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ORDINANCE NO. 87-11
ZONING ORDINANCE

AN ORDINANCE OF THE CITY OF ALEDO, TEXAS, ESTABLISHING AND PROVIDING FOR ZONING REGULATIONS; CREATING USE DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN; REGULATING WITHIN SUCH DISTRICTS THE HEIGHT OF BUILDINGS SIZE OF YARDS, COURTS AND , OPEN SPACES, THE HEIGHT, BULK AND USE OF BUILDINGS AND LAND; FIXING THE MINIMUM FLOOR AREA FOR BUILDINGS; SPECIFYING THE MINIMUM REQUIREMENTS FOR OFF-STREET PARKING OF VEHICLES; REGULATING THE DENSITY OF DWELLINGS AND OTHER STRUCTURES; PROVIDING THAT SUCH BUILDINGS AND STRUCTURES OR APPURTENANCES COMPLY WITH THE APPROPRIATE BUILDING,ELECTRICAL, AND MECHANICAL CODES ADOPTED BY THE CITY; ADOPTING A ZONING DISTRICT MAP AND MAKING IT A PART OF THIS ORDINANCE;CREATING A PLANNING AND ZONING COMMISSION,CREATING A BOARD OF ADJUSTMENT AND DEFINING POWERS AND DUTIES; PROVIDING A PENALTY FOR VIOLATION; PROVIDING FOR NON-CONFORMING USES AND A METHOD FOR DISCONTINUANCE THEREOF; PROVIDING A METHOD FOR AMENDING THE ORDINANCE, AND CONTAINING A SAVING CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED (\$200) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, under the laws of the State of Texas, authority is conferred upon the City of Aledo to establish zoning districts within the City for the purpose of regulating the use of land and controlling the density of population to the end that congestion may be lessened in the public streets, and the public health, safety, convenience and general welfare promoted; and,
WHEREAS, the Planning and Zoning Commission after lengthy

study did recommend that a Joint hearing be held by the Commission and the City Council concerning revisions to the Zoning Ordinance; and, WHEREAS, pursuant to such recommendations, a joint public hearing was held on November 10, 1987, after written notice was mailed to all owners of real property as their names appeared on the list approved tax rolls, at least fifteen (15) days before the date set for the hearing in accordance with Article 1011e, Texas Revised Civil Statutes, and notice published in a newspaper of general circulation in the City of Aledo, at least fifteen (15) days prior to such hearing date, in accordance with Article 1011d, Texas Revised Civil Statutes.

WHEREAS, the Planning and Zoning Commission, after the public hearing, reviewed all testimony and requests, and presented to the City Council the Zoning Ordinance in final form recommending its adoption;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALEDO, TEXAS:

ARTICLE 1.0 ENACTING CLAUSE

That Ordinance No. 45 Of the City of Aledo, Texas, together with all amendments thereto, is hereby amended in its entirety to read as follows:

ARTICLE 2.0 SHORT TITLE

This Ordinance shall be known as and cited as “The City of Aledo Zoning Ordinance”

ARTICLE 3.0 PURPOSE

The Zoning Regulations and Districts as established herein have been made in accordance with a Comprehensive Plan for the purpose of promoting the health, safety, morals, and general welfare of the City. They have been designed to lessen the congestion in the streets, to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of the land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public facilities and requirements. They have been made with reasonable consideration, among other things, for the character of the district, and its individual suitability for the particular uses specified; and with a view of conserving the value of buildings and encouraging the most appropriate uses of the land throughout the City, consistent with the Comprehensive Plan.

ARTICLE 4.0 ZONING DISTRICTS ESTABLISHED

For the purposes of this Ordinance, the City is hereby divided into eleven (11) Districts as follows:

District	R1	Single Family Residential
District	R2	Single Family Residential
District	R3	Medium Density Residential
District	MH	Mobile Home Park-Medium Density
District	C1	Local Retail
District	C2	General Business
District	C3	Central Business District
District	M1	Light Industry
District	M2	Heavy Industry
District	PD	Planned Development
District	AG	Agriculture

- R1 - Single Family Residential: provides for residential use and one-family detached dwelling units on lots containing a minimum of 10,000 square feet.
- R2 - Single Family Residential: provides for residential uses and one—family detached units on lots containing a minimum of 7,500 square feet.
- R3 - Duplex Residential: provides for residential uses and for two (2) single family units attached.
- MH - Mobile Home Park. A unified development of mobile home spaces arranged on a tract of land.
- C1 - Local Retail: allows limited retail uses near residential areas for purposes of supplying day-to-day retail needs of their residents
- C2 - General Business: permits a wide variety of retail, commercial, and office uses which serve the City and surrounding area.
- C3 - Central Business District; allows a mix of businesses in the central portion of the City.

- M1 - Light Industry: permits light manufacturing and industrial uses that are predominantly clean in nature, have their operations conducted wholly within buildings, fire more compatible with surrounding uses than heavy industry or manufacturing uses, and do not emit noxious odors, noises, dust, glare, smoke, or vibrations. (See Article 8.17)
- M2 - Heavy Industry: provides for the location of land uses which emit odors, glare, noises, dust, and vibrations which are least compatible with other uses. (See Article 8.17)
- PD - Planned Development: provides flexibility in planning and development through a combination of uses, including the arrangement, for sizes, and common open spaces as exceptions to the normal development standards, based on a final approved site plan.
- AG - Agriculture: provide for the location of a wide variety of agricultural uses, including farming, ranching, and rural residences.

4.1 Zoning District Map

The location and boundaries of the districts established here in are shown on the Official Zoning Map, which is hereby incorporated into this Ordinance. Said Zoning Map, together with all notations, references, and other information shown thereon and all amendments thereto, shall be as much a part of this Ordinance as if fully set forth and described herein. Said Zoning Map, properly attested, is on file in the office of the City Secretary; one (1) copy shall be maintained in the office of the City Secretary. One (1) copy shall be considered the original record and shall not be changed in any way.

One (1) copy shall be filed with the Building Inspector or official responsible for issuance of Building Permits, and shall be maintained up—to—date by posting all changes and subsequent amendments thereon for observation in issuing Building Permits, Certificates of Occupancy and Compliance, and enforcing the Zoning Ordinance.

Reproductions of the Official Zoning Map may be made from time to time for information purposes.

4.2 Planning and Zoning Commission

The governing body of the City of Aledo shall appoint a Planning and Zoning Commission of not less than five (5) nor more than seven (7) member's. Where a Zoning Commission already exists, the governing body may appoint them as the Planning and Zoning Commission. All powers and responsibilities of the Zoning Commission shall inure to the Planning and Zoning Commission when appointed as such. The duties of the Commission shall cover studying the growth and development of the City, with a Comprehensive Plan development as the primary responsibility for said Commission. The Comprehensive Plan so developed shall be recommended to the City Council as the development plan for the City.

Terms of Office

The term of office shall be two (2) years, the terms shall be staggered. The initial term, shall be places one (1) , three (3) , five (5) and seven (7) for two years and places two (2), four (4) and six (6) for one year. The appointments shall begin on May 1 of each year.

Vacancy

Should a vacancy occur, the City Council shall appoint a member to fulfill the unexpired term of the member leaving the Commission.

Organization

There shall be a Chairman and a Vice Chairman of the Commission. The Chairman shall be elected by the majority of the members of the Commission, as shall the Vice Chairman.

Meetings

There shall be monthly meetings of the Planning and Zoning

Commission, with additional called meetings as necessary to carry out the work of the Commission. A quorum shall be necessary to carry on any business before the Commission requiring a vote. A simple majority vote will satisfy the requirement for affirmative voting on any issue, except for votes on zoning changes upon which twenty percent (20%) of the affected property owners have raised an objection in writing to the Commission. The affirmative vote of the Commission for this issue shall be three—fourths of the Commission rather than a simple majority.

ARTICLE 5.0 ZONING DISTRICT BOUNDARIES

The District Boundary Lines shown on the Zoning District Map are usually along streets, alleys, property lines, or extensions thereof. Where uncertainty exists as to the boundaries of the district as shown on the Official Zoning Map, the following rules shall apply:

- 5.1 Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be determined to follow such centerlines.
- 5.2 Boundaries indicated as approximately following platted to lines shall be determined as following such lines.
- 5.3 Boundaries indicated as approximately following city limits lines shall be determined as following such city limits lines.
- 5.4 Boundaries indicated a following railroad lines shall be determined to be the centerline of the right-of-way or if no centerline is established, the boundary shall be interpreted to be midway between the right-of-way lines.
- 5.5 Boundaries indicated as parallel to or extensions of features indicated in 5.1 through 5.4 above shall be so determined. Distances not specifically indicated on the original. Zoning Map shall be determined from the graphic scale on such Map.
- 5.6 Boundaries following physical features such as a shoreline, and such physical feature shoud change, the boundary shall be determined to change with the physical feature. Boundaries indicated as approximately following the centerline of streams, rivers, lakes or other bodies of water shall be determined as Following such centerlines.

- 5.7 Whenever any street, alley, or other public way is vacated by the City Council by official action, or whenever such area is franchised for building purposes, the Zoning District line adjoining each side of such street, alley or other public way shall be automatically extended to the centerline of such vacated street, alley or other public way, and all area so involved shall then and henceforth be subject to all the restrictions of the extended districts.

ARTICLE 6.0 TEMPORARY ZONING - ANNEXED
TERRITORY

All territory hereafter annexed to the City of Aledo shall be temporarily classified as AG, Agriculture district, until permanent zoning is established by the City Council of the City of Aledo, Texas.

- 6.1 The City Council or petitioners for annexation may request alternative zoning classification in an area being considered for annexation. In any area being considered for annexation, the Council and the Planning and Zoning Commission may hold public hearings on annexation and zoning simultaneously, and the Council may approve the zoning of newly annexed area at the time of annexation.
- 6.2 In an area classified as “AG”, Agriculture district:
- a. No person shall erect, construct, or proceed or continue with the erection or construction of any building or structure or add to any building or structure or cause the same to be done in any newly annexed territory to the City of Aledo without first applying for and obtaining from the Building Inspector Building Permits or Certificate of Occupancy.
 - b. No permit for construction of a building or structure or use of land shall be issued by the Building Inspector without the prior approval of building plans.

ARTICLE 7.0 COMPLIANCE REQUIRED

All land, buildings structures or appurtenances thereon within the City of Aledo, Texas, which are hereafter occupied, used, erected, altered, removed, demolished, or converted shall be used, removed, placed or erected in conformance with the Zoning District in which such land or building or use is located as hereinafter provided and provided that such buildings, structures and appurtenances comply with the appropriate building, electrical and mechanical codes adopted by the City of Aledo.

8.2 EDUCATIONAL, INSTITUTIONAL, SPECIAL USES

	R1	R2	R3	MH	C1	C2	C3	M1	M2	PD	AG
Art Gallery/Museum (7)	-	-	-	-	X	X	X	-	-	-	-
Cemetery/Mausoleum	-	-	-	-	X	X	-	S	S	-	-
Church/Rectory (8)	-	S	S	-	X	X	X	-	-	-	-
College/University (9)	-	-	X	X	X	X	-	S	S	S	-
Community Center/Public (10)	X	X	X	X	X	X	X	X	-	S	-
Day Camp (11)	-	-	-	-	X	X	-	S	S	X	-
Day Nursery/Kindergarten (12)	-	-	-	-	X	X	-	-	-	-	-
Fairground/Exhibition Area	-	-	-	-	X	X	-	S	S	S	-
Fraternal Organization											
Lodge or Civic Club (124)	-	-	-	-	X	X	-	-	-	-	-
Home for Care of Alcoholic											
Narcotic or Psychiatric											
Patients (13)	-	-	-	-	-	X	-	S	S	S	-
Hospital (General Acute Care) (14)	-	-	-	-	-	X	-	S	S	S	-
Hospital (Chronic Care) (15)	-	-	-	-	-	X	-	S	S	S	-
Institutions of Religious											
or Philanthropic Nature	-	-	-	-	X	X	X	S	-	S	-
Library (Public)	-	-	X	-	X	X	X	-	-	X	-
Nursing Home or Residence											
for the Aged (16)	-	-	X	-	X	X	-	S	-	S	-
Park, Playground or Public											
Community Center	X	X	X	X	X	X	X	S	S	X	-
School , Private Primary											
or Secondary	-	-	-	-	X	X	-	-	-	-	-
School, Public or											
Denominational (17)	-	-	-	-	X	X	-	S	S	S	-
School/Business or Trade (18)	-	-	-	-	X	X	-	S	S	S	-

8.3 UTILITY, ACCESSORY AND INCIDENTAL USES

	R1	R2	R3	MH	C1	C2	C3	M1	M2	PD	AG
Accessory Building (19)	X	X	X	X	X	X	-	X	X	X	X
Community Center (private)	-	-	X	X	X	X	-	S	-	X	-
Electrical Generating Station	-	-	-	-	-	S	-	X	X	X	X
Electrical Substation	-	-	-	-	-	S	-	X	X	X	X
Electrical Transmission Line	X	X	X	X	X	X	X	X	X	X	X
Field or Construction											
Office (Temporary)											
BY PERMIT ONLY (20)	-	-	-	-	-	-	-	-	-	-	-
Fire Station or Similar											
Public Safety Building	X	X	X	X	X	X	X	X	X	X	X
Home Occupation (21)	X	X	X	X	-	-	-	-	-	X	-
Gas Transmission Line											
And Metering Station	X	X	X	X	X	X	X	X	X	X	X
Local Utility											
Distribution Lines (22)	X	X	X	X	X	X	X	X	X	X	-
Off-street Parking											
Incidental to Main Use (23)	X	X	X	X	X	X	X	X	X	X	-
Private Utility Shop											
or Storage	X	X	X	X	X	X	X	X	X	X	-
Public Building, Shop or											
Yard of a Government											
Agency (24)	-	-	-	-	-	-	-	X	X	-	-
Radio or Television											
Micro-wave Tower (25)	-	-	-	-	-	-	-	X	X	-	-
Sewage Treatment Plant	-	-	-	-	-	-	-	-	X	X	-
Swimming Pool (private)	X	X	X	X	-	-	-	-	-	X	-
Telephone Business Office	-	-	-	-	X	X	X	S	S	X	-
Telephone Line and Exchange,											
Switching or Relay Station (26)	X	X	X	X	X	X	X	X	X	X	-
Water Reservoir, Water											
Pumping Station or Well	X	X	X	X	X	X	X	X	X	X	-
Water Treatment Plant	-	-	-	-	-	-	-	-	X	X	-

8.4 RECREATIONAL AND ENTERTAINMENT USES

	R1	R2	R3	MH	C1	C2	C3	M1	M2	PD	AG
Amusement, Commercial (Outdoor) (27)	-	-	-	-	X	X	-	X	X	-	-
Amusement, Commercial (Indoor) (28)	-	-	-	-	X	S	S	-	-	-	-
Country Club (Private) with Golf Course (29)	X	X	X	-	-	-	-	-	-	X	-
Golf Course (Public) (30)	X	X	X	-	-	-	-	-	-	X	-
Golf Course (commercial) (31)	X	X	X	-	-	-	-	-	-	X	-
Park or Public Playground (32)	X	X	X	X	X	X	X	S	S	X	-
Playfield (Public) (33)	X	X	X	X	X	X	X	S	S	X	-
Private Club (125)	-	-	-	-	X	S	-	-	-	S	-
Stable, Private Club (34)	-	-	-	-	-	-	-	-	-	-	X
Stable, Commercial, Rental (35)	-	-	-	-	-	-	-	-	-	-	X
Stable, Boarding (36)	-	-	-	-	-	-	-	-	-	-	X
Swim or Tennis Club (37)	X	X	X	-	-	-	-	-	-	X	-
Theater, Indoor	-	-	-	-	X	S	S	-	-	-	-

8.5 TRANSPORTATION RELATED USES

	R1	R2	R3	MH	C1	C2	C3	M1	M2	PD	AG
Airport Landing Field (38)	-	-	-	-	-	-	-	-	-	-	-
Bus Station or Terminal	-	-	-	-	X	X	-	X	X	X	
Hauling or Storage Company	-	-	-	-	-	-	-	X	X	-	-
Motor Freight Terminal	-	-	-	-	-	-	-	X	X	-	-
Railroad Freight Terminal	-	-	-	-	-	-	-	X	X	-	-
Railroad Passenger Station	-	-	-	-	-	-	X	X	X	-	-
Railroad Track or Right-of-Way (39)	-	-	-	-	-	-	-	-	X	-	-
Railroad Team Track (40)	-	-	-	-	-	-	-	X	X	-	-
Parking Lot, Truck	-	-	-	-	-	-	-	X	X	-	-
Parking Lot or Structure, Commercial (41)	-	-	-	-	-	-	X	-	-	X	-
Heliports (38)	-	-	-	-	-	-	-	X	X	X	X

8.6 RETAIL & SERVICE TYPE USES

	R1	R2	R3	MH	C1	C2	C3	M1	M2	PD	AG
Antique Shop (43)	-	-	-	-	X	X	X	X	-	X	-
Bakery or Confectionery Shop (Retail)	-	-	-	-	X	X	X	-	-	X	-
Cafeteria	-	-	-	-	X	X	X	-	-	X	-
Cleaning and Pressing Small Shop and Pickup (44)	-	-	-	-	X	X	X	-	-	X	-
Customer Personal Service Shop (45)	-	-	-	-	X	X	X	-	-	X	-
Drapery, Needlework or Weaving Shop	-	-	-	-	X	X	X	-	-	X	-
Florist or Garden Shop	-	-	-	-	X	X	X	-	-	X	-
Greenhouse Plants or Nursery Stock (Retail)	-	-	-	-	X	X	X	-	-	X	X
Household Appliance Repair	-	-	-	-	X	X	X	-	-	X	-
Laundry or Cleaning/Self Service	-	-	-	-	X	X	X	-	-	X	-
Mimeograph, Stationery or Letter Shop	-	-	-	-	X	X	X	-	-	X	-
Mortuary or Funeral Home	-	-	-	-	X	X	X	-	-	X	-
Offices, Professional and Administrative	-	-	-	-	X	X	X	-	-	X	-
Pawn Shop	-	-	-	-	S	S	-	-	-	-	-
Studio for Photographer, Musician, Artist or Health	-	-	-	-	S	S	-	-	-	-	-
Second Hand Store, Used Furniture or Rummage Sale	-	-	-	-	S	S	-	-	-	-	-
Alcoholic Beverage Sales	-	-	-	-	X	X	X	X	X	X	-
Small Hand Tool and Hand Carried Equipment (Indoors)	-	-	-	-		X	X	-	-	X	-
Fruit Stand	-	-	-	-	X	X	X	-	-	X	X
Optical Shops	-	-	-	-	X	X	X	-	-	X	-
Travel Agencies	-	-	-	-	X	X	X	-	-	X	-

8.8 COMMERCIAL TYPE USES

	R1	R2	R3	MH	C1	C2	C3	M1	M2	PD	AG
Bakery (Wholesale)	-	-	-	-	S	S	-	X	X	-	-
Building Materials Sale	-	-	-	-	X	X	-	X	X	X	-
Building Material Sales (no outside storage)	-	-	-		X	X	X	X	X	X	X
Cabinet and Upholstery Shop	-	-	-	-	-	-	-	X	X	-	
Cleaning Plant, Bags or Carpets (Special Equipment)	-	-	-	-	-	-	-	X	X	-	-
Clothing Manufacture or Light Compounding or Fabrication	-	-	-	-	S	S	-	X	X	-	-
Contractors Shop and Storage Yard	-	-	-	-	-	-	-	X	X	-	-
Engine and Motor Repair Shop	-	-	-	-	-	-	-	X	X	-	-
Feed Store	-	-	-	-	X	X	X	X	-	X	-
Heavy Machinery Sales and Storage	-	-	-	-	-	-	-	X	X	-	-
Job Printing or Newspaper Printing	-	-	-	-	-			X	X	-	-
Laundry Plant (Commercial)	-	-	-	-	-	-	-	X	X	-	-
Milk Depot, Dairy or Ice Cream Plant	-	-	-	-	-	-	-	X	X	-	-
Paint Shop (retail only)	-	-	-	-	X	X	X	-	-	X	-
Petroleum Products Storage Wholesale	-	-	-	-	-	-	-	-	X	-	-
Plumbing Shop (no outside storage)	-	-	-	-	X	X	X	-	-	X	-
Scientific or research Labs	-	-	-	-	-	-	-	X	-	-	-
Storage/Sale of Furniture or Appliances Outside Building	-	-	-	-	-	-	-	X	X	-	-
Storage and Sales Warehouse	-	-	-	-	-	-	-	X	X	-	-
Transfer, Storage and Baggage Terminal	-	-	-	-	-	-	-	X	X	-	-
Cleaning and Dyeing Plant Commercial	-	-	-	-	-	-	-	X	X	-	-
Mini-Warehouse	-	-	-	-	-	-	-	S	S	-	-
Heavy Construction Equipment Rental	-	-	-	-	-	-	-	X	X	-	-

8.10 MISCELLANEOUS USES

	R1	R2	R3	MH	C1	C2	C3	M1	M2	PD	AG
Pet Shop, Small Animals and Related; No Outside Runs	-	-	-	-	X	X	X	-	-	X	-
Pet Shop as Above, With Outside Runs	-	-	-	-	-	-	-	X	X	-	-
Barber Shop	-	-	-	-	X	X	X	-	-	X	-
Beauty Shop	-	-	-	-	X	X	X	-	-	X	-
Banks/Savings & Loan Association	-	-	-	-	X	X	X	-	-	X	-
Food Processing	-	-	-	-	-	-	-	S	X	-	-
Medical/Dental Offices and Clinics	-	-	-	-	X	X	X	-	-	X	-
Restaurant with Drive-in Service (46)	-	-	-	-	X	X	-	-	-	-	-
Non Drive-in Restaurant with Outside Sales Window (46)	-	-	-	-	X	X	-	-	-	-	-
Non Drive-in Restaurant w/o Outside Sales	-	-	-	-	X	X	X	-	-	-	-
Lift-Station (Sewage)	X	X	X	X	X	X	X	X	X	X	X
Lab; Medical or Dental	-	-	-	-	X	X	X	X	X	X	-
Rodeo	-	-	-	-	-	-	-	-	-	-	X
Household Appliance Sales with minor repairs (inside store)	-	-	-	-	X	X	X	-	-	X	-
Snack and Sandwich Shop	-	-	-	-	X	X	X	-	-	X	-

8.11 AUTO REPAIRS, SERVICE AND ACCESSORIES

	R1	R2	R3	MH	C1	C2	C3	M1	M2	PD	AG
General Repairs (Garage--Auto)	-	-	-	-	X	X	-	X	X	-	-
Brake and Alignment	-	-	-	-	X	X	-	X	X	-	-
Tune-up, Ignition, Carburetion	-	-	-	-	X	X	-	X	X	-	-
Mufflers, Shock Absorbers	-	-	-	-	X	X	-	X	X	-	-
Upholstery, Tops, Fabric, Carpet, Seat Covers	-	-	-	-	-	-	-	X	X	-	-
Tires, Batteries and Accessories	-	-	-	-	X	X	-	X	X	-	-
Used Car/Truck Dealership, No repair	-	-	-	-	X	-	-	X	X	-	-
Paint and Body Repair Shop	-	-	-	-	-	-	-	X	X	-	-
Enclosed Auto Storage	-	-	-	-	-	-	-	X	X	-	-
Tire Retreading/Recapping	-	-	-	-	-	-	-	-	X	-	-
Wrecking/Salvage Operation	-	-	-	-	-	-	-	-	X	-	-
Mfg-/Assembly of Auto/Trucks (New)	-	-	-	-	-	-	-	-	X	-	-
Re-Bldg- of Auto Parts (Engine, Trans, Etc-)	-	-	-	-	-	-	-	X	X	-	-
New Accessories and/or Parts Sales (Retail Only)	-	-	-	-	X	X	-	-	-	-	-
New Accessories and/or Parts Sales (Wholesale); No instillation	-	-	-	-	-	-	-	X	X	-	-
Gasoline Service Station gasoline sales only (no outside storage) (with repair and outside storage-screening)	-	-	-	-	X	X	-	X	X	-	-
Car Wash - Primary Use	-	-	-	-	X	X	-	-	-	-	-
New/Used Auto Parts Retail or Wholesale (Inside Storage only)	-	-	-	-	X	X	-	-	-	-	-
New Auto/Truck Authorized Dealer (Sales, service, repair Installation)-	-	-	-	-	X	-	-	-	-	-	-

8.12 CLASSIFICATION OF NEW AND UNLISTED USES

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

In order to provide

for such changes and contingencies, a determination as to the appropriate classification of new or unlisted forms of land use shall be made as follows:

- a. The Building Inspector shall refer the question of any new or unlisted use to the Planning and Zoning Commission requesting an interpretation as to the zoning classification into which such use should be placed. The referral of the use question 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, amount or 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 sewerage.
- b. The Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning districts or district within which such use should be permitted.

8.13 PERFORMANCE STANDARDS

All uses in all districts shall conform in operation, location and construction to the performance standards specified herein for noise, odorous matter, toxic and noxious matter and glare.

All uses in the C2, M1, M2 or PD zoning districts shall conform in operation, location and construction standards specified herein for noise, glare, odorous matter, toxic and noxious matter, smoke, particulate matter and other air contaminants, fire and explosive or hazardous materials, vibration, open storage, planting, waste materials and sanitation.

a. Noise.

At no point at the bounding property line of any use in the C2, M1, or PD Zoning Districts shall the sound pressure level of any operation or plant exceed the decibel limits specified in the Octave Band groups designated in the following table:

Octave									
Band(cps)	37	75	150	300	600	1200	2400	4800	A
Scale	–	75	150	300	600	1200	2400	4800	9600
Decibel Band									
Limit									
(db re 0.0002									
microbar)	86	76	70	65	63	58	55	53	65

Note: "A" scale levels are provided for monitoring purposes only and are not applicable to detailed sound analysis.

* Daytime shall refer to the hours between sunrise and sunset on any given day.

** Bounding Property Line shall be interpreted as being at the far side of any street, alley, stream or other permanently dedicated open space from the noise source when such open space exists between the property line of such noise source and adjacent property. When no such open space exists, the common line between two parcels of property shall be interpreted as being the bounding property line.

When noise is present at night time, subtract seven decibels (-7 db). When noise contains strong pure tone changes 10 decibels or more per second, subtract (-7 db) . When noise is present for not more than:

1/2 minute in any 1/2 hour period

1 minute in any 1 hour period

10 minutes in any 2 hour period = add (10db).

20 minutes in any 4 hour period

Measurement of Noise shall be made with a sound level meter or Octave band analyzer meeting the standards prescribed by the American Standards Association.

b. Smoke and Particulate Matter.

No operation or use in a "C2" "M1" or "PD" zoning district shall cause, create or allow the emissions of more than three minutes in any hour of air contaminants which at the emission point or within the property are:

1. As dark or darker than the shade designated as No. 2 on the Ringleman Chart as published by the United States Bureau of Mines Information Circular 7118.

2. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke or contaminants in the standard prescribed in "1" above except that when the presence of uncombined Water is the only reason for failure to comply or when such contaminants are emitted inside a building which prevents their escape into the outside atmospheres, the standards in "1" above shall not apply.
 3. The emissions of particulate matter from all sources in a "C2", "M1", of "PD" zoning district shall not exceed 0.5 pounds per acre of property within the plant site per any hour.
 4. The open storage and open processing operations, including on-site transportation movements which are the source of wind or airborne dust or other particulate matter, or which involves dust or other particulate air contaminant generating equipment such as used in paint spraying, grain handling, sand or gravel processing or storage, or sand blasting, shall be so conducted that dust and other particulate matter so generated is not transported across the boundary line of the tract on which the use is located in concentrations exceeding four (4) grains per one thousand (1000) cubic feet of air.
- c. Odorous Matter.
1. No use shall be located or operated in a "C2", "M1", or "PD" zoning district which involves the emission of odorous matter from a source of operation where the odorous matter exceeds the odor threshold at the bounding property line or any point beyond the tract on which such use or operation is located.
 2. The odor threshold as herein set forth shall be determined by observation by a person or persons. In any

case, where uncertainty may arise or where the operator or owner of an odor emitting use may disagree with the enforcing officer or where specific measurement of odor concentration is required, the method and procedures as specified by the American Society for Testing Materials ASTM D 1.391-57 entitled "Standard Method for Measurement of Odor in Atmospheres" shall be used and ASTM D 1391-57 is hereby incorporated by reference.

d. Fire and Explosive Materials.

- 1 . No use involving the manufacture or storage of compounds or products which decompose by detonation shall be permitted in a "C2", "M1", or "PD" zoning district except that chlorates, nitrates, perchlorates, phosphorous and similar substances and compounds in small quantities for use by industry, school laboratories, druggists or wholesaler's may be permitted when approved by the Fire Department of the City of Aledo.

e. Toxic and Noxious Matter.

No operation or use permitted in a "C2", "MI", or "PD" zoning district shall emit a concentration across the bounding property line of the tract on which such operation or use is located of toxic or noxious matter which will exceed ten (10) percent of the concentration (exposure) considered as the threshold limit for an industrial worker as such standards are set forth by the Texas State Department of Health in Threshold Limit Values Occupational Health Regulation No. 3. A copy of which shall be maintained on file in the office of the Building Inspector of the City of Aledo.

f. Vibrations.

No operation or use in a "C2", "M1", or "PD" zoning district shall at any time create earth born vibration which,

when measured at the bounding property line of the source of operation, shall exceed the limits of displacement set forth in the following table in the frequency ranges specified:

DISPLACEMENT IN INCHES	
0 to 10	.0010
10 to 20	.0008
20 to 30	.0005
30 to 40	.0004
40 & over	.0003

g. Open Storage.

1. No open storage of materials or commodities shall be permitted in a "C2", "M1", or "PD" zoning district except as an accessory use to a main use which is located in a building. No open storage operation shall be located in front of a main building and no storage use shall constitute a wrecking yard, junk or salvage yard, except when such is approved with development and operation standards as a Special Exception with a permit. All open storage areas shall be screened from view of the public by a fence wall (minimum height of eight (8) feet), and shrubs, trees or other landscaping as approved by the Building Inspector.
2. No open storage of materials or equipment shall be permitted in a "C2" district except as an accessory use to a main use which is located in a building. No open storage operation or refuse disposal containers shall be located in the front of the main building and no storage use shall constitute a wrecking, junk or salvage yard, except when such is approved with development and operation standards as a Special Exception with a

permit. All open storage areas and refuse disposal containers shall be screened from view of the public by a fence or wall (minimum height of eight (8) feet) , and shrubs, trees or other landscaping as approved by the Building Inspector; and no open storage shall extend above the specified screening fence or wall.

h. Glare.

No use or operation in the "C2" "M1", or "PD" zoning districts shall be located or conducted so as to produce intense glare or direct illumination across the bounding property line from a visible source of illumination nor shall any such light be of such intensity as to create a nuisance or distract from the the use and enjoyment of adjacent property.

Performance Standards for "M2" District

- a. Noise. Same as 8.17a above except for:
- b. Smoke and Particulate Matter.

Same as 8.17b above except for:

The emission of particulate matter from all sources in the "M2" zoning district shall not exceed 1.0 pounds per acre of property within the plant site per any one hour.

- c. Odorous Matter. No use shall be located or operated in the "M2" zoning district which involves the emission of odorous matter from a source of operation where the odorous matter exceeds a concentration at the bounding property line or any point beyond which, when diluted with an equal volume of odor free air, exceeds the odor threshold (2 odor units) .

8.14 PD, PLANNED DEVELOPMENT DISTRICTS PERMITTED

The City Council of the City of Aledo, after public hearing and proper notice to all parties affected and after recommendation from the Planning and Zoning Commission, may authorize the creation of the following types of Planned Development Districts:

1. Shopping Centers on tracts of Five (5) acres or more.
2. Housing Development on tracts of Five (5) acres or more.
3. Industrial Parks or Districts on tracts of twenty (20) acres of more.
4. Medical Center or Hospital Facilities.
5. Civic Center or Community Center.
6. Office Center.
7. Recreation Center.
8. A combination of any of the developments listed in 1 to 7 above.
9. Transition Districts as an extension of an existing district whereby the provisions of off-street parking, screening walls, and open space planting would create a protective transition between a lesser and a more restrictive district.
10. Prior to beginning development within a Planned Development District established in accordance with this section, the Council shall require a Comprehensive Site Plan of the development. Such Site Plan shall be submitted to the

Planning and Zoning Commission for review and recommendation to the Council prior to approval by the Council. Such Site Plan shall be approved and filed as part of the Ordinance prior to the issuance of any Building Permit in a Planned Development District.

Every PD District approved under the provisions of this Ordinance shall be considered as an amendment to the Ordinance as applicable to the property involved. In approving the PD District, the City Council may impose such conditions relative to the standards of development and such conditions shall be complied with before a Certificate of Occupancy is issued for the use of the land or any structure which is part of the PD District and such conditions 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.

11. All PD Districts approved in accordance with the provisions of this Ordinance in its original form or subsequent amendments thereto shall be referenced on the Zoning District Map and a list of such Planned Development Districts together with the category of uses permitted therein shall be maintained in tile Appendix of this Ordinance.
12. A public hearing may be held on any Site Plan required as a condition of a PD District when such plan is submitted or whenever significant changes are proposed in such plan and a public hearing shall be subject to the same procedure of legal notice as is specified for amending the Zoning Ordinance.
13. Site Plan Requirements:

The Site Plain submitted in support of a request for Site

Plan approval shall contain sufficient data showing the characteristics of the site, changes in those characteristics as may be proposed by the development, how the development will relate to public services and facilities, and what protection features are included to insure that the development will be compatible with existing and allowable development on adjacent property. The Site Plan shall show at least the following items of information:

- a. The land area included within the site, the land area of all abutting sites and the zoning classification thereof, all public and private rights-of-way and easements bounding and intersecting the site and the abutting sites which are proposed to be continued, created, relocated and/or abandoned;
- b. The proposed finished grade of the site and its relation to elevations of adjacent sites if pertinent, shown on a contour interval of not less than two (2) feet;
- c. A description of the proposed site and the boundaries thereof;
- d. The location of each existing and each proposed structure on the site, the specific category of use or uses to be contained therein, the number of stories, building elevations and color schemes, gross floor area, type of exterior construction material, and the location of entrances and exits to the buildings;
- e. The location and width of all curb cuts and driving lanes;
- f. The dimensions and capacities of parking areas and loading areas, and the character and location of illumination facilities for same;

- g. All pedestrian walks, malls, and open space areas used by tenants of the public;
- h. The location and height of all walls, fences, arid screen planting and landscaping;
- i. The location, size, height, foot candle power and orientation of all lighting and signs;
- j. The types of surfacing such a paving, turfing or gravel to be used at the various locations;
- k. The location of fire hydrants and fire lanes;
- l. Location and screening of garbage containers, air conditioners and outside storage or display;
- m. A schedule of the phasing of all improvements in the plan including buildings.

14. Revocation of Site Plan Approval:

Approval of a Site Plan may be revoked or modified, after notice and hearing, for either of the following reasons:

- a. Approval was obtained or extended by fraud or deception;
- b. That one or more of the conditions imposed by the Council on the Site Plan have not been met or have been violated.
- c. If development is not started within three (3) years after approval and there is apparently no intent to do so, Council shall then hold a public hearing after due notice and determining whether or not the land shall be returned to its prior zoning classification.

15. Development Controls on Site Plan:

- a. Minimum development requirements shall apply to the height and yard regulations of the most restrictive district in which the approved use or uses are allowed, provided, however, that the City Council may grant less restrictive requirements in order to maximize compatibilities and development quality.
- b. A "PD" District shall have a minimum site area of not less than five (5) acres under unified control.
- c. Unless approved and indicated on the Site Plan, the sign regulations in the most restrictive district in which the approved use or uses are allowed shall be followed.
- d. The parking requirements of the Zoning Ordinance shall apply to all uses in the "PD" District unless otherwise approved and specified on the Site Plan.

8.15 FENCE REGULATIONS

No fence, wall of fence type structure shall be erected, placed, or altered in any residential district unless such fence, wall, or structure is permitted by the City and is in conformance with the following standards:

- a. Any fence or wall erected on the property line and located to the rear of the minimum required front yard line as determined by this Ordinance, shall not exceed eight (8) feet in height above the adjacent grade.
- b. No fence or wall other than a decorative fence not exceeding three (3) feet in height above the curb grade shall be erected between the front property line and the minimum required front yard line.
- c. In all street intersections clear vision shall be maintained across the lot for a distance of fifteen (15) feet back from the property corner along both streets.
- d. A screening wall or view obscuring fence not less than eight (8) feet in height shall be erected, separating residential uses from nonresidential uses.
- e. In a nonresidential district where parking spaces for motor vehicles for nonresidential buildings is provided adjacent to a residential district, a screening wall or landscaped visual barrier shall be provided along the boundary of the parking area.
- f. In all districts which permit open storage, a screening wall of fence shall be provided not less than eight (8) feet in height, along boundaries of residential districts.
- g. All wrecking yards and salvage yards shall surround all open storage areas with an opaque screening wall or fence not less than eight (8) feet in height.

8.16 LANDSCAPING REQUIREMENTS

(Excluding R-1 and R-3)

- a. Objective. The objective of this section is to improve business, industries, and surrounding neighborhoods and thereby promote the general welfare by providing for the installation and maintenance of landscaping for screening and other public benefits.
- b. Planned Development Districts. This section shall be a minimum standard and shall apply to all zoning districts, except residential, unless landscape standards have been established as a separate Ordinance.
- c. Landscape Plans
 1. Plan. Prior to the issuance of any occupancy permit, there shall be submitted to the Building Inspector or his representative for his approval, a landscape plan drawn to a scale large enough to adequately show the details of the plan. The drawings shall consist of plan and elevation views plus detailed plans of special structural elements such as walls, fountains, raised planters, berms, and the like.
 2. Specifications. Accompanying the plan will be a set of specifications which will include the following:
 - (a) Common and scientific names of all plant materials.
 - (b) Size and quality of plant materials.
 - (c) Bed preparation procedure and required materials.
 - (d) Specifications for developing all supporting structural elements.

d. Definitions

1. Landscaping.

It shall consist of any of the following or combination of same: material such as, but not limited to, grass, ground covers, shrubs, vines, hedges, or trees; and non-living structural material commonly used in landscaping, such as, but not limited to, rocks, pebbles, sand, walls, fountains, or fences, but excluding paving.

2. Trees.

Trees shall be defined as self-supporting woody plants of species which normally grow to an overall height of fifteen (15) feet in Parker County.

3. Shrubs.

Shrubs required in this Ordinance shall be self--supporting, woody, evergreen species as normally will grow in Parker County.

e. Minimum Landscape Requirements

1. A minimum of five percent 5% of the entire area not covered by buildings and not a part of the right-of-way shall be subject to landscaping requirements.
2. Each modular area of land 50 feet by 50 feet not covered by buildings shall contain 150 square feet (minimum) of area subject to landscape requirements. These modules collectively make up the five percent (5%) total. Rear areas not open to view may be approved for deletion.
3. Parking areas visible from the street shall be broken up with vertical landscaping and shown on the landscaping plan. A minimum of five percent (5%) of the total property area shall be landscaped between the building and all street right-of-way lines.

4. **Sight Lines.** When a driveway intersects a public right-of-way or when the property abuts the intersection of two or more rights-of-way, all landscaping within sight triangular areas shall provide unobstructed cross-visibility. Landscaping except required grass or ground cover shall not be located closer than three (3) feet from the edge of any driveway pavement.
5. The area between the property line and the street curb shall be included on the landscape plan, and shall be maintained by the abutting property owner.

f. **Plant Requirements**

1. **Trees.**

The minimum size planted shall be two (2) inch diameter measured at a height five (5) feet above the ground. The builder shall be responsible for planting within the areas from the front of the building to the front property line of one tree for each twenty-five (25) feet of street frontage, or one tree per each 50 by 50 foot module, whichever is greater. The trees may be planted within the street right-of-way when approved by the Building Inspector. An exception may be granted where large turf areas exist and grouping of trees is desirable. Plants not considered trees but grown to tree form (example: Crepe Myrtle, Ligustrum, etc.) which can be substituted for trees shall be a minimum of six (6) feet in height at the time of planting.

2. **Screen Plantings.**

Plantings that are to serve as a living screen shall be a minimum of four (4) feet in height with a minimum spacing of five (5) feet apart.

3. **Shrubs.**

These materials shall be no smaller than those normally available in one gallon containers and where used for

continuous hedge effect shall be spaced so as to meet over a two-year period.

4. Ground Cover Plants.

No minimum size is required but the planting is to be done so as to develop full coverage within eighteen (18) months. It is realized that a large variance is possible, so normal or standard nursery planting practices shall be the guide.

- g. Structural requirements. All structural elements in the landscaping plan are to support the living landscape development and not to take the place of same. Each element will be judged on its individual merits by the Building Inspector. Structural elements will be defined as walks, walls, fountains, etc., and will also include artificial plants, gravel, and various surface treatments.
- h. Establishment. Landscape improvements shall be developed prior to the issuance of the Certificate of Occupancy and it shall be the responsibility of the owner or his agent to maintain the landscape in a healthy living condition and free from all plants not in the plan. All landscaped areas shall be provided with a readily available supply of water supply with at least one (1) outlet located within 100 feet of all plant materials to be maintained.
- i. Regulations Enforced. The Building inspector shall enforce all applicable aspects of this section of the Ordinance. Builders, developers, and others who do not comply with the provisions of this section shall have their occupancy certificate withheld until such violation is corrected and inspection shall indicate same.

8.17 C3 COMMERCIAL DISTRICT

a. Purpose

This district is a special commercial category encompassing that area historically identified as the central business district of the City. It is specifically designed and envisioned to preserve the image, appearance and heritage of the City of Aledo. It provides a series of architectural guidelines designed to preserve the existing visual image of the main downtown area while providing a uniform set of standards for retail shopping facilities and general commercial activities. Special parking regulations providing for the payment of fees in lieu of individual space provisions are applicable to this district to assist in preserving the unique appearance and motif of this area. This district may be assigned a "PD" plan development suffix in order to provide greater physical design flexibility to accommodate site features and site design review options to ensure compatibility to adjoining districts. It is expressly intended that no residential dwelling be erected in this commercial and that existing dwellings remain on as legal nonconforming uses.

b. Use Regulations

In the "C3" commercial district, no residential buildings will be erected; however, residential used existing at the time of the passage of this ordinance will remain as legal non-conforming uses under the provisions of article 8.1. In the "C3" commercial district, no buildings or land use shall be used and no building shall be hereafter erected, reconstructed, altered or enlarged, unless otherwise provided in this ordinance, except for one or more of the uses reflected as permitted uses in Section 8.2 through 8.15 of the Ordinance.

c. Architectural Restrictions

No building or structure shall be erected in the "C3" zone and no structure shall be reconstructed, renovated, enlarged or altered unless said structures as constructed or modified conform to the following standards:

1. To the maximum extent possible, structures should possess an exterior surface composed of natural stone or natural stone combined with natural timber. Structures should reflect an exterior appearance equivalent to that reflected in existing commercial structures located in the 200 block of North Front Street.
2. Buildings and structures in this zoning category shall have exterior surfaces conforming to earth tone color patterns.
3. Buildings of structures in this zoning district shall not reflect an exterior surface displaying aluminum, plastic and/or vinyl siding, shall not be of concrete tiltwall construction and shall not present the exterior appearance of an exposed metal building.
4. Whenever possible, structures in this district shall utilize covered sidewalks and shall be encouraged to develop balconies which conform in architectural style and motif to the theme of the district.
5. Signage with the "C3" commercial district shall be nonelectric and shall reflect basic earthtone coloration. Signage may be externally illuminated for nighttime visibility but will not be fluorescent or internally illuminated. Plastic signs Prohibited.
6. Supporting architectural features of accessories such as street lighting, street furniture, address lettering, sign supports, etc. will be designed in a manner and of materials consistent with the design character of this area.

d. Construction Permit Design Review Committee

In the "C3" commercial district, no building or structure shall be erected, modified, reconstructed or altered unless and until a Central Business District Construction Permit is issued by the City Building Inspector. All permit applications for construction within this zone shall be submitted to the office of Building Inspector in a manner and form comparable to submissions for other commercial construction projects with the corporate limits of the City of Aledo, Texas.

Once the Building Inspector has completed his review of the construction applications and supporting plans and has determined that the use of the land as proposed in the construction application is in conformance with basic use restrictions of the Municipal Zoning Ordinance, the Inspector shall prepare recommendation recommending approval of the permit or denial of the permit on the basis of its apparent compliance with appropriate construction codes.

The permit application together with the recommendation of the Inspector shall be submitted to a Central Business District Construction Review Committee for approval. The committee shall consist of five members appointed by the City Council each to serve a term of two years. The Central Business District Constructions Review Committee shall meet once a month or in the alternative, whenever a construction permit requiring their review has been submitted to the City for processing. The purpose of this committee is to review the exterior features, construction type and materials of each structure proposed for construction, enlargement, modification, remodeling or renovation within the "C3" district. It is to ensure that the exterior facade of all structures to be erected within this zone conform to the concept and design intent of this zoning district.

Upon receipt of each construction permit application and the

recommendation of the Building Inspector on said application, the committee shall hold a public meeting at the Aledo City Hall in conformance with the Texas Open Meetings Act. The committee will review each application for the specific purpose of evaluating the proposed projects in conformance with terms and conditions applicable to construction in the "C3" zone. At the conclusion of its review and discussion, the committee will vote to approve or disapprove the construction application. In the event that the committee disapproves any application, it will provide the applicant with a written explanation of the grounds for the denial within five (5) working days following the meeting of the committee.

Any party aggrieved by the decision of the Central Business District Construction Review Committee shall have the right to appeal the decision of said committee to the Aledo Board of Alderman by filing a written notice of protest with the City Secretary within ten (10) days following the decision of the committee. The written notice filed by the party protesting shall identify the specific permit application number, the date upon which the committee met to review the proposed construction permit and shall state the basis of the objection to the decision of the committee.

Upon receipt of such written protest, the City Secretary shall prepare all material presented to the Committee in relation to that specific application, together with the minutes of the committee meeting in question and copies of all reports received by the committee or correspondence generated to or from the committee concerning said application. The City Secretary shall then forward same to the members of the Aledo Board of Alderman. At the next regular meeting of the Aledo Board of Alderman, the protest or the committee's action shall be scheduled for hearing. At that hearing the party protesting the decision of the committee shall be given an opportunity to fully present his objections in connection with the committee's action. At this time all other parties desiring to address the

Board shall be given a opportunity to present their views regarding the action of said committee. At the conclusion of this hearing, the Board of Alderman shall affirm, reverse or modify the decision of the committee. All parties who have appeared and expressed an interest in the preceding will be provided with written notice or the Board of Alderman's decision with five (5) working days following the hearing.

e. Height and Area Requirements

In the "C3" commercial district, the height of buildings, the minimum dimensions of yards and other supporting height and area regulation shall be as defined in articles 10.0, 11.0, 11.1 and 11.2.

f. Parking Restrictions

In the "C3" commercial district, off-street parking, loading and maneuvering areas shall be mandatory as provided in articles 12.0, 12.1, 12.2, 12.3 and 12.4 of this ordinance. All land uses in this district shall be required to provide mandatory off-street parking spaces in conformance with requirements place upon comparable land uses in other zoning districts. Property within the "C3" commercial district, may satisfy this requirement in one of two manners.

Property or land uses within the "C3" zoning district may choose to provide mandatory off-street parking, loading and maneuvering areas within the lot or site occupied by that land use. Due to the inherent character and design motif of the "C3" zone, it is often unfeasible to provide mandatory off-street parking on site. It remains necessary to provide off-street parking in order to make the area a viable commercial location. To accommodate the blend of design requirements envisioned in tile "C3" zone and, yet at the same time, to support them with necessary and appropriate vehicular parking, the City of Aledo will permit the payment of fees in lieu of on-site parking.

1. Fee Structure.

The City of Aledo has evaluated the cost of acquiring land area within the "C3" zoning district boundaries. The City has evaluated the cost of installing a paved all-weather surface on such parking areas and properly marking it with appropriate signage and traffic control devices. Cost estimates have been based on acquiring off-street parking sites of at least one acre in size. Secondly, the City has determined the number of usable off-street parking spaces within each available parking area and by mathematical calculation has determined the cost of providing each individual space. The City has determined that it will cost \$650.00 to provide one off-street parking space.

2. Establishment of a Parking Fee Fund.

The Board of Alderman of the City of Aledo have determined that a separate account designated "The City of Aledo Parking Escrow Fund" should be established as a repository for any funds collected under this parking requirement. Funds collected as a payment in lieu of provision of off-street parking facilities shall be deposited in this fund. Money collected under this program may be used only for the purpose of acquiring and developing off-street parking facilities within the "C3" zoning district. Any interest earned by the deposit of these funds in a financial institution may also be used only for the purpose of acquiring or developing parking facilities within the "C3" zoning district.

3. Selection of Parking Options.

At the time that an applicant for a construction permit within the "C3" zone submits his construction permit application for review by the Building Inspector and the

Central Business District Review Committee, he or she shall select the manner in which they will satisfy the off-street parking requirement. In the event that, the applicant desires to provide the mandatory off-street parking on site, a plot plan will be submitted with construction application reflecting the location, size and construction standards of the proposed off-street parking. If these proposals conform to the requirements of the Municipal Zoning Ordinance and city construction standards, the off-street parking requirement will be satisfied.

In the alternative, the applicant may reflect upon his construction permit application that he or she may desire to satisfy the off-street parking requirement by the payment of fees in lieu of on-site parking space construction. During the processing of the initial construction permit application and plans, the Building Inspector will review the Municipal Zoning Ordinance and determine the number of off-street parking spaces required for the project as proposed. The Inspector will reflect in his report and recommendation to the Central Business District Construction Review Committee the number of off-street parking spaces to be provided. The Building Inspector will advise the permit applicant of the number of spaces to be provided in writing prior to the hearing before the Central Business District Construction Review Committee.

If the applicant's construction plans are approved by the Central Business District Construction Review Committee or by appeal to the Board of Aldermen, the applicant will be required to deposit the entire off-street parking fee with the City Secretary prior to the final issuance of the construction permit. The payment of this fee by the applicant will fully satisfy all off-street parking requirements to be imposed upon that construction project or land use.

4. Construction of Public Parking.

The City of Aledo will conduct an analysis and inventory of the "C3" zone to identify appropriate sites for the provisions of off-street parking. At such time as it shall deem appropriate, the Board of Aldermen of the City of Aledo will direct the acquisition and development of the identified off-street parking areas. The City of Aledo will make every effort to ensure that off-street parking facilities are available prior to the occupancy of structures within the "C3" zone, or that occupants have paid the parking fee as an alternate on-site parking. In the event that the City should determine that it is necessary and appropriate to construct off-street parking facilities within the "C3" zone prior to the payment of fees under the terms and conditions of this ordinance, the Board of Aldermen may utilize general fund accounts. Any money expended for this purpose from the general fund will be strictly accounted for and a certificate of expenditure for the acquisition or development of parking will be prepared by the City Secretary and approved by the Mayor's signature.

At such time as fees are paid for off-street parking provisions by permit applicants within the "C3" zone, the Board of Aldermen may hold a public hearing for the purpose of considering reimbursement of the general fund for parking acquisition and development expenditures previously made. At said public hearing the Board of Aldermen will review the certificate reflecting the expenditure of general fund monies for the purpose of developing public off-street parking within the "C3" zone. At the conclusion of public comment and Board of Aldermen discussion, the Board may direct the transfer of money from the parking fund to the general fund, provided that said amount shall be equal to or less than the amount previously expended from the general fund for the purpose of providing parking facilities.

ARTICLE 9.0 DEFINITIONS IN USE REGULATIONS

The following definitions and explanatory notes supplement, restrict and define the meaning and intent of the use regulations as set forth in the use schedule 8.1 through 8.14 inclusive.

- (1) **Single-Family Dwelling - detached**
A dwelling designed and constructed for occupancy by one family and located on a lot or separate building tract and having no physical connection to a building located on any other lot or tract and occupied by one family.
- (2) **Townhouse**
A single-family attached dwelling which is joined to another dwelling at one or more sides by a party wall or abutting separate wall and which is designed for occupancy by one family and is located on a platted separate lot, delineated by front, rear and side lot lines.
- (3) **Two-Family Dwelling (duplex)**
A single structure designed and constructed with two (2) living units under a single roof for occupancy by two families.
- (4) **Community Unit Development**
An area of three (3) acres or more of unsubdivided land or the frontage on one side street between two intersecting streets planned as a single integral residential development which may contain variable types of housing with yard setback and open space standards differing from the district in which it is located but which observes the overall density standards set forth in such district. Where the overall density standards are proposed to vary from those of the district in which the community unit development is located, the development should be handled as a Planned Unit Development.

- (5) **Boarding House or Rooming House.**
A building, other than a hotel, where lodging and/or meals for three or more persons are provided for compensation.

- (6) **Hotel or Motel.**
A building or group of buildings designed and occupied as a temporary abiding place of individuals. To be classified as a hotel or motel, an establishment shall contain a minimum of twelve (12) individual guest rooms or units and shall furnish customary hotel services such as linen, maid service, telephone, use and upkeep of furniture.

- (7) **Art Gallery or Museum.**
An institution for the collection, display and distribution and distribution of objects of art or science, and which is sponsored by a public or quasi-public agency and which facility is open to the general public.

- (8) **Church or Rectory.**
A place of worship and religious training of recognized religions including the on site housing of ministers, rabbis, priests, nuns, and similar staff personnel.

- (9) **College or University.**
An academic institution of higher learning, accredited or recognized by the State and offering a program or series of programs of academic study.

- (10) **Community Center (public).**
A building and grounds owned and operated by a governmental body for the social, recreational, health or welfare of the community served.

- (11) **Day Camp.**
A facility arranged and conducted for the instruction and organized outdoor recreation of children on a daytime basis.

- (12) **Kindergarten or Nursery.**
An establishment where five (5) or more children are housed for care or training during the day or portion thereof.

- (13) **Institution for the Care of Alcoholic Psychiatric or Narcotic Patients.**
An institution offering resident treatment to alcoholic, psychiatric or narcotic patients.

- (14) **Acute Care.**
An institution where sick or injured patients are given medical or surgical treatment intended to restore them to health and active life and which is licensed by the State of Texas.

- (15) **Hospital (Chronic Care).**
An institution where those persons suffering from illness, injury, deformity, deficiency or age, are given care and treatment on a prolonged or permanent basis and which is licensed by the State of Texas.

- (16) **Nursing Home or Residence Home for the Aged.**
A home where ill or elderly people are provided with lodging and meals with or without nursing care.

- (17) **School, Public or Denominational.**
A school under the sponsorship of a public or religious agency having a curriculum generally equivalent to public elementary or secondary schools, but not including trade or commercial 'schools.

- (18) **School, Trade or Business.**
A business organized to operate for a profit and offering instruction and training in a service or art such as a secretarial school, barber college, beauty school, or commercial art school.

(19) Accessory Building or Structure.

In a residence district, a subordinate building or structure, detached and used for a purpose customarily incidental to the main structure such as a private garage for automobile storage, tool house, lathe or greenhouse as a hobby (no business), home workshop, children's playhouse, storage house, garden shelter or swimming pool, but not involving the conduct of a business.

(20) Temporary Field or Construction Office.

A trailer, structure or shelter for temporary office use, subject to removal by the order of the Building Inspector, used in connection with a development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment.

(21) Home Occupation.

A home occupation is an occupation carried on in the home by a member of the occupant's family, without the employment of additional persons, without the use of sign to advertise the occupation, without offering any commodity for sale on the premises, without the use of equipment other than that customarily found in the household and which does not create obnoxious noise or other obnoxious conditions to abutting residential property such as emission of odor, increased traffic or generation of light or smoke, and where the use is carried on in the main structure only. A home occupation specifically excludes the operation of a repair shop, plumbing shop or similar sales or service activity on a residential premises.

(22) Local Utility Line.

The facilities provided by a local municipality or a franchised utility company for the distribution or collection of gas, water, surface drainage water, electric power or telephone service.

- (23) **Off-Street Parking.**
Off-street parking spaces provided in accordance with the requirements specified by this Ordinance, and located on the lot or tract occupied by the main use.

- (24) **Public Building, Shop or Yard, State, Federal Government.**
Facilities such as offices, maintenance yards, shops or other facilities required by branches of local, State or Federal government for service to the area such as Highway Department yard or City Service Center.

- (25) **Radio, Television or Microwave Tower.**
Structures supporting antennas for transmitting or receiving an portion of the radio spectrum, but excluding noncommercial antenna installations for home use of radio or television. In any event, the use as a Microwave, radio or television tower in a given zone is still subject to the height, setback and other requirements, etc. as per the zoning district requirements where the tower is located.

- (26) **Telephone Exchange, Switching Relay and Transmitting Equipment.**
Not including public business facilities, storage or repair facilities.

- (27) **Amusement, Commercial (outdoors).**
Any amusement enterprise offering entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open, including but not limited to, golf driving range, archery range and miniature golf course.

- (28) **Amusement, Commercial (indoors).**
An amusement enterprise wholly enclosed in a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line and including, but not limited to, a bowling alley or billiard parlor.

- (29) **Country Club.**
An area of twenty-five (25) acres or more containing a golf course and club house which is available to a specific recorded membership. Such a club may include as adjunct facilities, a dining room, private club, swimming pool, cabanas, tennis courts, and similar services and recreational facilities for the members.
- (30) **Golf Course (public).**
A golf course owned and operated by the City of Aledo for the use, benefit and enjoyment of the citizens or by some other public agency such as the State or County.
- (31) **Golf Course (commercial).**
A golf course constructed by private individual or group and operated as a commercial enterprise other than a driving range, miniature golf course, or similar golf oriented commercial amusement.
- (32) **Park or Playground (public).**
An open recreation facility or park owned and operated by a public agency such as the Municipal Park Department or School Board and available to the general public.
- (33) **Playfield or Stadium (public).**
An athletic field or stadium owned and operated by a public agency for the general public including a baseball field, golf course, football stadium or field.
- (34) **Stable, Private Club.**
A paddock, stable and related riding and quartering facilities for horses owned by a specific number of recorded members and, maintained for the exclusive use of such members and guests. No horses or other livestock shall be stabled or corralled within one hundred (100) feet of any bounding property line.

- (35) **Stable, Commercial.**
An establishment where horses are kept and rented to the general public for riding. No horses or other livestock shall be stabled or corralled within one hundred (100) feet of any bounding property line.
- (36) **Stable, Boarding.**
A stable and related open pasture where horses or other livestock are quartered for owners on a fee basis. No horses or other livestock shall be stables or corralled within one hundred (1200) feet of any bounding property line.
- (37) **Swim or Tennis Club.**
A private recreational club with restricted membership, usually of less area than a country club, but including a club house and swimming pool, tennis courts and similar recreational facilities none of which are available to the general public.
- (38) **Airport, Landing Field or Heliport.**
A landing field for fixed and rotary wing aircraft including terminal, fueling, repair, and storage facilities, and subject to approval by the City of Aledo.
- (39) **Railroad Track and Right-of-Way.**
But not including railroad stations, sidings, team tracks, loading facilities, docks, yards and maintenance areas.
- (40) **Railroad Team Tracks.**
A siding for spotting and unloading box cars or other railroad cars and which area is connected to a public street by a drive for access.
- (41) **Parking Lot Structure, Commercial (auto).**
An area or structure devoted to the parking or storage of autos for a fee. May include, in the case of a parking structure only, a facility for servicing of autos, provided such facility is primarily as internal function for use only

by autos occupying the structure and creating no special problems of ingress and egress.

- (42) **Wrecking or Salvage Yard.**
A yard or building where autos or machinery are stored, dismantled, and/or offered for sale as whole units, as salvaged parts or as processed metal.
- (43) **Antique Shop.**
An establishment offering for sale, within a building, articles such as glass, china, furniture, or similar furnishings and decorations which have value and significance as a result of age, design and sentiment.
- (44) **Cleaning Shop or Small Laundry Self-Service Shop.**
Of the customer self-service type or a custom cleaning shop not exceeding three thousand (3000) square feet in floor area.
- (45) **Custom Personal Service.**
Tailor, dressmaker, shoe shop or similar shop offering custom services.
- (46) **Drive-in Restaurant.**
Any eating establishment which either serves food to occupants of parked autos or offers facilities that would encourage patrons to eat in parked vehicles.
- (47) **Name Plate.**
Any accessory sign showing only the name and address of the owner or occupant of the premises on which it is erected or placed.
- (48) **Sign, Real Estate.**
A temporary accessory sign pertaining to the sale or rental of property and advertising property only for use of which it is legally zoned. In all residential districts, a real estate sign shall not exceed twelve (12) square feet.

(49) Sign, Construction.

A temporary accessory sign identifying the property owner, architect, contractor, engineer, landscape architect, decorator, or mortgage engaged in the design, construction or improvement of the premises on which the sign is located. In any district, a construction sign shall not exceed sixty-four (64) square feet in area.

(50) Sign Development.

A temporary accessory sign related to the promotion of new developments and located on the premises involved in the development. A development sign shall not exceed four hundred (400) square feet in area.

(51) Sign, Institutional.

An accessory sign located on the premises for the identity of a school, church, hospital, or similar public or quasi-public institution. An institutional sign in a residential district shall not be of the flashing or intermittently lighted type.

(52) Sign, General Business.

An accessory sign or graphic device which advertises only commodities or services offered on the premises where such signs are located and where such sign is not of the billboard, poster panel, or painted bulletin type, but is a sign designed specifically for the location.

(53) Sign, Advertising, Poster Panel, Painted Bulletin or Other Advertising Devices.

A sign which is usually a primary use of land and which promotes and advertises commodities or services not limited to being offered on the premises on which such signs are located.

(54) Farms, Ranch Garden or Orchard.

An area of five (5) acres or more which is used for growing of usual farm products, vegetables fruits, trees, and grain

and for the raising thereon of the usual farm poultry and farm animals such as horses, cattle, and sheep and including the necessary accessory uses for raising, treating, and storing products raised on the premises. Not including the commercial feeding of offal and garbage to swine and other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.

- (55) Light Fabrication and Assembly Processes.
Including the manufacture of jewelry, trimming decorations, and any similar item not involving the generation of noise, odor, vibration, dust, or other hazard.
- (56) Background Noise.
Noise from all sources other than under specific consideration including traffic operating on public thoroughfares.
- (57) Frequency.
The number of oscillations per second in a sound wave.
- (58) Octave Band.
A term denoting all the frequencies between a given frequency and double that frequency.
- (59) Octave Band Filter.
An electrical frequency analyzer designed according to the standards formulated by the American Standards Association and used in conjunction with a sound level meter to take measurements in specific octave intervals.
- (60) Atmospheric Pollution.
The discharge from stacks, open storage, chimneys, exhausts, vents, ducts, openings, or open fires of such air contaminants as visible emissions, sulfur dioxide, particulate matter, hydrocarbons, fumes or similar material or gases.

- (61) **Atmosphere.**
The air that envelops or surrounds the earth. Where air contaminants are emitted into a building not designed specifically as air control equipment, such emission into the building shall be considered emission into the atmosphere.
- (62) **Combustion.**
The rapid exothermic reaction of any material with oxygen.
- (63) **Emission.**
The act of passing into the atmosphere as air contaminant or a gas stream which contains or may contain an air contaminant or the material which so passes into the atmosphere.
- (64) **Emission Points.**
The location (placed in horizontal plane and vertical elevation) at which an emissions enters the atmosphere.
- (65) **Exhaust Gas Volume.**
The total volume of gas emitted from an emission point.
- (66) **Operation.**
Any physical action resulting in a change in the location, form, or physical properties of a material, or any chemical action resulting in a change in the chemical composition or physical properties of the material. The following are given as examples, without limitation of the generality of the forgoing: heat transfer, calcification, double decomposition, fermentation, pyrolysis, electrolysis, combustion material handling, evaporation mixing, absorption, filtration, fluidization, screening, crushing, grinding, demolishing, shoveling, bagging, etc.
- (67) **Particulate Matter.**
Any material, except uncombined water, which exists in a finely divided form as a liquid or solid, at standard conditions when released into the atmosphere.

- (68) **Person or Operation.**
Any person, firm, association, organization, partnership, business, trust, corporation, company, contractor, supplier, installer, user, or owner or any state or local government agency or public district or any officer or employee thereof. It includes the owner, lessor, lessee, licensee, manager and operator, or any of such, of any emission point or any source operation which may constitute a source of atmospheric pollution related thereto, or any interest in such emission point or operation source.
- (69) ppm (vol.).
parts per million by volume.
- (70) **Accessory Use.**
A use subordinate to and incidental to the primary use of the main building or to the primary use of the premises.
- (71) **Alley.**
A public space or way which affords only secondary means of access to property abutting thereon.
- (72) **Area of the Lot.**
The area of the lot shall be the net area of the lot and shall not include portions of streets and alleys.
- (73) **Basement.**
A building story which is partly underground, but having at 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.
- (74) **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 said side.

- (75) Board.
Zoning Board of Adjustment as provided in Article 17.
- (76) Building Inspector.
The person charged by the local government with enforcement of the Building Codes and Zoning Ordinance of the City of Aledo.
- (77) 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.
- (78) Building Line.
A line parallel or approximately parallel to the street line at a specified distance therefrom making the minimum distance from the street line that a building may be erected.
- (79) Building Ends.
Those sides of a building having the least dimension as compared to the front or rear of a building. As used herein for the building spacing regulations for attached single family, a building end shall be interpreted as the most narrow side of a building regardless of whether it fronts on a street, faces the rear of the lot or is adjacent to the side lot line or another building.
- (80) City Council.
The governing body of the City of Aledo.
- (81) Cellar.
A building story with more than one-half of its height below the average level of the adjoining ground. A cellar shall not be counted as a story in computing building height.

- (82) **Certificate of Occupancy and Compliance.**
An official certificate issued by the City through the enforcing official, which indicates conformance with or approved conditional waiver from the zoning regulations and authorizes legal use of the premises for which it is issued.
- (83) **City Manager.**
Chief administrative official of the City.
- (84) **Coverage.**
The percent of a lot or tract covered by thereof or first floor of a building. Roof eaves shall be excluded from coverage computations to the extent of two (2) feet from the walls of a building.
- (85) **Court.**
An open, unoccupied space, bounded on more than two sides by the walls of a building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having One side open to a street, alley, yard or other permanent open space.
- (86) **Depth of Lot.**
The mean horizontal distance between the front and rear lot lines.
- (87) **District.**
A section of the City of Aledo for which the regulations are uniform governing the area, height or use of the land and buildings.
- (88) **Dwelling Unit.**
A building or portion of a building which is arranged, occupied, or intended to be occupied as living quarters and includes facilities for food preparation and sleeping for one family.

- (89) **Family.**
Any number of individuals living together as a single housekeeping unit, in which not more than four (4) individuals are unrelated by blood, marriage or adoption.
- (90) **Floor Area.**
The total square feet of floor space within the outside dimensions of a building including each floor level, but excluding cellars, carports, or garages.
- (91) **Floor Area Ratio (FAR).**
The ratio between the total square feet of floor area in a structure and total square feet of land in the lot or tract on which the structure is located.
- (92) **Height.**
The vertical distance of a building measured from the average established grade at the street line or from the average natural front yard ground level, whichever is higher, to
- (a) the highest point of the roof's surface is a flat surface,
 - (b) to the deck line of mansard roofs, or
 - (c) to the mean height level between eaves and ridge for hip and gable roofs, and in any event, excluding chimneys, cooling towers, radio towers, ornamental cupolas, domes and spires, and parapet walls not exceeding ten (10) feet in height. If the street grade has not been officially established, the average front yard grade shall be used for a base level.
- (93) **Living Unit.**
The room or rooms occupied by a family and must include cooking facilities.

- (94) Lot.
Land occupied or to be occupied by a building and its accessory building, and including such open spaces as are required under this Ordinance and having its principal frontage upon a public street or officially approved place.
- (95) Lot Coverage.
The percentage of the total area of a lot occupied by the base (first story or floor) of buildings located on the lot or the area determined as the maximum cross-sectional area of the building.
- (96) Lot Lines.
The lines bounding a lot as defined herein.
- (97) Lot of Record.
A lot which is part of a subdivision the plat of which has been recorded in the office of the County Clerk of Parker County, or a parcel of land, the deed for which is recorded in the office of the County Clerk of Parker County prior to the adoption of this Ordinance.
- (98) Lot Width.
The width of a lot at the front building line.
- (99) Main Building.
The building or buildings on a lot which are occupied by the primary use.
- (100) Nonconforming 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.
- (101) Occupancy.
The use or intended use of the land or buildings by proprietors, or tenants.

(102) **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, porches, and plant material.

(103) **Parking Space.**

An enclosed or unenclosed all-weather surfaced area of not more than one hundred eighty (180) feet (measuring approximately 9 feet by 120 feet) not on a public street or alley, together with an all-weather surfaced driveway connecting the area with a street or alley permitting free ingress and egress without encroachment on the street or alley. Any parking adjacent to a public street wherein maneuvering is done on the public street shall not be classified as off-street parking in computing the public area requirements for any use.

(104) **Planning and Zoning Commission.**

The agency appointed by the City Council as an advisory body to it and which is authorized to recommend changes in the zoning and overall planning of the City.

(105) **Private Garage.**

An accessory building housing vehicles owned and used by occupants of the main buildings; if occupied by vehicles of others, it is a storage space.

(106) **Rooming House. (See Lodging House)**

(107) **Sign.**

An outdoor advertising device that is a structure or that is attached to or painted on a building or that is leaning against a structure or display on a premises or in the street adjacent thereto.

- (108) **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 fourteen (14) feet.
- (109) **Street.**
Any thoroughfare or public driveway, other than an alley, and more than thirty (30) feet in width, which has been dedicated or deeded to the public for public use.
- (110) **Street Line.**
A dividing line between a lot, tract or parcel of land and a contiguous street; the right-of-way line.
- (111) **Structural Alteration.**
Any change in the supporting member of a building, such as a bearing wall, column, beam or girder.
- (112) **Structure.**
Same as building
- (113) **Trailer House (Mobile Home).**
A vehicle equipped for use as a dwelling and designated to be hauled along a highway.
- (114) **Thoroughfare.**
Same as street
- (115) **Yard.**
An open space other than a court, on the lot in which a building is situated and which is not obstructed from a point forty (40) inches above the general ground level of the graded lot to the sky, except as provided for roof overhang and similar architectural features and plant materials.
- (116) **Yard, Front.**
An open, unoccupied space on a lot facing a street, extend-

ing across the front of the lot between the side lot lines and from the main building to the front lot or street line, with the minimum horizontal distance between the street line and the main building line as specified for the district in which it is located.

(117) Yard, Rear.

An open, unoccupied space, except for accessory buildings as herein permitted, extending across the rear of the lot from one side lot line to the other side lot line, and having a depth between the building and the rear lot line specified for the district in which the lot is located.

(118) Yard, Side.

An open, unoccupied space or spaces on one side or two sides of a main building and on the same lot with the building, situated between the building and the side lot line of the lot and extending through from the front yard to the rear yard. Any lot line, not the rear line, or a front line, shall be deemed a side lot line.

(119) Variance.

An adjustment in the application of the specific regulations of the Zoning Ordinance to a particular parcel of property which, because of special conditions or circumstances peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning districts.

(120) 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.

(121) Tires, Batteries, Accessories.

Any retail operation wherein the sale and/or installation of

tires, batteries and brakes, and other related minor parts or accessories not listed as separate uses in this Ordinance is carried on; specifically intended not to include heavy automotive repair, upholstery and muffler installation, automotive tune-up, automotive salvage or painting, used parts sales or storage, tire retreading or recapping.

(122) Parking lot, Truck.

Any area, used for the parking of trucks or trailers larger than 3/4 ton in size.

(123) Household Appliance Sales.

To include the sale and service of the following, but not necessarily limited to: radio, TV, refrigerators, waffle irons, etc.

(124) Fraternal Organization, Lodge or Civic Club.

A society or association organized for the purpose of some common objective by working together in a brotherly union. These organizations are not automatically a private club, but may also be a private club.

(125) Private Club.

Any club, organization, association or group of people meeting together and required by the Texas Liquor Control Act to obtain a permit or license.

(126) Tune Up Shop.

A tune up, to be limited to the determination of automobile performance, by a dynamometer and an electronic analysis system and to replacement of the following components: spark plugs, ignition points, ignition condenser, distributor cap, distributor rotor, spark plug wires, PCV valve, fuel filters and ignition coil. Tune ups may also include changing the engine oil, replacement of engine oil filter, and chassis lubrication. Specifically excluded is the overhaul and repair of other automobile components or systems not mentioned above and specifically excluding the outside

storage and/or parking of motor vehicles on the premises during hours when the tune up shop isn't open for business.

(127) **Snack and Sandwich Shop.**

A non-drive in restaurant without an outside sales window, in which only sandwich and snack type foods are sold and within which there is no cooking or food preparation. That such snack and sandwich shops shall be operated only during normal business hours and on normal business days.

ARTICLE 10.0 AREA REGULATIONS

Except as provided herein, no building or structure or part thereof shall be erected, altered or converted for any use permitted in the district in which it is located unless it is in conformity with all the minimum regulations herein specified for lot area, lot width, lot depth, dwelling unit area, lot coverage, and front, side and rear yards. (See Table 1)

TABLE 1

Zoning Category	R1	R2	R3	MH	MH w/o septic	C1	C2	C3	M1	M2	PD
Min Lot Area (feet)	10,000	7,500	7,500	20,000	7,500	NA	NA	NA	NA	NA	5 acres
Min Lot Width (feet)	80	70	80	100	70	NA	NA	NA	NA	NA	See Art No. 8.18
Front Yard (feet)	25	20	20	25	25	25	25	25	25	25	See Art No. 8.18
Rear Yard (feet)	10	10	10	10	10	10	10	10	10	10	See Art No. 8.18
Side Yard (feet)	10	10	10	10	10	10	10	10	10	10	See Art No. 8.18

NOTE: Minimum lot sizes reflect minimums where public sewage collection and disposal system are available and used.

ARTICLE 11.0 HEIGHT REGULATIONS

No building shall be located, erected or altered so as to exceed the height limit hereinafter specified for the district in which the building is located.

11.1 IN THE FOLLOWING ZONING DISTRICTS THE MAXIMUM HEIGHT OF BUILDINGS AND STRUCTURES SHALL BE

- a) R1 Single Family
Two (2) stories except as noted
- b) R2 Single Family
Two (2) stories except as noted
- c) R3 Duplex
Two (2) stories except as noted
- d) C1 Local Retail
Two (2) stories except as noted
- e) C2 General Business
Six (6) stories except as noted
- f) C3 Commercial Business
Six (6) stories except as noted
- g) M1 Light Industry
To any legal height not prohibited by other laws and ordinances
- h) M2 Heavy Industry
To any legal height not prohibited by other laws and ordinances
- i) PD Planned Development
To any legal height provided that total floor area does not exceed the total site area, and coverage of the site by first floor does not exceed forty (40) percent of the total site area.

11.2 Special Height Regulations

In the districts where the height of buildings is restricted to two (2) stories, towers, gables, chimneys, and vent stacks may extend for an additional height not to exceed thirty-five (35) feet above the average grade line of the building. Water stand pipes, tanks, church steeples, domes and spires, and school buildings and institutional buildings may be erected to three (3) stories in height in residential areas restricted to two (2) stories in height, provided that one (1) additional foot shall be added to the width and depth of side and rear yards for each foot that such structure exceeds two (2) stories in height.

ARTICLE 12.0 VEHICLE PARKING REGULATIONS

Except as provided herein, no building or structure or part thereof shall be erected, altered, or converted for any use permitted in the district in which it is located unless there shall be provided on the lot or tract or within one hundred fifty (150) feet of such building or structure vehicular parking in the following ratio of vehicle spaces for the uses specified in the designated districts and no existing vehicle parking in connection with said use at the effective date of this ordinance may be reduced below the minimum number of spaces as hereafter required.

The minimum number of off-street parking spaces for residential uses is two (2); adjust number upward for more than three bedrooms. The above minimum number of parking spaces shall be separate from storage provided by a two-car garage on premises.

12.1 Parking space schedule for non-residential districts is applicable to all districts in use schedule.

- (1) Bank or other financial institution - One (1) space for each three hundred (300) square feet of floor area.
- (2) Churches - One (1) space for each three (3) seats in the sanctuary.
- (3) Clinics or Doctor's Offices - One (1) space for each three hundred (300) square feet of floor area (minimum of five (5) spaces).
- (4) Commercial Outdoor Amusement - Twenty (20) spaces plus one (1) space for each one hundred (100) square feet of floor area over one thousand (1000) square feet.
- (5) Convalescent Home or Other - One space for each six (6) rooms or beds.
- (6) Gasoline Service Station - minimum of six (6) spaces.
- (7) Golf Course - minimum of thirty (30) spaces.
- (8) High School, College or University - One (1) space for each classroom, laboratory or instruction area plus one (1) space

for each two (2) students accommodated in the school.

- (9) Hospital - One (1) space for every two (2) beds.
- (10) Hotel or Motel - One (1) space for each room, unit or guest accommodation plus requirements for clubs, restaurants and other uses.
- (11) Library or Museum - Ten (10) spaces plus one (1) space for each three hundred (300) square feet of floor area.
- (12) Manufacturing, processing or repairing - One (1) space for each two (2) employees or one (1) space for each one thousand (1000) square feet of floor area, whichever is greater.
- (13) Offices, general - One (1) space for each two hundred seventy-five (275) square feet of floor area (minimum of five (5) spaces).
- (14) Places of public assembly not listed - One (1) space for each three (3) seats provided.
- (15) Recreational, private or commercial area or building (other than listed) - One (1) space for every three (3) persons to be normally accommodated in the establishment.
- (16) Restaurant or Cafeteria - One (1) space for every three (3) seats under maximum seating arrangement.
- (17) Retail or personal service - One (1) space for each two hundred (200) square feet of floor area.
- (18) Schools, Elementary or Junior High - One (1) space for each classroom plus one (1) space for each four (4) seats in any auditorium, gymnasium or other place of assembly.
- (19) Storage or warehousing - One (1) space for each two (2) employees or one (1) space for each one thousand (1000) square feet of floor area, whichever is greater.
- (20) Theaters, meetings rooms and places of public assembly - One (1) space for every three (3) seats.

12.2 Special Off-street Parking Regulations.

In computing the parking requirements for any building or development, the total parking requirements shall be the sum of the specific parking space requirements for each class of use included in the building development.

- (1) Where existing garages have been closed in to provide additional living area in a dwelling, the same number of parking spaces shall be provided elsewhere on the lot.
- (2) That required parking spaces shall be located in such a manner as to permit maneuvering from each space to the nearest adjacent public street or alley without encroachment on the other parking spaces.

12.3 Parking Requirements for New and Unlisted Uses

- (1) Where questions arise concerning the minimum off-street parking requirements for any use not specifically listed, the requirements may be interpreted by the Building Inspector as those of a similar listed use.

12.4 Off-street Loading Requirements.

- (1) All retail, commercial, industrial and service structures shall provide and maintain off-street facilities for receiving and loading merchandise, supplies and materials within a building or on the lot or tract. Such off-street loading space may be adjacent to a public alley or private service drive or may consist of a truck berth within the structure. Use of public streets shall not be considered as fulfilling these loading requirements.

ARTICLE 13.0 FLOOD PLAIN DESIGNATION

Portions of certain districts are designated with a Flood Plain Prefix "FP" to provide for the appropriate use of land which has a history of inundation or is determined to be subject to flood hazard, and to promote the general welfare and provide protection from flooding. Areas designated on the Zoning District Map by a "FP" Prefix shall be subject to the provisions of the City's flood plain management program as applicable; (see appropriate ordinances and amendments).

Uses Permitted: The permitted uses in that portion of any district having a Flood Plain "FP" Prefix, shall be limited to the following-

- a. Agricultural activities including the ordinary cultivation or grazing of land and legal types of animal husbandry.
- b. Parks, community centers, playgrounds, public golf courses.
- c. Private open space as part of a Community Unit Development or Planned Unit Development.
- d. Off-street parking incidental to any adjacent main use permitted in the district.
- e. Electrical Substation.
- f. All types of local utilities including those requiring permits from agencies other than local.
- g. Heliport when approved as a Special Exception as provided in Article 17.

- 13.1 No building or structure shall be erected in that portion of any district designated with a Flood Plain, "FP", unless such building or structure has been approved by the City Engineer, who will ascertain that such building or structure is not subject to damage by flooding and would not constitute an encroachment, hazard or obstacle to the movement of flood waters and that such construction would not endanger the value and safety of other property or public health and welfare.

- 13.2 Any dump, excavation, storage, filling, or mining operation within that portion of the district having a Flood Plain, "FP" Prefix shall be approved by the City Engineer and the City Council in writing before such operation is begun.

- 13.3 Any area may be removed from the Flood Plain, "FP" designation when by the provision of drainage works, grading, flood protection or specific drainage study, it is determined by the City Engineer that the flood hazard has been alleviated. Removal of the Flood Plain "FP" Prefix shall be accomplished by resolution of the City Council after written notification from the City Engineer advising of the removal of the flood hazard.

ARTICLE 14.0 SIGN REGULATIONS

The Districts in which the various types of signs are permitted are indicated by the schedule of uses, Section 8.8. The following provisions shall apply to the various types of signs in the districts indicated:

	Type Sign	Maximum Area	Zone Permitted	Standards
a)	Name Plate	2 sq. ft.	All districts	One per Street Frontage
b)	Institutional Sign	32 sq. ft.	All districts	One per Street Frontage
c)	General Business Sign	200 sq.ft.	Permitted in C1,C2,M1,M-2,PD Districts.	
d)	Advertising Sign	400 sq.ft.	Permitted in M2 District Only	No Advertising Sign may be erected within a 500 ft. radius of any other Advertising Sign
e)	No sign to be erected so as to exceed a height of twenty (20)feet above grade.			

14.1 Temporary Signs

	Type Sign	Maximum Area	Zone Permitted	Standards
a)	Real Estate Sign	12 sq.ft.	R1 - R3	One for each platted lot or tract, and for acreage
	Real Estate Sign	32 sq.ft.	C1 - C3	One for each platted lot or tract, and for acreage
	Real Estate Sign	200 sq.ft.	M1 - M2	One for each 200' of street or highway frontage.
b)	Construction Sign	64 sq.ft.	All districts	One per Project
c)	Development Sign	400 sq.ft.	In all districts subject to approval by the Building Official as provided Article 18	One per project or one per each 100 acres in project
d)	Bulletin Board Sign	18 sq.ft.	In C1, C2, M1, M2, PD	One on post of existing signs only.
e)	Portable Sign	40 sq.ft.	C1, C2, M1, M2, PD	By Permit Only; by established Council Policy

14.2 In a PD, Planned Development District, the sign standards shall be specified in the amending ordinance.

- 14.3 No sign shall be constructed to exceed the maximum building height permitted in the specific district where the sign is located except in shopping centers or similar commercial or office centers containing six (6) acres or more, pylon or major identification signs not exceeding twenty (20) feet in height may be erected when set back from the side and rear property line a distance equal to the height of the sign.
- 14.4 No sign shall be located or constructed so as to interfere with or confuse the control of traffic on the public streets and no sign shall use a rotating beacon, beam or flashing illumination resembling an emergency signal.
- 14.5 No sign shall be erected so as to project into the public right-of-way of any street or alley.
- 14.6 All sign erectors shall be licensed and bonded as required by City Codes.
- 14.7 There shall be placed and maintained, in plain view, a permanent identification plate on each sign, which identifies the person, firm or corporation owning or in possession, charge or control of the signs.
- 14.8 All construction, development, institutional, general business, and identification signs must be permitted by the Building Inspector and any person requesting a permit for erection of a sign ten (10) feet or more in height shall furnish plans and specifications, thereon bearing the approval, in writing, of a professional engineer licensed in the State of Texas. Said sign shall be designed to withstand and resist a wind force of twenty-five (25) pounds per square inch (psi).
- 14.9 Any nonconforming sign which is damaged or deteriorated to a point where such damage or deterioration exceeds fifty

(50) percent of its original value shall be removed by the owner.

- 14.10 No sign shall be erected within the required front yard or in front of the established building line, except those signs especially exempt by the special ordinance including public directional signs and the like.
- 14.11 Double-faced, back-to-back or stacked signs shall be considered as one when computing sign area.

ARTICLE 15.0 CREATION OF A BUILDING SITE

No permit for the construction of a building or buildings upon any tract or plot shall be issued until a building site, building tract or building lot has been created by compliance with one of the following conditions:

- 15.1. The lot or tract is part of a plat of record, properly approved by the City Council and filed in the plat records of Parker County.
- 15.2 The site plot or tract is all or part of a Site Plan officially approved by the Council in a Planned Development District after recommendation by the Planning and Zoning Commission, which site plan provides all utility and drainage easements, alleys, streets, and other public improvements necessary to meet the normal requirements for platting including the designation of building areas and such easements, alleys, and streets as have been required and properly dedicated and the necessary public improvements provided.
- 15.3 Any lot or tract zoned for any purpose other than single-family and lying immediately adjacent to a tract or lot zoned for single family or duplex residential shall have a solid masonry wall of at least eight (8) feet in height separating the two different uses.

ARTICLE 16.0 NON-CONFORMING USES AND STRUCTURES

A NON-CONFORMING USE STATUS SHALL EXIST UNDER THE FOLLOWING PROVISIONS OF THIS ORDINANCE:

- a. When a use or structure which does not conform to the regulations prescribed in the district in which such use or structure is located was in existence and has been lawfully operating prior to enactment of this Ordinance and has been operating since without discontinuance.
 - b. When on the effective date of this Ordinance, the use or structure was in existence and lawfully constructed, located and operating in accordance with the provisions of the prior Zoning Ordinance or was a nonconforming use thereunder, and which use or structure does not now conform to the regulations herein prescribed for the district in which it is located.
 - c. When a use or structure does not conform to the regulations prescribed in the district in which such use or structure is located was in existence at the time of annexation to the City of Aledo and has been in regular and continuous use.
- 16.1 Any non-conforming use of land or structures may be continued for definite periods of time subject to such regulation as the Zoning Board of Adjustment may require for immediate preservation of the adjoining property prior to the ultimate removal of the non-conforming use. The Building Inspector may grant a change of occupancy from one non-conforming use to another, provided the use is within the same, or higher or more restricted classification as the original use. In the event a non-conforming use of a building may be changed to another non-conforming use

which is more restrictive, it shall not later be changed to a less restrictive classification of use and the prior less restrictive classification shall be considered to have been abandoned.

- 16.2 If a structure occupied by a nonconforming use is destroyed by fire, the elements or other cause, it may not be rebuilt except to conform to the provisions of this Ordinance. In the case of partial destruction of a non-conforming use not exceeding fifty (50) percent of the original structure, reconstruction will be permitted but the size or function of the non-conforming use shall not be expanded.
- 16.3 No non-conforming use may be expanded or increased beyond the lot or tract upon which such non-conforming use is located as of the effective date of this Ordinance except to provide off-street parking or off-street loading space upon approval of the Board of Adjustment.
- 16.4 Whenever a nonconforming use is abandoned, all nonconforming rights shall cease and the use of the premises shall be in conformance with this Ordinance. Abandonment shall involve the intent of the user or owner to discontinue a nonconforming operation and the actual act of discontinuance. Any nonconforming use which is discontinued or which remains vacant for a period of three(3)months shall be considered to have been abandoned.

ARTICLE 17.0 BOARD OF ADJUSTMENT

There is hereby created a Zoning Board of Adjustment consisting of five (5) members, each to be appointed for a term of two (2) years and removable for Cause by the City Council. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant. Provided, however, that the City Council may appoint four (4) alternate members of the Board of Adjustment who shall serve in the absence of one or more regular members. All cases to be heard by the Board of Adjustment will always be heard by a minimum number of four (4) members. The alternate members, when appointed, shall serve for the same period as the regular members and any vacancies shall be filled in the same manner as regular members and they shall be subject to removal the same as regular members.

17.1 Procedure

The Board of Adjustment shall adopt rules to govern its proceedings, provided, however, that such rules are consistent with this Ordinance and State Statutes. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence, the Vice Chairman, may administer oaths and compel the attendance of witnesses, and shall have the same subpoena powers as the State Statute allows. All meetings of the Board shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon such questions, 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 filed in the office of the Building Inspector and shall be public record.

17.2 Changes

The Board shall have no authority to change any provisions of this Ordinance, and its jurisdiction is limited to hardship cases which arise from time to time. The Board may not change the district designation of any land either to a more restrictive or less restrictive zone.

17.3 Appeals to the Board

- a) Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the Administrative Officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board, a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board of Adjustment all the papers constituting the record from which the action appealed was taken.

- b) The appeal shall stay all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal was filed with him that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed, otherwise than by a restraining order which may be granted by the Board or by a court of record on application of notice to the officer from whom the appeal is taken and on due cause shown.

- c) The Board of Adjustment shall fix a reasonable time for the hearing of an appeal, give public notice thereof as well as notify real property owners by mail within two hundred (200) feet of the subject property, and by publishing notice of such meeting in a newspaper of general circulation in the City of Aledo. Both the posted and published notice shall be given at least ten (10) days prior to the date of the hearing. At the hearing, any party may appear in person or by agent or by attorney.

17.4 Powers of the Board

The Board of Adjustment shall have the following powers:

- a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of this Ordinance or of any ordinance adopted pursuant thereto.
- b) To hear and decide special exceptions to the terms of the Ordinance upon which such Board is required to pass under the ordinance. Refer to Article 8 for allowed special exceptions in zoning districts.
- c) To authorize upon appeal in specific cases such variance from the terms of the Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship, and so that the spirit of the Ordinance shall be observed and substantial justice done.
- d) Permit the reconstruction, extension, or enlargement of a building occupied by a nonconforming use on the lot or tract occupied by such building, or the reconstruction of a structure destroyed by fire, the elements or other cause not to exceed fifty (50) percent of its reasonable value and the addition of off-street parking or off-street loading to a nonconforming use.

In exercising the above-mentioned powers, the Board may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

17.5 Variances

The Board may permit such variance or modification of the height, yard, area, coverage and parking regulations as may be necessary to secure appropriate development of a parcel of land which differs from other parcels of land in the district by being of such restricted area, shape or slope that it cannot be appropriately developed without such modification. In exercising its power to grant a variance in accordance with this Ordinance, the Board of Adjustment shall make findings and show in its minutes that:

- a) There are special circumstances existing on the property on which the application is made related to its size, shape, area, topography, surrounding conditions and location that do not apply generally to other property in the same area and the same zoning district.
- b) That a variance is necessary to permit the applicant the same rights in the use of his property that are presently enjoyed, under the Ordinance, by other properties in the vicinity and zone, but which rights are denied to the property on which the application is made. This variance may be granted after the Board is satisfied that the granting of the variance will not merely serve as a convenience to the applicant but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance from the Ordinance while protecting the surrounding property at the same time.
- c) That the granting of the variance on the specific property will not adversely affect the land use pattern as outlined in the Land Use Plan and will not adversely affect any other feature of the Plan for the City of Aledo.
- d) That the variance, if granted, will be no material detriment to the public welfare or cause injury to the use, enjoyment or value of property in the vicinity.

17.6 Discontinuance of Nonconforming Use

The Board may, in special circumstances, require the discontinuance of nonconforming uses of land or structure under any plan whereby the full value of the structure and facilities can be amortized within a definite period of time taking into consideration the general character of the neighborhood and the necessity of all property to conform to the regulations of this Ordinance. All actions to discontinue a nonconforming use of land or structure shall be taken with due regard to the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the designated nonconforming use and the conservation and preservation of the property. The Board may, 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 nonconforming use within the City.

17.7 Vote Required for Board Decisions

The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under the Ordinance, or to effect any variance to the Ordinance.

17.8 Appeals from Board Decisions

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment may present to next higher court of record, a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality. Such petition shall be presented to the court within ten (10) days after the filing of the decision in the office of the Board. Costs shall not be allowed against the Board unless it shall appear to the court that the Board acted in gross negligence, or in bad faith, or with malice in making the decision appealed from.

17.9 Fees

There shall be a fee assessed, as set forth by the City Council for each request for a variance to this Ordinance.

17.10 Permit Required

No habitable structure shall be moved into the City of Aledo, Texas or within the extraterritorial jurisdiction or territorial limits of the City, without being granted a permit, after a public hearing, by the Board of Adjustment in accordance with the provisions of Article 17.4 of this Ordinance.

ARTICLE 18.0 CERTIFICATE OF OCCUPANCY AND COMPLIANCE

No building or portion thereof hereafter erected, or moved into the City, converted or altered shall be used, or changed in use until a Certificate of Occupancy and Compliance shall have been issued by the Building Inspector stating that the building or portion thereof or the proposed use of the land or building complies with the provisions of this Ordinance and other building regulations. Failure to comply with the provisions of this Ordinance shall constitute a basis to deny or disconnect City utilities or to require private utility companies to do likewise.

- 18.1 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 Ordinance and other building regulations.
- 18.2 A record of all Certificates of Occupancy shall be maintained on file in the office of the Building Inspector and copies shall be furnished on written request to any person having a proprietary or tenancy in interest in the building or land affected.
- 18.3 Any change in occupancy in any of the use categories delineated herein shall be cause for application for a new Certificate of Occupancy.
- 18.4 Whenever a change of occupancy from one nonconforming use to another nonconforming use is proposed, an application for a Certificate of Occupancy shall be made to the Building Inspector.

18.5 No building permit or certificate of occupancy shall be issued until provision for water, sanitary sewer, heating and electricity have been completed.

ARTICLE 19.0 COMPLETION OF BUILDING UNDER CONSTRUCTION

Nothing herein contained shall require any change in the plans, construction or designated use of a building actually under construction at the time of the passage of this Ordinance and which entire building shall be completed within one (1) year from the date of passage of this Ordinance.

ARTICLE 20.0 AMENDMENTS

Any person or corporation having proprietary interest in any property may petition the City Council for a change or amendment to the provisions of this Ordinance, or the Planning and Zoning Commission may, on its own motions or on request from the City Council, institute study and proposal for changes and amendments in the public interest.

20.1 Procedure

- a) The Council may, from time to time, amend, supplement or change this Ordinance, the boundaries of the districts or the regulations herein established as provided by the Statutes of the State of Texas.

Before taking action on any proposed amendment, supplement or change, the governing body shall submit the same to the Planning and Zoning Commission for its recommendation and report, prior to Council action.

- b) The Planning and Zoning Commission shall hold a public hearing on any application for any amendment or change. When such amendment or change relates to a change in classification or boundary of a zoning district, written notice of public hearing before the Commission on the proposed amendment or change shall be sent to all owners of real property lying within two hundred (200) feet of the property on which the change is requested. Such notice shall be given not less than ten (10) days before the date set for hearing. Notice shall also be posted along with the agenda for all hearings and related meet-

ings in accordance with the applicable laws of the State of Texas. When any such amendment relates to a change of zoning regulation or to the text of this Ordinance not affecting specific property, notice of the public hearing of the Commission shall be given by publication in a newspaper of general circulation in the City of Aledo without the necessity of notifying property owners by mail. Such notice shall state the time and place of such hearing and the nature of the subject to be considered, which time shall not be earlier than ten (10) days from the date of publication.

- c) A public hearing shall be held by the governing body before adopting any proposed amendment, supplement or change. Notice of such hearing shall be given by publication in a newspaper of general circulation in the City of Aledo stating the time and place of such hearing, which time shall be not earlier than fifteen (15) days from the date of publication.

- d) The City Council may, by resolution, elect to combine the Planning and Zoning Commission hearing and the Council hearing; however, the legislative body shall not take action upon any proposed amendment or change until it has received the final report and recommendation from the Commission. When the joint hearing provision of this Ordinance is in effect, the governing body shall cause a notice showing the time and place of such hearing to be published in a newspaper of general circulation at least fifteen (15) days prior to the hearing. In addition, notice of all jointly held public hearings on prepared changes in classification shall be sent to owners of real property lying within two

hundred (200) feet of the property on which the change in classification is proposed, such notice to be given not less than ten (10) days before the date set for the hearing, to 811 such property owners as appear on the last approved tax roll of the City. When any such amendment relates to a change of a zoning regulation or to text of this Ordinance not affecting specific property, notice requirements shall be the same as specified in paragraph c above.

ARTICLE 21.0 DEFINITIONS USED IN THIS ORDINANCE

Certain words used in this Ordinance are defined as follows:

Words in the present tense include the future;
words in the singular number include the plural number and
words in the plural number include words in the singular
number;
the word “building” includes the word “structure”;
the word “lot” includes the words “plot” or “tract”;
the word “shall” is mandatory and not discretionary;
words in the male gender include words in the female gender.

1. Accessory Use or Building.
A use or building subordinate to and incidental to the
primary use of the main building or to the primary use of
the premises.
2. Alley.
A public way which affords only secondary means of
access to property abutting thereon.
3. Area of a Lot.
The area of the lot shall be the net area of the lot and shall
not include portions of the street and alley.
4. Block.
An area enclosed by streets and occupied by or intended for
buildings; or if said block is used as a term of measure-
ment, it shall mean the distance along a side of a street
between the nearest two streets which intersect said street
on the said side.
5. Board.
Same as the Zoning Board of Adjustment.

6. **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.
7. **Building Line.**
A line parallel or approximately parallel to the street line at a specified distance therefrom making the minimum distance from the street that a building may be erected.
8. **Building Inspector.**
The designated City Official carrying the title of Building Inspector and charged with the responsibility of issuing Building Permits and Certificates of Occupancy in conformance with this Ordinance and charged with enforcing the Criminal provisions of this Ordinance.
9. **Building Site.**
A platted lot of record fronting on an improved public street in conformance with all applicable codes and ordinances of the City of Aledo.
10. **Certificate of Occupancy and compliance.**
An official certificate issued by the Building Inspector which indicates conformance with Zoning Regulations and authorizes legal use of the premises for which it is issued.
11. **City Council.**
The governing body of the City of Aledo, Texas.
12. **City Engineer.**
The term “City Engineer” shall mean that person or group of persons or consultants or any employee thereof that has been appointed City Engineer in accordance with the City Council directives.

13. **City Planning and Zoning Coordinator.**
The term shall mean that person or group of persons or consultants or any employee thereof that has been appointed City Planning Zoning Coordinator in accordance with City Council directives.
14. **Planning Zoning Commission.**
The five to seven member agency appointed by the City Council as 8n advisory body making recommendations on the physical development of the City and its environs to the City Council.
15. **City Secretary.**
The term “City Secretary” shall mean that person appointed by the Council and includes any deputies appointed by the Council to fulfill a given duty or function in the absence of the City Secretary.
16. **Court.**
An open, unoccupied space, bounded on more than two sides by walls of a building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one side open to a street, alley, yard or other permanent space.
17. **Coverage.**
The percent of a lot or tract covered by thereof or first floor of a building. Roof eaves shall be excluded from the coverage computations to the extent of four (4) feet from the walls of a building.
18. **Depth of Lot.**
The mean horizontal distance between front and rear lot lines.
19. **Decorative Fence.**
A fence with a height not to exceed 30 inches may be constructed of wood or other structural fencing materials.

20. **District.**
A section of the City of Aledo for which the regulations governing the area, height or use of the land and buildings are uniform.
21. **Dwelling Unit.**
A building or portion of a building which is arranged, occupied or intended to be occupied as living quarters and includes facilities for food preparation and sleeping.
22. **Family.**
Any number of individuals living together as a single housekeeping unit in which not more than three (3) individuals are unrelated by blood, marriage, adoption or foster assignment.
23. **Floor Area.**
The total square feet of floor space within the outside dimensions of a building including each floor level, but excluding carports or garages.
24. **Height.**
The vertical distance of a building from the average established grade at street line or from the average natural front yard ground level, whichever is higher, to the highest point of the roof's surface.
25. **Living Unit.**
The room or suite of rooms occupied by a family and must include cooking facilities to qualify as a living unit.
26. **Lodging House.**
A building where lodging for four (4) or more persons is provided for compensation.
27. **Lot.**
Land occupied or to be occupied by a building and its accessory building and including such open spaces as are

required under this Ordinance and having its principal frontage on a public street or public access easement and complying with Article 10.0 of this Ordinance.

28. **Lot Depth.**
The mean distance between the front and rear lot lines.
29. **Lot of Record.**
A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Parker County where the lot or tract is located.
30. **Lot Width.**
The width of a lot at the front building line.
31. **Main Building.**
The building or buildings on a lot which are occupied by the primary use.
32. **Motel.**
An inn or group of cabins designed for occupancy by paying guests; a hotel.
33. **Nonconforming Use.**
A building or 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.
34. **Occupancy.**
The use or intended use of the land or buildings by proprietors or tenants.
35. **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,

and porches, but not including dedicated streets or other dedicated public space.

36. **Parking Space.**

An enclosed or unenclosed all-weather impervious surfaced area of not less than one hundred eighty (180) square feet (or approximately 9 feet by 20 feet) not on a public street or alley, together with an all-weather impervious surfaced driveway connecting the area with a street or alley permitting free ingress and egress without encroaching on the street or alley.

37. **Residence.**

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

38. **Room.**

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

39. **Sign.**

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

40. **Story.**

The height between 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.

41. **Story, Half.**

The space between the top floor and there of which may be used for residence purposes but which, because of roof slope and structural design, does not cover more than fifty (50) percent of the area of the ground floor of the building.

42. **Street.**
Any thoroughfare or public drive, other than an alley, more than thirty (30) feet in width and which has been dedicated or deeded to the public for public use.
43. **Street Line.**
A dividing line between lot, tract or parcel of land and a contiguous street, the right-of-way line.
44. **Structural Alterations.**
Any change in the supporting member of a building, such as a bearing wall, column, beams.or girders.
45. **Structure.**
Same as Building.
46. **Thoroughfare.**
Those public streets designated on the official Street Plan as “Thoroughfares”.
47. **Yard.**
An open space other than a court, on the lot in which a building is situated and which is not obstructed from a point thirty (30) inches above the general ground level of the graded lot to the sky, except as provided for roof overhang and similar special architectural features.
48. **Yard, Front.**
An open, unoccupied space on a lot facing a street extending across the front of the lot between the side lot lines and from the main building to the front lot line or street line with the minimum horizontal distance between the district in which it is located. (See illustrations in Appendix)
49. **Yard, Rear.**
An open unoccupied space, except for accessory buildings as herein permitted, extending across the rear of a lot from

one side lot line to the other, and having a depth between the building and the rear lot line as specified in the district in which the lot is situated. (See illustration in Appendix).

50. Yard, Side.

An open, unoccupied space or spaces on one or two sides of a main building and on the same lot with the building, situated between the building and a side lot line of the lot and extending through from the front yard to the rear yard. Any lot line not the rear line or a front line shall be deemed a side lot line.

51. Zoning District Map.

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

ARTICLE 22.0 PENALTY FOR VIOLATIONS

Any person violating any of the provisions of this Ordinance shall, upon conviction, be fined any sum not exceeding two hundred (200) dollars; and each day and every day that the provisions of this Ordinance are violated shall constitute a separate and distinct offense.

ARTICLE 23.0 VALIDITY

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

ARTICLE 24.0 PRESERVING RIGHTS IN PENDING LITIGATION AND VIOLATIONS UNDER EXISTING ORDINANCES

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

ARTICLE 25.0 ADOPTION CLAUSE

This Ordinance, upon its adoption, shall hereby expressly replace the existing Ordinance 45 of the City of Aledo, Texas, as previously adopted together with all amendments thereto. All Ordinances and parts of Ordinances inconsistent with or in conflict with the provisions of this Ordinance shall be and are hereby expressly repealed unless otherwise noted herein.

ARTICLE 26.0 DECLARATION OF EMERGENCY

The fact that the present zoning regulations are inadequate to properly safeguard the general public welfare, health, peace and safety, creates an urgency and an emergency, and requires that this Ordinance become effective immediately upon its passage, and it is accordingly so ordained.

ARTICLE 27.0 EFFECTIVE DATE

This amended Ordinance shall become effective from and after the date of its approval and adoption as provided by law.

PASSED AND APPROVED this the 10th day of November
1987

MAP ZONING MAP

The map is not available in this online issue at this time. Contact the City Secretary during regular office hours to view the map.