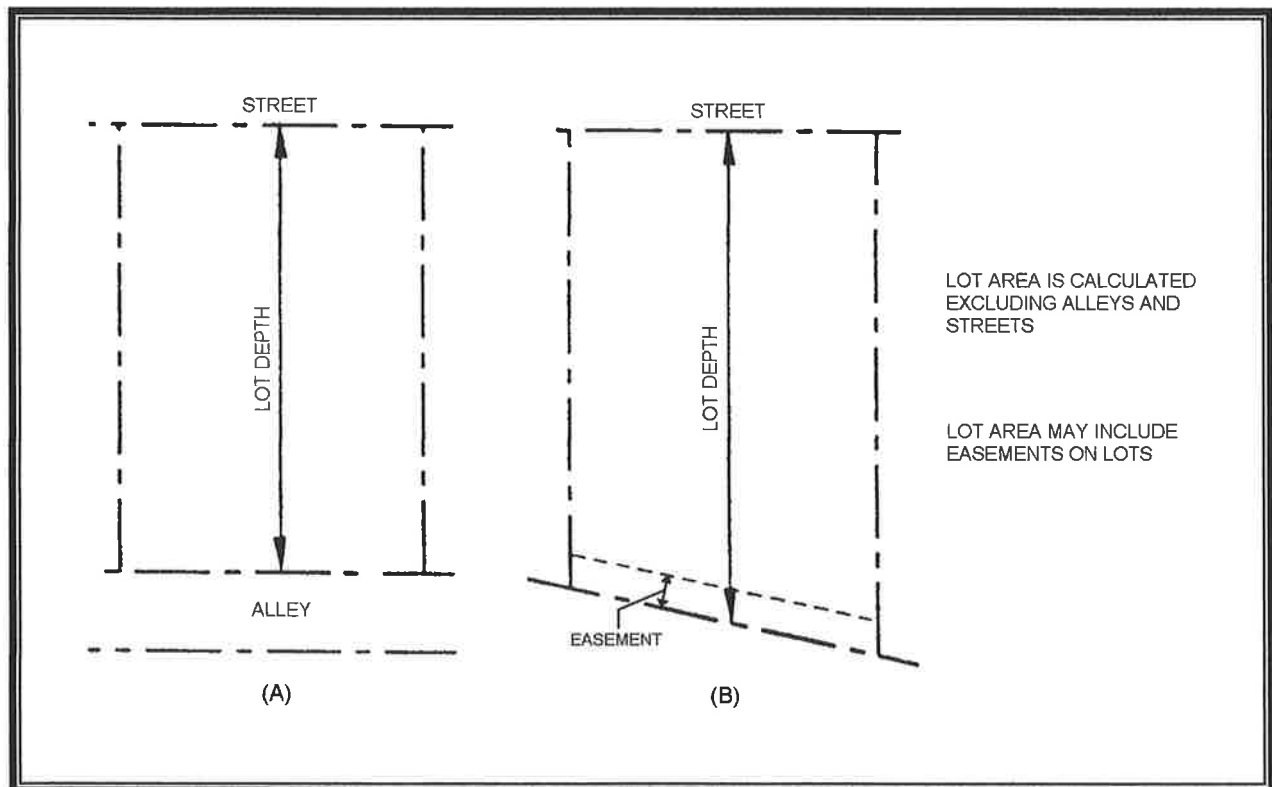


Figure 2 - Lot Area & Depth

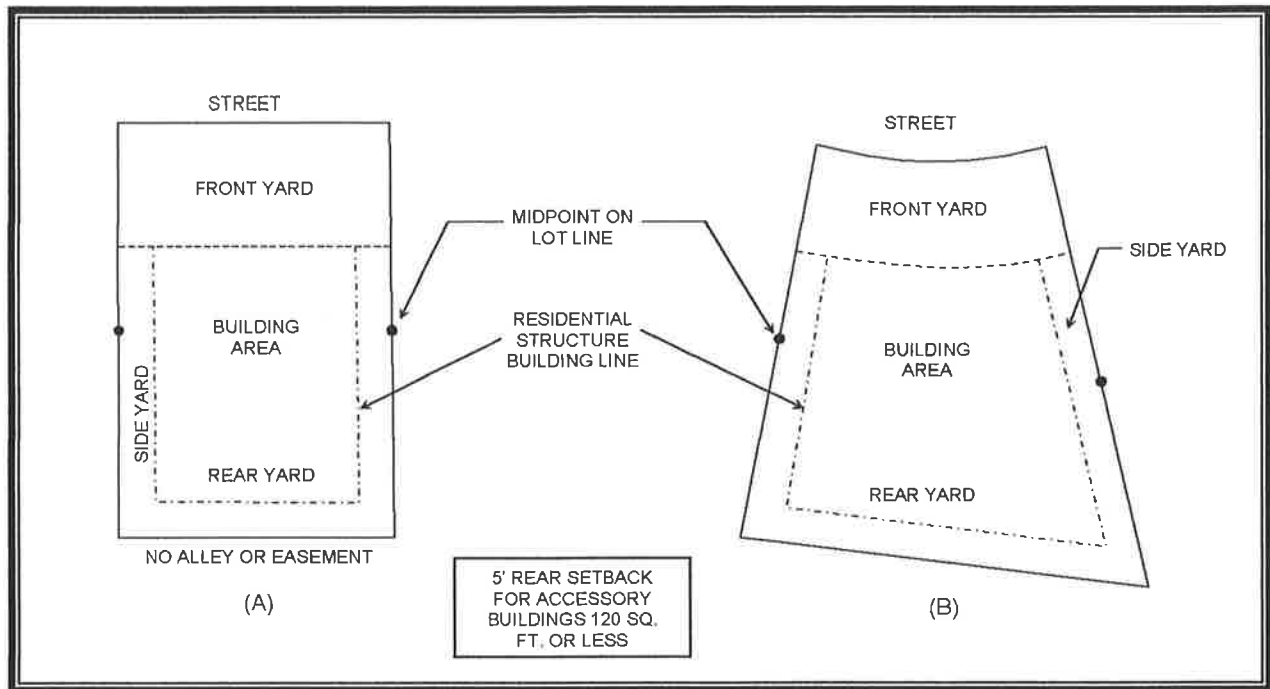


Figure 3 - Yards

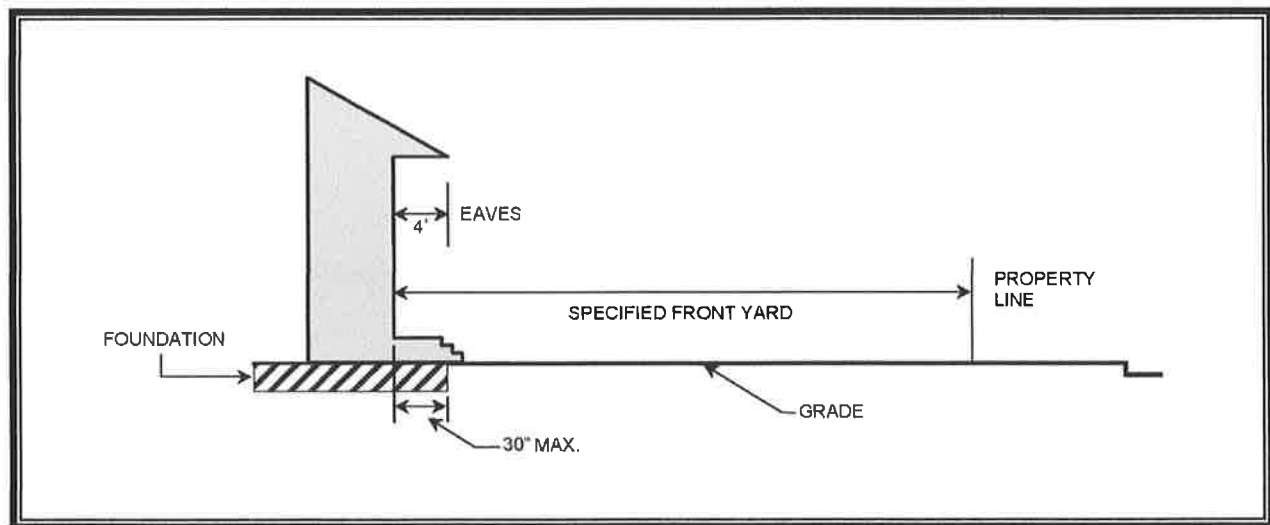


Figure 4 - Methods of Measuring Front Yards

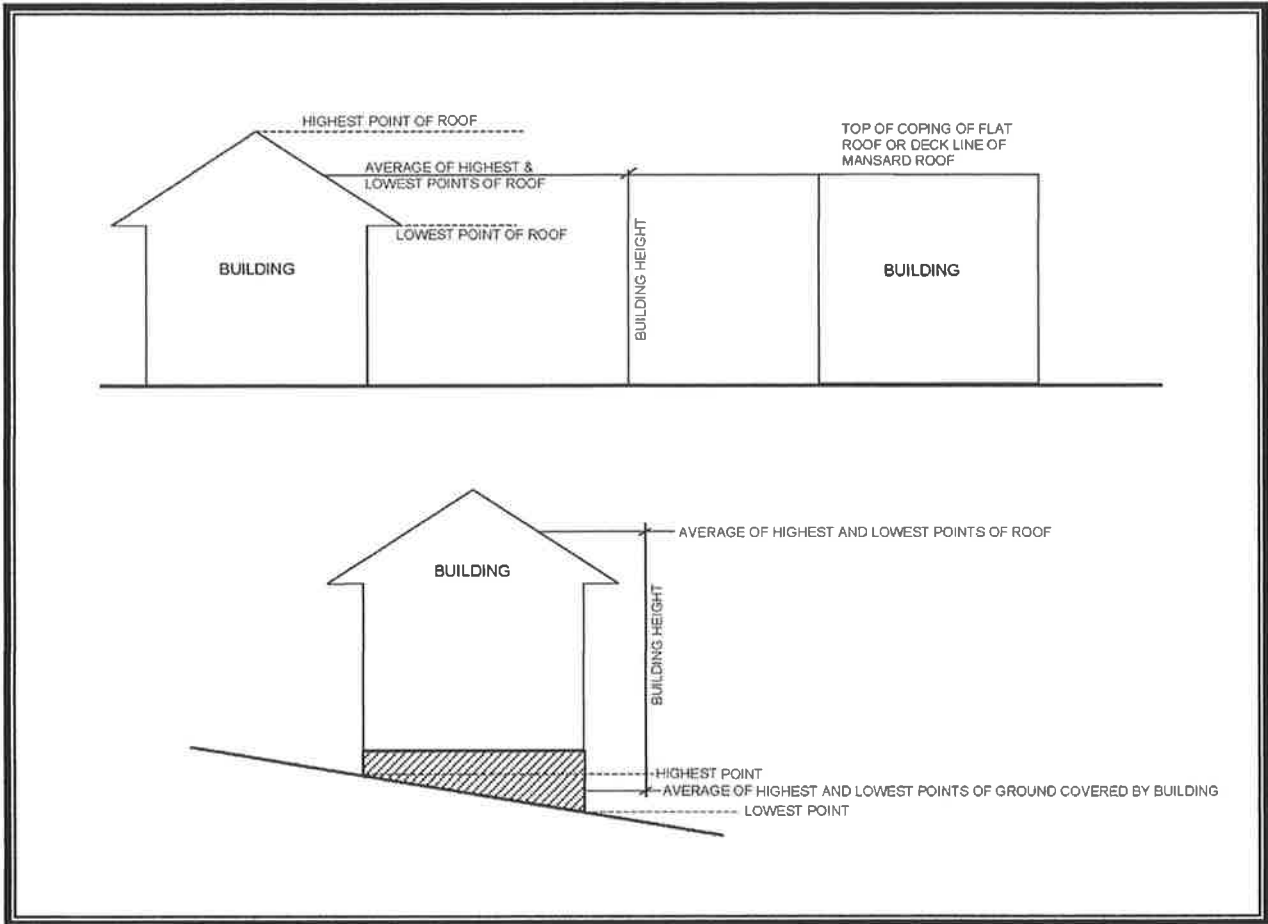


Figure 5 - Measuring Building Height

ARTICLE V - ADMINISTRATION AND ENFORCEMENT

SECTION 24 BOARD OF ADJUSTMENT

Section 24-100, Organization: A Board of Adjustment may be established and have all the powers and authority in accordance with Chapter 211 of the Texas Local Government Code. The Board of Adjustment shall consist of five (5) voting members, appointed by the Board of Aldermen. Board members shall serve two (2) year terms, with Places 1, 3 and 5 appointed in odd numbered years and Places 2 and 4 appointed in even numbered years. In addition, the Board of Aldermen may appoint up to four (4) alternates to serve in the absence of any Board member. An alternate member serves for the same period of time as a regular member.

The Board shall elect a Chairman and Vice-chairman from its members. Any member or alternate of the Board of Adjustment may be removed for just cause by the Board of Aldermen. The term "just cause" as used herein shall include and encompass three (3) unexcused absences from meetings, regular or special, of the Board of Adjustment. Vacancies shall be filled by appointment by the Board of Aldermen of a suitable person to serve out the unexpired term of any person whose place on the Board of Adjustment, either as a member or as an alternate, has become vacant for any cause. Each case before the Board of Adjustment must be heard by a minimum number of four members.

Section 24-105, Procedure: The Board of Adjustment shall adopt rules to govern its proceedings, providing, however, that such rules are not inconsistent with the terms of this ordinance. Meetings of the Board of Adjustment shall be held at the call of the Chairman (or the Vice-Chairman in the absence of the Chairman), who may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicate such fact and shall keep records of its examinations and other official actions, all of which shall be immediately placed in the files of the Board of Adjustment and kept as public record.

Section 24-110, Jurisdiction: The Board of Adjustment shall have all powers granted by and be organized and controlled by the provisions of Chapter 211 of the Texas Local Government Code and any amendments thereto. The Board of Adjustment is hereby vested with power and authority, and in appropriate cases and subject to appropriate conditions and safeguards, to make such exemptions and exceptions to the terms of this ordinance in harmony with its general purposes and intent in accordance with general or special rules herein contained for the purpose of rendering full justice and equity to the general public.

Section 24-115, Appeals to the Board of Adjustment: Any of the following persons may appeal to the Board of Adjustment a decision made by an administrative official or appointed delegate of the Board of Aldermen:

1. A person aggrieved by the decision; or
2. Any officer, department, board, or bureau of the municipality affected by the decision.

The appellant must file with the Board of Adjustment and the official from whom the appeal is taken, a notice of appeal specifying the grounds of the appeal. The appeal must be filed within fifteen (15) days time after the decision has been rendered which is being appealed. On receiving the notice, the official from whom the appeal is taken, shall immediately transmit to the Board of Adjustment all the papers constituting the record of the action that is appealed.

An appeal shall stay all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the Board of Adjustment 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 Board of Adjustment or a court of record on application, after notice to the official, if due cause is shown.

Section 24-120, Hearing: The Board of Adjustment shall set a reasonable time for the appeal hearing and shall give public notice of the hearing and due notice to the parties in interest. A party may appear at the appeal hearing in person or by agent or attorney. The Board of Adjustment shall decide the appeal within a reasonable time.

The notice provided in this section shall be given by publication in the official Town publication stating the time and place of such hearing, which shall not be earlier than ten (10) days from the day of such publication. In addition thereto, the Board of Adjustment shall mail notices of such hearing to the appellant and the owners of property lying within one thousand five hundred (1,500) feet of any point of the lot or portion thereof, on which an exception or variation is desired, and to all persons deemed by the Board of Adjustment to be affected. Such owners and persons shall be determined according to the current tax rolls of the Town. The notice may be served by its deposit, properly addressed with postage paid, in the United States mail.

Any special exceptions or variances to the zoning ordinance granted by the Board of Adjustment, shall authorize the issuance of a building permit, when a permit is required, for a period of ninety (90) days from the date of the favorable action on the part of the Board of Adjustment, unless said Board of Adjustment in its minutes shall, at the same time, grant a longer period. If a required building permit shall not have been issued within said ninety (90) day period or as the Board of Adjustment may specifically grant, the special exceptions or variances shall be deemed waived and all rights thereunder

terminated. Such termination and waiver shall be without prejudice to a subsequent appeal to said Board of Adjustment in accordance with the rules and regulations regarding appeals.

An identical appeal to the Board of Adjustment on the same piece of property shall not be allowed prior to the expiration of one (1) year from a ruling of the Board of Adjustment unless other property in the same zoned area shall have, within such one (1) year period, been altered or changed by ruling of the Board of Adjustment. In which case, such change of circumstance shall permit the allowance of an appeal but shall in no way have force in law to compel the Board of Adjustment after a hearing to grant such subsequent appeal, but such appeal shall be considered on its merits as in all other cases.

Section 24-125, Power: The Board of Adjustment shall have the following powers. When in its judgment, the public conveniences and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially or permanently injured, the Board of Adjustment may, in specific cases, after written notice of the proposed exception or variance is sent to all adjacent property owners to the property whereon the exception or variance is sought, and subject to the appropriate conditions and safeguards, authorize the following special exceptions or variances to the regulations herein established.

1. Permit a special exception when such use or development is specifically authorized under the Zoning Ordinance subject to the approval of the Board of Adjustment. In reaching its decision, the Board of Adjustment shall determine that the requested exception will establish only those uses permitted under the ordinance; that the location of proposed activities and improvements are clearly defined on the site plan filed by the applicant; that the exception will be wholly compatible with the use and permitted development of adjacent properties either as filed or subject to such requirements as the Board of Adjustment finds to be necessary to protect and maintain the stability of adjacent properties.
2. Permit the reconstruction, extension or enlargement of a non-conforming building provided such reconstruction does not prevent the return of such property to a conforming use.
3. Permit such modification of the height, yard area and parking regulations as may be necessary to secure appropriate development of a parcel of land of such restricted area and shape that it cannot be appropriately developed without modification.
4. Require the discontinuance of non-conforming uses under any plan whereby the full value of the structure can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this ordinance.

5. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by an administrative official or appointed delegate of the Board of Aldermen in the enforcement of this ordinance.
6. To hear and decide special exceptions to the terms of the ordinance upon which the Board of Adjustment is required to pass under this ordinance.
7. To authorize upon appeal in special cases, such variances from the terms of the ordinance as will not be contrary to public interest, where, due to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship, and so that the spirit of this ordinance will be observed and substantial justice done.
8. In exercising its powers, the Board of Adjustment may, in conformity with the provisions of Chapter 211 of the Texas Local Government Code, revise or reform, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made and shall have all the powers of the officer from whom the appeal is taken.

Section 24-130, Concurring Vote: The concurring vote of four (4) members of the Board of Adjustment shall be necessary to: reverse an order, requirement, decision or determination of such administrative official; to decide in favor of the application on a matter on which the Board is required to pass under this ordinance; or to authorize a variation from the terms of said ordinance.

Section 24-135, Grievances: Any person or persons, jointly or separately, aggrieved by any decision of the Board of Adjustment or any taxpayer or any officer, department or board of the municipality may present to a court of record, a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of such illegality. Such petition shall be presented to the court within ten (10) days after the placing of the decision complained of in the files of the Board of Adjustment, and not thereafter.

Section 24-140, Nonconforming Uses: It is the declared purpose of this ordinance that non-conforming uses be eliminated and be required to conform to the regulations prescribed in the preceding sections of this ordinance, having due regard for the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the designated non-conforming use and the conservation, preservation of property, and its value. The Board of Aldermen shall, from time to time, on its own motion or upon cause presented by interested property owners, inquire into the existence, continuation or maintenance of any non-conforming use within the Town.

Section 24-145, Special Exceptions: The Board of Aldermen may provide for the appointment of a Board of Adjustment and may authorize the Board of Adjustment, in appropriate cases and subject to appropriate conditions and safeguards, to make special exceptions to the terms of the zoning ordinance that are

consistent with the general purpose and intent of the ordinance and in accordance with any applicable rules contained in the ordinance. The following uses shall be permitted by Special Exception:

1. Transmitting & Receiving Antennas & Antenna Facilities (Commercial Uses) in RF, RR, and RE Districts
 - a. Must be building attached facility only and must be attached to or enclosed in an existing structure currently or last occupied by a non-residential use or attached to a pole or telephone pole, water storage tower, or other utility structure:
 - b. The antenna must not exceed ten (10) feet above the structure to which it is attached.
 - c. Must match the color of the structure power or telephone pole, water storage tower, or other utility structure to which the antenna is attached.
 - d. Any associated equipment storage building shall be screened from public view by a solid fence or wall, with landscaping for aesthetic purposes.
 - e. All driveways accessing any antenna facility site or equipment storage site shall be constructed of an asphalt or concrete surface as approved by the City Engineer.
 - f. Lights: No auxiliary or outdoor lighting shall be allowed on antennas located on residentially zoned property except such lights or lighting as may be required by the Federal Aviation Authority or the Federal Communications Commission.
 - g. No part of any antenna, or any attachment thereto may extend beyond the property lines of the owner of such antenna site.
2. Transmitting and Receiving Antennas and Antenna Facilities (Including Commercial Uses) in CR and CLM Districts
 - a. Only one antenna facility per lot of record
 - b. Antenna facility shall be limited to building attached and monopoles only.
 - c. A building attached antenna shall not extend more than 10 feet above the structure to which it is attached.
 - d. An antenna facility shall be limited to having the number and size of antennas attached to it that are allowed by the antenna facility manufacturer's designs and specifications for maximum wind load requirements.

- e. **Setback:** Antenna and antenna facilities shall not be permitted in the front or side yards. Antenna and antenna facilities shall be setback from residential districts a minimum distance equal to the height of the tower, but in no instance shall the setback be less than 100 feet from any residentially zoned district.
 - f. There shall be no minimum or maximum separation requirement for antenna facilities from other structures on the same lot of record.
 - g. There shall be a separation of 1,500 feet from other freestanding commercial antenna facilities.
 - h. **Lights:** No auxiliary or outdoor lighting shall be allowed on antennas located on residentially zoned property except such lights or lighting as may be required by the Federal Aviation Authority or the Federal Communications Commission.
 - i. No part of any antenna facility, or any attachment thereto may extend beyond the property lines of the owner of such antenna site.
3. **Satellite Receive-Only Antenna:** To receive a special exception, a satellite receive-only antenna which exceeds five meters in diameter located in any residential or nonresidential zoning district (except governmental antennas), must comply with the following requirements:
- a. A satellite receive-only antenna shall not exceed 12 feet in height; however, satellite receive-only antennas may be placed on the roof of commercial structures if screened from public view from line of sight at ground level from the property line.
 - b. **Setbacks:** Front and side: Satellite receive-only antennas shall not be permitted in front or side yards: Rear: Satellite receive-only antennas shall be permitted in rear yards provided they meet the minimum setback as required for accessory buildings in residential districts and as for all buildings in nonresidential districts.
 - c. **Separation:** There shall be no minimum or maximum separation requirements for satellite receive-only antennas from other structures on the same lot of record.
 - d. Satellite receive-only antennas shall not be permitted in easements.
 - e. **Lights:** No auxiliary or outdoor lighting shall be allowed on satellite receive-only antennas except such lights or lighting as may be required by the Federal Aviation Administration or the Federal Communications Commission.
 - f. **Construction standards:** Except for satellite receive-only antennas installed by a governmental entity, a building permit must be obtained prior to the construction and/or installation of a satellite receive-only antenna.

- g. No part of an antenna, or any attachment thereto may extend beyond the property lines of the owner of such antenna site.
- 4. Additional Residential Dwellings in RF, RR, and RE Districts
 - a. One additional residential unit per acre may be located in this district.
 - b. Additional residential units on lots must meet all city, county, and State environmental and health codes and regulations. New residential shall meet all design requirements in the RF, RE, or RR Districts.
 - c. Total residential units, including the principle residential unit shall not exceed two (2) units in the RF, RE or RR Districts.
 - d. Additional residential unit may not be used as rental property.
 - 5. Residential signs that serve as a property identifier only, may exceed four (4) square feet with approval of a Special Exception from the Board of Adjustment.

SECTION 25 COMPLETION OF EXISTING BUILDINGS

Section 25-100, Generally: Nothing herein contained shall require any change in the plans, construction, or designated use of a building actually under construction at the time of passage of this ordinance and which such entire building shall be completed within one (1) year from the passage of this ordinance. Nothing herein contained shall require any change in plan, construction, or designated use of a building for which a building permit has been heretofore issued and which entire building shall be completed within six (6) months from the date of passage of this ordinance.

SECTION 26 CONDITIONAL USES

Section 26-100, Purpose: The purpose of the Conditional Uses procedure is to allow for review of uses which would not be appropriate generally or without certain restrictions throughout a zoning district, but which, if controlled as to the number, area, location or relation to the neighborhood would promote the health, safety, and welfare of the community. The procedure is intended to allow broad public review and evaluation of the proposed development and to ensure adequate mitigation of potentially unfavorable impacts.

It is recognized that new types of land use will develop and forms of land use not anticipated may seek to locate in the town. 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 may be made.

Section 26-105, Submission Requirements and Procedure: An application for a Conditional Use Permit shall be submitted to the Mayor, along with any applicable fee required by *Section 31, Fees, Charges, and Expenses* in accordance with rules established by the Board of Aldermen prior to the next regular meeting of the Board of Aldermen. The application shall be accompanied by a statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage and amount and nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material and vibration likely to be generated and the general requirements for public utilities such as water and sanitary sewer.

The Mayor shall schedule a public hearing at the regular meeting of the Board of Aldermen and shall provide notice to property owners of real property lying within one thousand five hundred (1,500) feet of the property on which a conditional use is sought. Such notice shall be mailed to property owners no less than ten (10) days before the date set for the public hearing. Notice of the public meeting shall be posted at least seventy-two (72) hours prior to the public hearing in accordance with State law.

The Mayor shall review the application and submit a report to the Board of Aldermen. This report shall be made available to the applicant prior to the public hearing.

The Board of Aldermen shall review the application against the Review and Evaluation criteria and approve, conditionally approve, or deny the Conditional Use Application.

Section 26-110, Review and Evaluation Criteria: The Conditional Uses application shall be reviewed and evaluated using the following criteria:

1. Conformance with applicable regulations and standards established by the Zoning Ordinance.
2. Compatibility with existing or permitted uses on abutting sites in terms of building height, bulk, scale, setbacks, open spaces, landscaping and site development, and access and circulation features.
3. Potentially unfavorable effects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site by a permitted use.
4. Location, lighting, and type of signs; and relation of signs to traffic control and adverse effect on adjacent properties.
5. Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area considering existing zoning and land uses in the area.

Section 26-115, Lapse of Approval and Modifications: A conditional Use Permit shall be valid for one (1) year from the date of approval unless prior to such expiration date a building permit is issued and construction is commenced or the actual use, if not requiring a building permit, is commenced. The expiration date may be extended by the Board of Aldermen upon application.

Approval of a Conditional Use Permit automatically expires upon a change in ownership. The Board of Aldermen may grant continuance of the conditional use upon application.

Minor modifications of a Conditional Use Permit may be made if the Mayor determines such modifications will not change the intent and effect of the approval of the Board of Aldermen.

SECTION 27 BUILDING PERMITS

Section 27-100, Permit Required: Any residence, business, or accessory structure of a residence or business, requires a permit. Building permits are required to assure compliance with this ordinance and long-term viability of the ordinance. Also, it creates the opportunity to ascertain if the proposed structure is in a flood plain. This check is required by federal law.

Section 27-105, Application Submittal: All applications to the Mayor or a duly authorized representative for building permits shall be accompanied by a drawing or plat, in triplicate, showing the lot plan, the location of the building on the lot, accurate dimensions of building and lot, the location and designed dimensions of building and lot, the location and designed layout of the proposed waste disposal system and such other information as may be necessary to provide for the enforcement of these regulations. Applications for building permits for new construction shall be accompanied by a plat prepared by a licensed surveyor. A careful record of the original copy of such application and plats shall be kept in the files of the Town of Cross Timber and a duplicate copy shall be at the building at all times during construction.

Buildings must be "dried-in" and doors, windows, and locks in place within six (6) months of ground breaking when a contractor is involved or one (1) year when the building is being constructed by the owner.

SECTION 28 CERTIFICATE OF OCCUPANCY

Section 28-100, General: No non-residential building, or portion thereof, hereafter erected, converted or altered shall be used, or changed in use until a Certificate of Occupancy and Compliance shall have been issued by the Mayor or a duly authorized representative stating that the building, or portion thereof, or the proposed use of land or building complies with the provisions of this section and other building regulations. Failure to comply with the provisions of this section shall constitute a basis to deny or disconnect Town utilities or to require private utility companies to do likewise.

Section 28-105, Application; A Certificate of Occupancy and Compliance shall be applied for and coincident with the application for a building permit and will be issued before occupancy and connection of utilities to such building, provided such construction or change has been made in complete conformity to the provisions of this section and other building regulations.

Section 28-110, Record Keeping: A record of all Certificates of Occupancy shall be maintained on file in the office of the Town Secretary or Mayor or a duly authorized representative and copies shall be furnished upon written request to any person having a proprietary or tenancy in interest in the building or land affected.

Section 28-115, Change: Whenever a change of occupancy from one non-conforming use to another non-conforming use is proposed, an application for a Certificate of Occupancy shall be made to the Mayor or a duly authorized representative.

SECTION 29 VIOLATION AND PENALTIES

Section 29-100, Violations: Any person, firm, association of persons, corporation, or other organization who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance, shall be fined an amount not to exceed \$2,000.00 for each offense. Each day that a violation exists shall constitute a separate offense. The penalty should not be construed as exclusive, and the Town hereby provides that any other remedy available to it, in law or in equity, is not intended to be, and is not, foreclosed by the provision of such penalty.

Section 29-105, Administrator: The provisions of this ordinance shall be administered by the Mayor or a duly authorized representative. The Board of Aldermen or any duly authorized person shall have the right to enter upon any premises at any reasonable time for the purpose of making inspection of buildings, or premises necessary to carry out the enforcement of this ordinance.

SECTION 30 INJUNCTION

Section 30-100, Generally: The Town shall have and retain the right for injunctive relief against any person, firm, association of persons, corporation or other organization who is in the process of or about to violate any section, paragraph or part of this ordinance, such right for injunctive relief shall exist independent of the other penalty provisions of this ordinance and not in lieu thereof. The right of injunctive relief is essential to the Town that it maintain an orderly and properly planned control over all land uses thus protecting the health, morals, safety and well being of the citizens and halting any attempt by any person, firm, or corporation to inflict temporary or permanent injury on the general public by a failure to comply with the terms of this ordinance.

SECTION 31 FEES, CHARGES, AND EXPENSES

Section 31-100, Generally: The Board of Aldermen shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, certificate of occupancy and zoning compliance, appeals, and other matters pertaining to this ordinance. The schedule of fees shall be available from the Town secretary or the Mayor and may be altered or amended only by the Board of Aldermen.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

SECTION 32 VALIDITY

Section 32-100, Generally: Should any section, clause or provision of this ordinance be declared by a Court to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

If any court of competent jurisdiction shall judge invalid the application of any provision of these regulations to a particular property, such judgment shall not affect the application of said provision to any other property not specifically included in said judgement.

This zoning ordinance replaces and repeals any prior zoning ordinance.

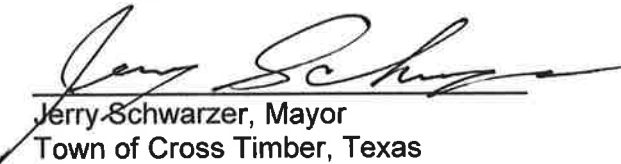
SECTION 33 REAPPLICATION

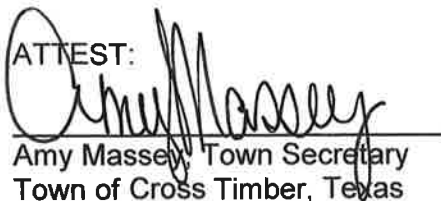
Section 33-100, Limitation of Reapplication: In order that zoning may promote the stability and well being of the community and offer certainty to the citizens of the Town of Cross Timber with respect to the use and development of property, the following requirements shall govern the filing of reapplication for zoning changes. When the Board of Aldermen and/or Board of Adjustment has denied a proposal with prejudice, or when the applicant has withdrawn his proposal, no reapplication requesting the same zoning classification shall be accepted by the Town or scheduled for hearing by the Board of Aldermen and/or Board of Adjustment within a period of twelve (12) months of the Board's denial with prejudice or applicant's withdrawal. Provided, however, on receipt of a request stating how conditions have changed substantially within the community since the prior denial with prejudice or withdrawal, the Board of Aldermen and/or Board of Adjustment may waive the mandatory delay period and authorize the acceptance of a new application.

SECTION 34 EFFECTIVE DATE

Section 34-100, Generally: This ordinance shall be effective and be in full force and effect immediately upon its passage and publication as by law provided.

ADOPTED AND APPROVED this the 31st day of January, 2018.


Jerry Schwarzer, Mayor
Town of Cross Timber, Texas

ATTEST:

Amy Massey, Town Secretary
Town of Cross Timber, Texas