



AGENDA

Planning and Zoning Commission Meeting

August 10, 2023 | 6:30 PM

Council Chambers

City Hall | 665 Country Club Road, Lucas, Texas

Notice is hereby given that a meeting of the City of Lucas Planning and Zoning Commission will be held on August 10, 2023, at 6:30 pm at Lucas City Hall, 665 Country Club Road, Lucas, Texas 75002-7651, at which time the following agenda will be discussed. As authorized by Section 551.071 of the Texas Government Code, the Planning and Zoning Commission may convene into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any item on the agenda at any time during the meeting.

If you would like to watch the meeting live, you may go to the City's live streaming link at <https://www.lucastexas.us/departments/public-meetings/>.

How to Provide Input at a Meeting:

Speak In Person: Request to Speak forms will be available at the meeting. Please fill out the form and give to the Management Analyst prior to the start of the meeting. This form will also allow a place for comments.

Submit Written Comments: If you are unable to attend a meeting and would like to submit written comments regarding a specific agenda item, email Joshua Menhennett, Management Analyst at jmenhennett@lucastexas.us no later than 3:30 pm the day of the meeting. The email must contain the person's name, address, phone number, and the agenda item(s) for which comments will be made. Any requests received after 3:30 pm will not be included at the meeting.

Call to Order

- Roll Call
- Determination of Quorum
- Reminder to turn off or silence cell phones
- Pledge of Allegiance

Public Hearing

1. Conduct a public hearing and consider a Specific Use Permit (SUP) application submitted by Bill Shipley on behalf of Caliber Collision to permit a Caliber Collision paint and body shop with minor automotive located in the William Snider Survey, Abstract Number 821, Tract 16, being 1.75 acres of a 5.7601 acres tract of land, more commonly known as a tract of land on McGarity Lane 500' east of the intersection of Angel Parkway and McGarity Lane. (**Development Services Director Joe Hilbourn**)
 - A. Presentation by Development Services Director Joe Hilbourn
 - B. Conduct public hearing
 - C. Take action on Specific Use Permit request

Regular Agenda

2. Consider approving an application for an amended site plan submitted by Kristi Burk with BRR Architecture, Inc. on behalf of Walmart Real Estate Business Trust for the Walmart Lucas Addition, Block A, Lot 1 situated in the City of Lucas, Collin County, Texas, located at 2662 West Lucas Road. **(Development Services Director Joe Hilbourn)**
3. Consider approving an application for a final plat submitted by Dave Carter on behalf of NDC Holdings, LP, for Lucas Retail Addition, a retail center on a 1.619-acre tract of land located in the William Snider Survey, Abstract Number 821, situated in the City of Lucas, Collin County, Texas, located at 2695 McGarity Lane. **(Development Services Director Joe Hilbourn)**
4. Discuss updating the City of Lucas Code of Ordinances, Chapter 14 titled “Zoning.” **(Development Services Director Joe Hilbourn)**
5. Discuss Planning and Zoning Commission meeting logistics and attendance. **(Chairman Tommy Tolson)**
6. Consider approving the minutes of the July 13, 2023 Planning and Zoning Commission Meeting. **(Planning and Zoning Commission)**

Executive Agenda

As authorized by Section 551.071 of the Texas Government Code, the Planning and Zoning Commission may convene into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney regarding any item on the agenda at any time during the meeting. This meeting is closed to the public as provided in the Texas Government Code.

7. Executive Session: There is not an executive session scheduled for this meeting.
8. Reconvene from Executive Session.
9. Adjournment.

Certification

I do hereby certify that the above notice was posted in accordance with the Texas Open Meetings Act on the bulletin board at Lucas City Hall, 665 Country Club Road, Lucas, Texas 75002 and on the City’s website at www.lucastexas.us on or before 5:00 p.m. on August 4, 2023.

Joshua Menhennett, Management Analyst

In compliance with the American with Disabilities Act, the City of Lucas will provide for reasonable accommodations for persons attending public meetings at City Hall. Requests for accommodations or interpretive services should be directed to Management Analyst Joshua Menhennett at 972-912-1214 or by email at jmenhennett@lucastexas.us at least 48 hours prior to the meeting.



City of Lucas
Planning and Zoning Agenda Request
August 10, 2023

Item No. 01

Budget/Financial Impact

NA

Recommendation

City staff recommends approving the request for the Specific Use Permit as presented with the following conditions:

1. No on street parking permitted.
2. No light glare at the property lines in compliance with the city lighting regulations.

Motion

I make a motion to recommend to the City Council to approve/deny the request for a Specific Use Permit (SUP) application submitted by Bill Shipley on behalf of Caliber Collision to permit a Caliber Collision paint and body shop with minor automotive located in the William Snider Survey, Abstract Number 821, Tract 16, being 1.75 acres of a 5.7601 acres tract of land, more commonly known as a tract of land on McGarity Lane 500' east of the intersection of Angel Parkway and McGarity Lane.



ZONING APPLICATION

City of Lucas, Texas

Name of Project: Caliber Collision

	Application Fee
<u> </u> Initial Zoning (newly annexed or agricultural property) per classification	\$450.00
<u> </u> Rezoning (property currently zoned) per classification	\$450.00
<u> X </u> Specific Use Permit (SUP) - see Zoning Ordinance for special requirements and procedures	\$450.00

Physical Location of Property: Southeast of intersection of Angel Parkway and McGarity Lane

[Address and General Location – approximate distance to nearest existing street corner]

Brief Legal Description of Property (must also attach accurate metes and bounds description):

ABS A0824 WILLIAM SNIDER SURVEY, TRACT 16

[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Collin County Appraisal District Short Account Number: 1217937

Acreage: 1.75 ~~5.7601~~ Existing Zoning: C Requested Zoning: SUP

[Attach a detailed description of requested zoning]

OWNER(S) NAME: Shipley Development Corp, GP Phone Number: 214-522-2252

Applicant / Contact Person: Bill Shipley Title: President

Company Name: Pennington Partners, LTD

Mailing Address: 3445 Shenandoah St. City: Dallas State: TX ZIP: 75205

Phone: () _____ Fax: () _____ Email Address: wwshipley@wwshipley.com

ENGINEER(S) / REPRESENTATIVE(S) NAME: Jack Zanger

Contact Person: Jack Zanger Title: Project Manager

Company Name: Triangle Engineering

Mailing Address: 1782 W. McDermott Dr. City: Allen State: TX ZIP: 75013

Phone: 918)565.3820 Fax: () _____ Email Address: jzanger@triangle-engr.com



ZONING APPLICATION (continued)

Name of Project: Caliber Collision

****READ BEFORE SIGNING BELOW:** If there should be more than one property owner, complete a separate sheet with the same wording as below. The City requires all original signatures. If applicant is other than the property owner a "Power of Attorney" with original, notarized signatures is required. (Notaries are available upon submittal.)

SUBMITTAL DEADLINE: 30 DAYS PRIOR TO P&Z PUBLIC HEARING DATE. All zoning applications must be advertised in the newspaper, and notices must be mailed to all property owners within 500 feet of the subject property. Please contact City staff in advance for submittal deadlines.

ALL APPLICATIONS MUST BE COMPLETE, ACCOMPANIED BY THE APPLICABLE CHECKLIST AND TAX CERTIFICATE SHOWING TAXES PAID. BEFORE THEY WILL BE SCHEDULED FOR P&Z AGENDA. It is the applicant's responsibility to be familiar with, and to comply with, all City submittal requirements (in the Zoning & Subdivision Ordinances, and any separate submittal policies, requirements and/or checklists that may be required from City staff), including the number of plans to be submitted, application fees, etc. Please contact City staff in advance for submittal requirements. [Drawings will not be returned to applicant.]

SUBMISSIONS. Failure to submit all materials to the City with this application will result in delays scheduling the agenda date.

NOTICE OF PUBLIC RECORDS. The submission of plans/drawings/etc. with this application makes such items public record, and the applicant understands that these items may be viewed by the general public. Unless the applicant expressly states otherwise in writing, submission of this application (with associated plans/drawings/etc.) will be considered consent by the applicant that the general public may view and/or reproduce (i.e., copy) such documents.

ALL PARCELS/PROPERTIES MUST MATCH IN ACREAGE ALL OTHER DOCUMENTS SUBMITTED. WITH NO AMBIGUITY.

STATE OF TEXAS }
COUNTY OF COLLIN }

BEFORE ME, a Notary Public, on this day personally appeared Bill Shipley the undersigned who, under oath, stated the following: "I hereby certify that I am the owner, or duly authorized agent of the owner, (proof attached) for the purposes of this application; that all information submitted herein is true and correct. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial."

[Signature]
Owner Agent (circle one)

SUBSCRIBED AND SWORN TO before me, this the 30th day of May, 2023.



Notary Public in and for the State of Texas: Julianne Thornton Shipley

Official Use Only	Action Taken
Planning & Zoning: _____	Date: _____
City Council: _____	Date: _____
Applicant Made a Written Withdrawal: Yes or No	Date: _____



Zoning Exhibit Checklist

Minimum Requirements

Project Name: Caliber Collision

Preparer: Jack Zanger

This checklist is provided to assist you in addressing the minimum requirements for a zoning or rezoning submission. An application is incomplete unless all applicable information noted below is submitted to the Development Services Department. Indicate that all information is included on the submitted plans by initialing the box next to the required information. Initialing each item certifies to the City that you have completely and accurately addressed the issue. Return this form at the time of application submittal.

A zoning/rezoning request and associated plans are expected to be submitted complete and accurate in all detail as shown by the checklist. Should plans be determined to be incomplete, they may either be returned to the applicant without further review or marked up with needed changes, depending on the amount/magnitude of changes or corrections needed.

For Zoning or Rezoning to a Straight Zoning District

Location/vicinity map showing the location of the proposed zoning with cross streets is included. Indicate scale or not to scale (NTS) and provide north arrow.

Abstract lines, survey lines, county lines, corporate boundaries are correctly shown and clearly labeled.

Statement of purpose and intent of the zoning or rezoning that includes:

- Land Use(s) proposed
- Existing and proposed zoning
- Impact of uses(s) on the transportation system. NOTE: The City will determine if a Traffic Impact Analysis (TIA) is required.
- Impact of the use(s) on water and wastewater utilities (e.g. provide statement as to general availability).
- Impact on land use(s) adjacent to the rezoning request.
- Conformance to the Comprehensive Plan.
- Other information as required by City staff, Planning & Zoning Commission, and/or City Council
- If a residential use, the density of the proposal and density of adjacent residential use(s).

Adjacent zoning and existing land use(s) within 500 feet is indicated.

Adjacent driveways, streets, roads and other thoroughfares within 500 feet of the property are shown and labeled.

A note stating that development of the site will be in accordance with City of Lucas development standards.

Provide an electronic file (pdf) of Legal Description/Metes & Bounds Description with labeling at top of document.

Mailing labels of an appropriate size for mailing, with current property owner(s) name and address, of any property located within 500 feet of all property lines of subject property.



Zoning Exhibit Checklist

Minimum Requirements (continued)

For Special Use Permit (SUP) Requests, Conditional Use Permit (CUP) Requests and Planned Development / Zoning District Requests or Amendments

- Zoning boundary is indicated by a heavy solid line, intermittent with 2 dash lines; dimensioned with bearing(s) and distance(s).
- A title block in the lower right corner that includes large, boldly printed "ZONING CONCEPT PLAN - EXHIBIT B", owner and engineer(s), architect(s), and/or surveyor(s) names, addresses and phone numbers, project name, total acreage, survey name and abstract number (Addition Name & Lot and Block info if platted property), Collin County, submission date, and a log of submittal/revision dates since submitted to the City. A note shall be affixed to the Zoning Concept Plan as follows:

"This Concept Plan is for illustrative purposes only and subject to change. This Concept Plan, along with development regulations (for Planned Development requests), are intended to describe the intent of the Planned Development. Significant deviations from this Concept Plan, as determined by the Development Services Director, will require an amendment to the Concept Plan and, as necessary, the development regulations."
- Location/vicinity map showing the location of the proposed zoning request/change with cross streets is included.
- Indicate scale or not to scale (NTS) and provide north arrow.
- Written and bar graph scale, and north arrow are indicated. North shall be oriented to the top or left side of the sheet.
- Abstract lines, survey lines, corporate boundaries are correctly shown and clearly labeled.
- Statement of purpose and intent of the rezoning that includes:
 - Land use(s) proposed
 - Existing and proposed zoning and land use
 - Impact of uses(s) on the transportation system.

NOTE: The City will determine if a Traffic Impact Analysis (TIA) is required.

 - Impact of the use(s) on water and wastewater utilities (e.g. provide statement as to general availability).
 - Impact on land use(s) adjacent to the rezoning request.
 - Conformance to the Comprehensive Plan.
 - Other information as required by City staff, Planning & Zoning Commission, and/or City Council
- Adjacent zoning and existing land use(s) within 500 feet is indicated.
- Adjacent driveways, streets, roads and other thoroughfares within 500 feet of the project are shown.
- Concept Plan that includes the following:
 - Land use(s) proposed (building footprint(s) are to be graphically shown).
 - Thoroughfares as depicted on the Master Thoroughfare Plan (MTP) within and adjacent to the site are accurately located, named and dimensioned. Existing is to be shown as a light, solid line; proposed shown as a medium weight solid line.
 - Medians, left-turn lanes, median openings, curb cuts, acceleration/deceleration lanes within 200 feet of the property are accurately located, labeled, and dimensioned. Existing is to be shown as a light, solid line; proposed shown as a medium weight solid line.
 - If a structure is proposed, or proposed to remain, a minimum and maximum square footage (if no definitive/specific user(s) are identified at this time) is indicated for the structure(s).
 - If a structure is proposed, or proposed to remain, the use, approximate location, and square footage of each building is provided.
 - If a residential use, the density of the proposal and density of adjacent residential use(s).
 - Project phasing lines.
 - Other pertinent data as may be required by City staff, Planning and Zoning Commission, and/or City Council.
 - Location of present, future or proposed public dedication of parks, open space, etc.
- Mailing labels of an appropriate size for mailing, with current property owner(s) name and address, of any property located within 500 feet of all property lines of subject property.



Zoning Exhibit Checklist

Minimum Requirements (continued)

Special Use Permit (SUP) and Conditional Use Permit (CUP) requests shall also include the following items in table format on the Zoning Concept Plan (Exhibit "B") and those specified in items 1 thru 10 above as applicable:

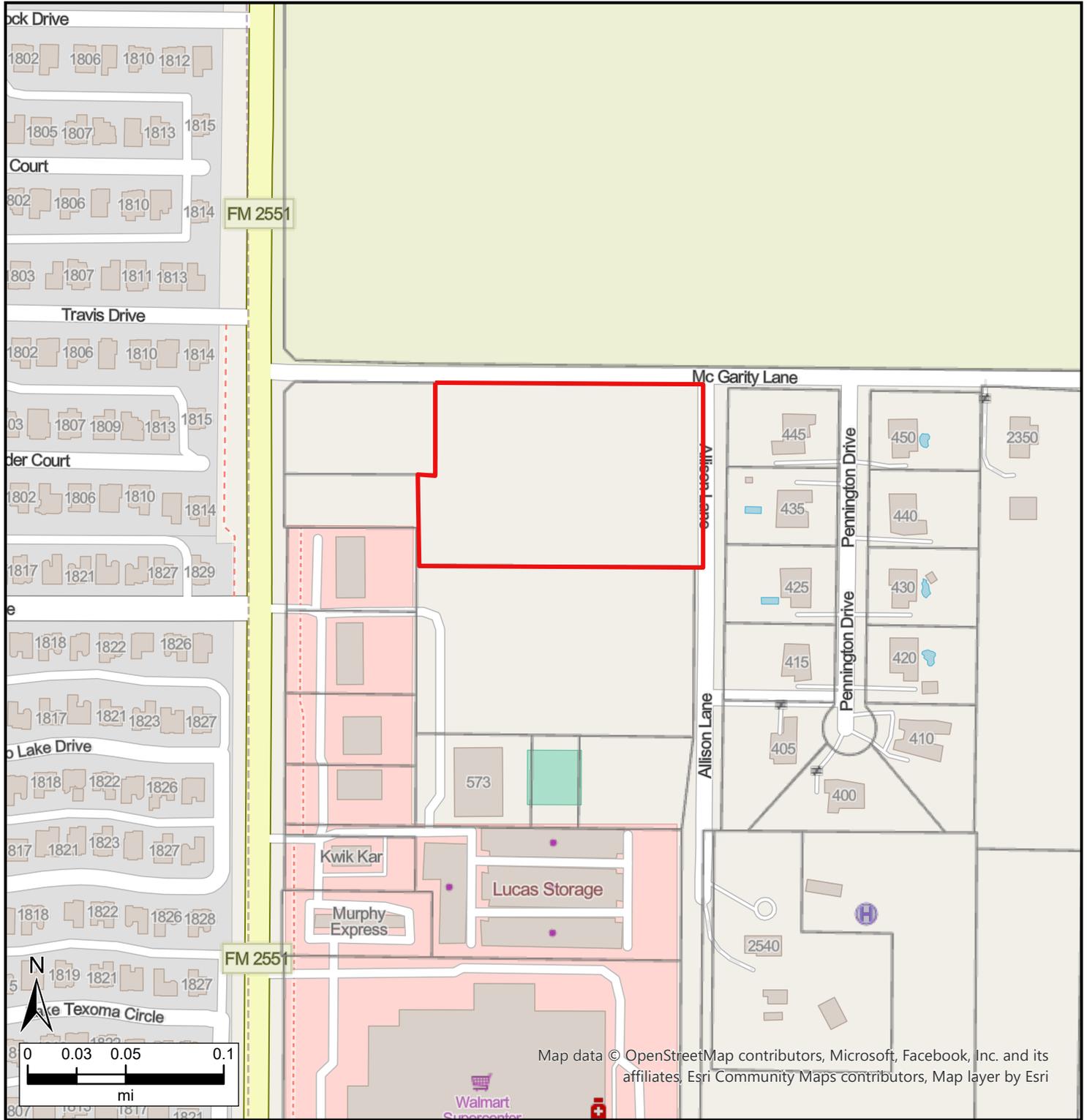
- Existing/proposed Lot Number(s)
- Lot area specified in square feet and acreage
- Building square footage (Indication of Minimum and Maximum suggested if no definitive/specific user(s) identified at this time)
- Proposed use for each proposed building by category of use (e.g. retail, medical office, restaurant with or without drive-thru, convenience store, bank with drive-thru, church, etc.)
- Parking count required and specified per use(s) with required ratio indicated

Planned Development (PD) Zoning District requests shall also include Development Regulations (labeled/titled Exhibit "C") with the following:

- Hard copy (8 ½" X 11") and pdf file on disk is provided.
- List of proposed land uses
- Proposed use(s) for each building (non-residential and mixed-use development) by category of use (e.g. retail, professional office, medical office, church, restaurant, bank with drive through, etc.)
- Maximum square footage of each building (non-residential uses)
- Minimum lot area (residential uses)
- Minimum lot width (residential uses)
- Minimum lot depth (residential uses)
- Heights and stories
- Maximum lot coverage percentage
- Maximum lot count (residential uses)
- Minimum house size square footage excluding garages and breezeways
- Fencing requirements indicated
- Garage type(s) indicated (e.g. front entry, rear entry alley served, "J"-hook, etc.)
- Accessory Building regulations
- Subdivision Ordinance waiver/modification requests are specifically listed.
- Parking count required specified per use(s) with required ratio indicated
- Parking count provided
- Statement is provided indicating that all current development requirements of the City as amended shall be met unless approved otherwise within these Planned Development Zoning District Development Regulations.
- Hard copy (8 ½" X 11") and electronic file (pdf) of Legal Description/Metes & Bounds Description with labeling at top of document indicating Exhibit "A" is provided.
- Mailing labels of an appropriate size for mailing, with current property owner(s) name and address, of any property located within 500 feet of all property lines.

NOTE: DEVIATIONS FROM CURRENT DEVELOPMENT STANDARDS/REGULATIONS NOT SPECIFICALLY ADDRESSED/LISTED FOR APPROVAL AS PART OF PLANNED DEVELOPMENT REGULATIONS MAY REQUIRE A HEARING/APPROVAL BY THE BOARD OF ADJUSTMENT (BOA).

Location Map: Caliber Collision



Legend

 Lucas Parcels





City of Lucas

Planning and Zoning Agenda Request

August 10, 2022

Item No. 02

Requester: Development Services Director Joe Hilbourn

Agenda Item Request

Consider approving an application for an amended site plan submitted by Kristi Burk with BRR Architecture, Inc. on behalf of Walmart Real Estate Business Trust for the Walmart Lucas Addition, Block A, Lot 1 situated in the City of Lucas, Collin County, Texas, located at 2662 West Lucas Road.

Background Information

Final Plat:

The lot is 21.8970 acres of land. This site has an approved site plan, landscape plan and elevations. The applicant would like to place a recycling hub in the parking lot. A recycling hub provides communities an opportunity to recycle eight different waste streams (plastic bottles, plastic containers, pet food packaging, aluminum, paper boxes, plastic film, home cleaning bottles, and rigid plastic) at no cost to the customers or taxpayers.

Attachments/Supporting Documentation

1. Amended Site Plan
2. Application
3. Checklist
4. Location Map

Budget/Financial Impact

NA

Recommendation

Staff recommends approving the site plan with the following conditions:

1. Store management trained to monitor recycling hub daily.
2. Store management will report any dumping/trash outside the hub.
3. Contracted hauler will remove dumping/trash within 12 hours of reporting, a phone number on the side of the recycling hub that staff can call if waste is outside the hub(s).

Motion

I make a motion to approve/deny an application for an amended site plan submitted by Kristi Burk with BRR Architecture, Inc. on behalf of Walmart Real Estate Business Trust for the Walmart Lucas Addition, Block A, Lot 1 situated in the City of Lucas, Collin County, Texas, located at 2662 West Lucas Road.



NAME OF SUBDIVISION and/or PROJECT: Walmart #5672 - Recycling Unit

****READ BEFORE SIGNING BELOW:** If there is more than one property owner, complete a separate sheet with the same wording as below. The City requires all original signatures. If applicant is other than the property owner, a "Power of Attorney" with original, notarized signatures is required. (Notaries are available upon submittal)

ALL APPLICATIONS MUST BE COMPLETE, ACCOMPANIED BY THE APPLICABLE CHECKLIST AND TAX CERTIFICATE SHOWING TAXES PAID, BEFORE THEY WILL BE SCHEDULED FOR P&Z AGENDA. It is the applicant's responsibility to be familiar with, and to comply with, all City submittal requirements (in the Zoning & Subdivision Ordinances, and any separate submittal policies, requirements and/or checklists that may be required from City staff), including the number of plans to be submitted, application fees, etc. Please contact City staff in advance for submittal requirements. [Drawings will not be returned to applicant.]

ALL PARCELS/PROPERTIES MUST MATCH IN ACREAGE ALL OTHER DOCUMENTS SUBMITTED WITH NO AMBIGUITY, SUBMISSIONS: Failure to submit all materials to the City with this application will result in delays scheduling the agenda date.

NOTICE OF PUBLIC RECORDS. The submission of plans/drawings/etc. with this application makes such items public record, and the applicant understands that these items may be viewed by the general public. Unless the applicant expressly states otherwise in writing, submission of this application (with associated plans/drawings/etc.) will be considered consent by the applicant that the general public may view and/or reproduce (i.e., copy) such documents.

Applicant agrees to pay any and all monies due to the City including but not limited to park pro rata fee, Tree Removal Permit fee, 3% of construction cost (developer to provide contracts for verification) and including but not limited to other fees that may be required prior to final plat approval.

STATE OF TEXAS)
COUNTY OF COLLIN)

BEFORE ME, a Notary Public, on this day personally appeared MICHAEL ESTES the undersigned who, under oath, stated the following: "I hereby certify that I am the owner, or duly authorized agent of the owner, (proof attached) for the purposes of this application; that all information submitted herein is true and correct. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial."

[Signature]

****Owner / Agent (circle one)**

SUBSCRIBED AND SWORN TO before me, this the 29th day of June, 2023

Arkansas *[Signature]*

Notary Public in and for the State of Texas



Official Use Only: Action Taken		
Planning & Zoning: _____	Date: _____	
City Council: _____	Date: _____	
Applicant Withdrew: Yes or No	Applicant Made a Written Withdrawal: Yes or No	Date: _____



Site Plan Minimum Requirements

Project Name Walmart #5672 - Recycling Unit Preparer BRR Architecture, Inc.

This checklist is provided to assist you in addressing the minimum requirements for Site Plan submission. An application is incomplete unless all applicable information noted below is submitted to the Development Services Department. Indicate that all information is included on the submitted plans by checking the box next to the required information. Checking the box certifies to the City that you have completely and accurately addressed the issue. If not applicable, indicate an "N/A" next to the box. Return this completed form at the time of application submittal.

If an exception or modification to the regulations is requested, the reason and/or request for each shall be provided directly on the plan and on a separate sheet on letterhead with sufficient details as to allow a determination by the appropriate approval body. Additional information may be required. Reference the specific requirement/s.

Plans are expected to be submitted complete and accurate in all detail as shown by the checklist. Should plans be determined to be incomplete, they may either be returned to the applicant without further review or marked up with needed changes, depending on the amount/magnitude of changes or corrections needed. Please keep in mind that changes/additions to previously incomplete or inaccurate plans may generate additional comments at re-submittal of corrected Plans. Therefore, diligence to the initial submittal is paramount to expediting the review process.

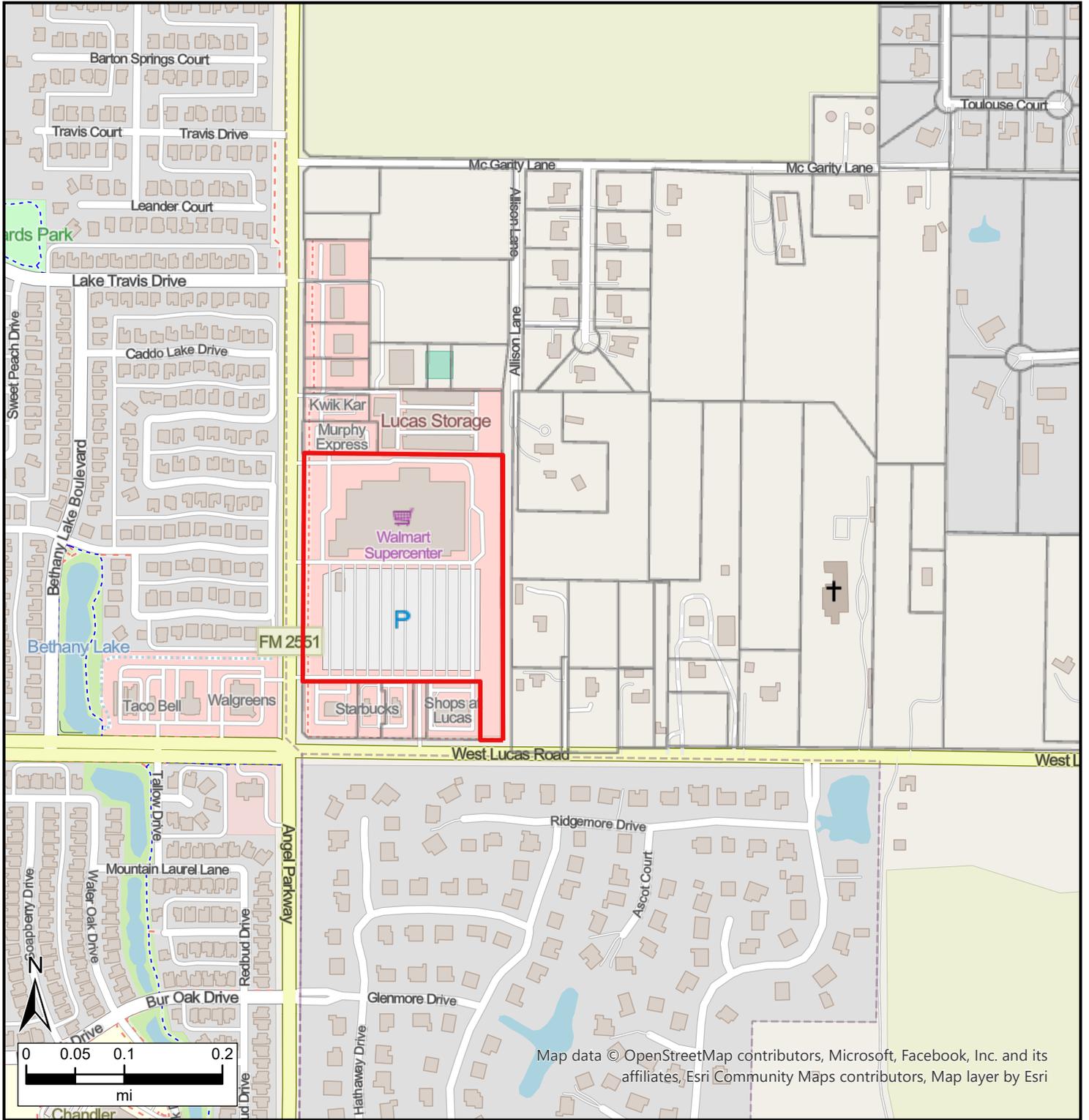
Included

- Site boundary is indicated by a heavy solid line intermittent with 2 dash lines, dimensioned with bearings and distances; indicate and label lot lines, setback lines, and distance to the nearest cross street.
- Site location/vicinity map clearly showing the location of the subject property with cross streets is provided. Indicate scale or NTS and provide north arrow.
- A north arrow is provided with drawing oriented such as that north is located to the top or left side of drawing sheet.
- A written and bar scale is provided.
- A title block is in the lower right corner that includes large, boldly printed "SITE PLAN", owner and engineer's names, addresses and phone numbers, subdivision name, lot number/s, block number or letter, original submission date, and a log of resubmittal/revision dates since submitted to the City.
- Tree masses are clouded with accurate canopy widths shown to determine critical root zone where located within close proximity to existing or proposed pavement.
- Flood plain boundary is shown and indicates F.I.R.M. Community panel number and date, and flow line of drainage ways and creeks, as applicable.
- Existing topography lines are shown with a light dashed line and proposed contours are shown by a medium weight solid line. Topography is shown at minimum five (5) foot contours referenced to sea level city datum. Spot elevations and additional contours may be required in certain areas depending on topography.
- Accurately located, labeled and dimensioned footprint of proposed structure(s) is/are shown by a solid heavy line.

- Accurately located, labeled and dimensioned footprint of existing structure(s) to remain is/are shown by a heavy dashed line.
- Accurately located and labeled footprint of structure(s) proposed for demolition is/are shown by a light dashed line. Structures to be demolished are clearly labeled/ identified.
- Accurately located footprint of nonresidential structure(s) on abutting properties is/are shown by a light, solid line.
- Adjacent property lines within 500 feet of the subject property lines are shown by a light dashed line.
- Adjacent zoning and land use (e.g. bank with drive-thru, office building, undeveloped etc.) within 500 feet of the property line is indicated.
- Adjacent property owner(s), or subdivision name, with lot, block and recording information, is shown.
- Finished floor elevation of existing and/or proposed structures is referenced to sea level datum.
- Full width of streets and alley rights-of-way with centerlines and backs of curbs or paving edges within 200 feet of the property line are dimensioned and street name or use is labeled.
- Driveways within 200 feet of the property line:
 - Are accurately located and dimensioned.
 - Distances to the nearest on-site driveway and/or off-site driveway is accurately located and dimensioned as measured from the centerlines.
 - Distance to the nearest street is shown as measured from the end of curb-return radius of the adjacent street to the driveway centerline.
 - Typical radii are shown.
- Drive-thru lanes, menu board location, pick-up window/s, maneuvering area, stacking lanes and escape lanes are indicated and dimensioned.
- Sidewalks and barrier-free ramps (BFR) within 200 feet of and on the subject property are shown, dimensioned and labeled.
- Off-site streets and roads:
 - Existing and proposed roadways with medians and median openings adjacent to and within 200 feet of the project site are shown and dimensioned.
 - Medians, median openings with associated left- turn lanes, continuous left turn lanes, transition and stacking lengths are shown and dimensioned within 200 feet of the project site.
 - Existing, proposed, and required acceleration/deceleration lanes within 200 feet of the project site are shown dimensioned, stacking length indicated, and right-of-way dedication is indicated as applicable.
- All parking spaces are shown, group numbered, and typical dimensions are provided. Indicate required two-foot overhang, as applicable.
- Handicapped parking spaces and barrier-free access points are shown, dimensioned, and labeled.
- Loading and maneuvering areas are indicated, labeled, and dimensioned. Loading area screening method is indicated and labeled.
- Dumpster and/or compactor locations and screening methods are shown. Indicate screening materials and height for all sides. Screening material is to match structure façade with enclosure having solid metal gates. Specs and sketch available from staff.
- Paving materials, boundaries and type are indicated.
- Access easements are accurately located/ tied down, labeled and dimensioned.
- Off-site parking is shown and dimensioned from the off-site parking area to the structure or use as applicable. A parking easement or shared parking agreement is required and is provided in draft format.
- Fire lanes are shown and dimensioned at a minimum of 24 feet in width, with internal radii of not less than 20 feet. Label and use an approximate 20 percent shade for fire lanes to differentiate from other paving. Ensure that required labeling and dimensioning is readable through shading.

- Proposed dedications and reservations of land for public use including, but not limited to, rights-of-way, easements, park land, open space, drainage ways, floodplains and facility sites are accurately located, dimensioned and labeled.
- Screening walls are shown with dimensions and materials. An inset is provided that shows the wall details and column placement as applicable. Plans for masonry walls are to be signed and sealed by a structural engineer and approved by the City Engineer. Channeled or slip-panel/pre-cast walls are prohibited.
- The location of living screens are shown and labeled. Details of a living screen are provided on the Landscape Plan indicating plant species/name, height at planting, and spacing.
- A lighting plan that shows location by fixture type is included. A lighting data chart is used to reference fixture type (i.e. pole or wall pack), maximum height, those requiring shielding, those requiring skirting, wattage and foot-candles of each fixture. No lighting source (i.e. bulb, reflector, etc.) is allowed to be visible from an adjacent property or public street.
- Existing and proposed water and sanitary sewer lines, storm sewer pipe, with sizes, valves, fire hydrants, manholes, and other utility structures on-site or immediately adjacent to the site are shown and labeled.
- Boundaries of detention areas are located. Indicate above and/or below ground detention.
- Monument signage location is indicated. Details of construction materials and architecture are shown on required Building Elevation/Façade Plan. Color, type and texture are to match that of the building.
- Communication towers are shown and a fall distance/collapse zone is indicated.
- Provide Site Data Summary Table that references distinct numbers for each lot and all buildings (existing and proposed) that includes, where applicable:
 - o Existing Zoning
 - o Proposed use(s) for each structure
 - o Total lot area less right-of-way dedications by square feet and acres
 - o Square footage of building(s)
 - o Building height (stories and feet)
 - o Percent of lot coverage (building footprint square footage/lot square footage).
 - o For apartment developments, number of living units broken down by number of bedrooms and minimum square footage for each dwelling unit.
 - o Parking required by use with applicable parking ratios indicated for each use
 - o Parking provided indicated
 - o Handicap parking required as per Code of Ordinances and TAS/ADA requirements
 - o List of exceptions and/or variance/s requested or previously granted, including dates and approving authority
- Improvements are proposed in TXDOT Right-of-Way and one (1) full set of civil engineering plans has been submitted to: Mohammad Khoshkar, TXDot Office, P.O.Box 90 McKinney, Texas 75069-0090, phone (972)547-2237

Location Map: Lucas Walmart



Legend

 Lucas Parcels





City of Lucas

Planning and Zoning Agenda Request

August 10, 2022

Item No. 03

Requester: Development Services Director Joe Hilbourn

Agenda Item Request

Consider approving an application for a final plat submitted by Dave Carter on behalf of NDC Holdings, LP, for Lucas Retail Addition, a retail center on a 1.619-acre tract of land located in the William Snider Survey, Abstract Number 821, situated in the City of Lucas, Collin County, Texas, located at 2695 McGarity Lane.

Background Information

Final Plat:

The lot size is 1.619 acres of land. The preliminary plat and civil engineering plans provide easements for drainage including detention, utility easements, and easements for fire lanes. The City's Engineering Department approved the plans on October 26, 2022 and the site on July 18, 2022. The plat meets the City's requirements for a final plat and conforms to the preliminary plat that was approved on December 1, 2022.

Attachments/Supporting Documentation

1. Final Plat
2. Application
3. Checklist
4. Location Map

Budget/Financial Impact

NA

Recommendation

City staff recommends approving the site plan, landscape plan, architectural plan, and the preliminary plat.

Motion

I make a motion to approve/deny an application for a final plat submitted by Dave Carter on behalf of NDC Holdings, LP, for Lucas Retail Addition, a retail center on a 1.619-acre tract of land located in the William Snider Survey, Abstract Number 821, situated in the City of Lucas, Collin County, Texas, located at 2695 McGarity Lane.

TRAVIS DRIVE
(60' Wide Right-of-way)



AREA NOTE:
The area (acres) shown hereon is based on the mathematical closure of the courses and distances reflected on this Survey. It does not include the tolerances that may be present due to positional accuracy of the boundary monuments in place.

REFERENCE BEARING NOTE:
The bearings shown hereon are geodetic and were derived from GPS observations and measurements from City of Allen Control Monument No. 7 and referenced to the Texas State Plane Coordinate System, NAD 83, North Central Zone (4202).

FLOOD ZONE NOTE:
This Surveyor has reviewed Flood Insurance Rate Map No. 48085C0405J (effective date June 2, 2009) published by the Federal Emergency Management Administration for Collin County, Texas and based upon said scaled map and graphic plotting, such review revealed that the subject parcel lies within "ZONE X" (Un-Shaded) and is outside of the 0.2% annual chance floodplain.

MONUMENT FOOTING:
All lot corner monuments set by this Surveyor are 1/2 inch diameter rebar, 18 inches long, topped with a red plastic cap, stamped "RPLS 4701" or if in concrete pavement, a mag nail with a steel washer, stamped "RPLS 4701", unless otherwise noted.

SUBDIVISION NOTE:
All proposed lots situated in whole or in part within the city's corporate limits comply with the minimum size requirements of the governing zoning district and the requirements of the subdivision ordinance.

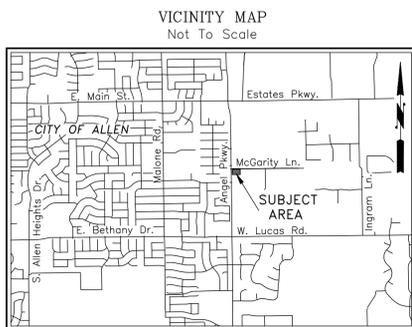
Selling a portion of this addition by metes and bounds is a violation of City Subdivision Ordinance and State of Texas statutes and is subject to fines and withholding of utilities and building permits.

PURPOSE STATEMENT:
The purpose of this Final Plat is to abandon an easement and dedicate easements for the development of the subject property.

LEGEND

- WATER VALVE
- WATER METER
- FIRE HYDRANT
- POWER POLE
- GUY ANCHOR
- TELEPHONE RISER
- FIBER OPTIC CABLE BOX
- CABLE TELEVISION RISER
- UTILITY MARKER (Labeled)
- UTILITY MARKER (Labeled)
- SANITARY SEWER MANHOLE

- BOUNDARY LINE
- ADJOINER BOUNDARY LINE
- OVERHEAD POWER LINE
- BURIED GAS LINE
- BURIED CoSERV GAS LINE
- BURIED FIBER OPTIC LINE
- BURIED WATER LINE
- BURIED 12" WATER LINE
- SANITARY SEWER LINE (Size Labeled)



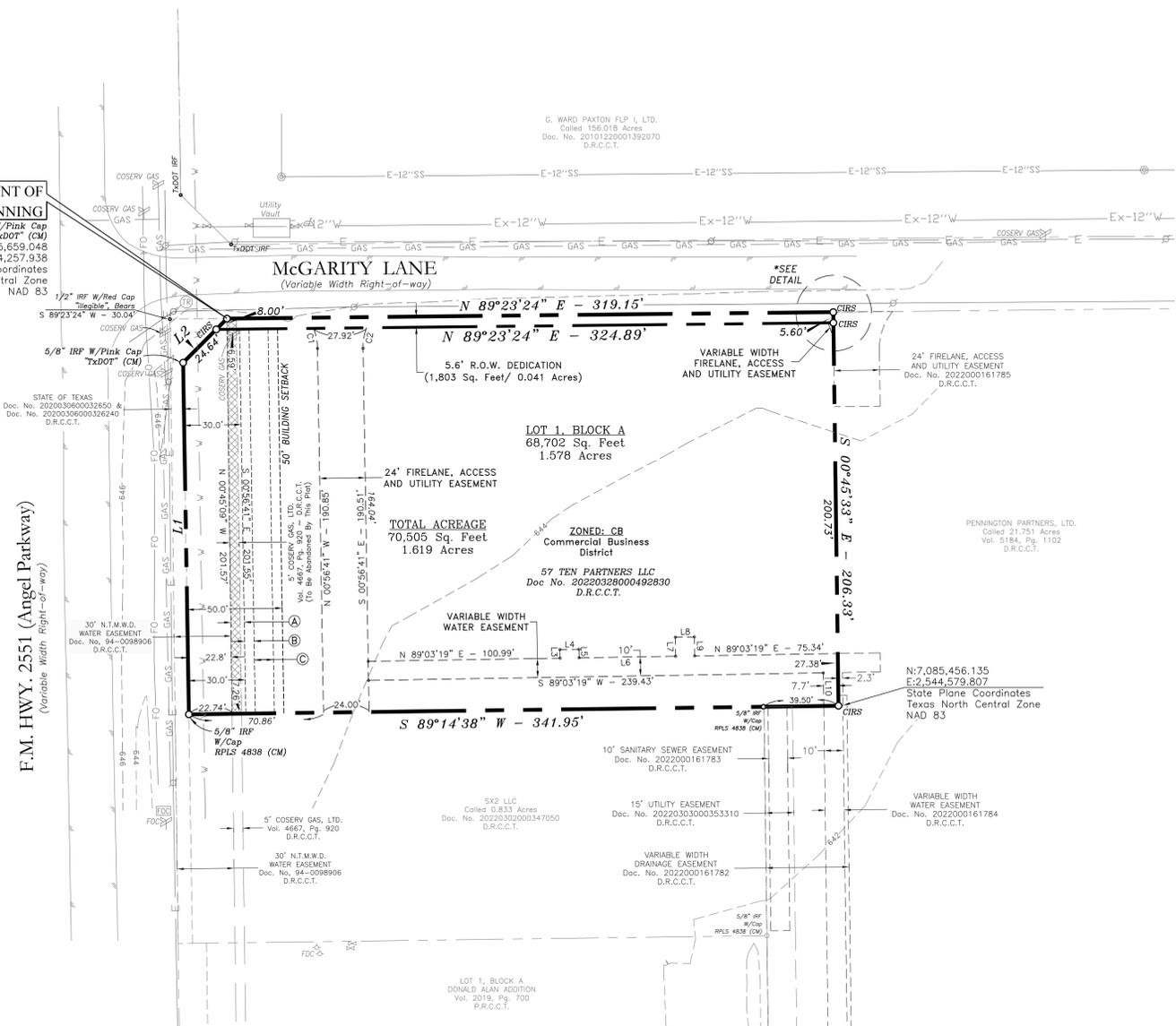
ABBREVIATIONS

- Cab. = Cabinet
- Vol. = Volume
- Pg. = Page
- Doc. No. = Document Number
- D.R.C.C.T. = Deed Records, Collin County, Texas
- P.R.C.C.T. = Plat Records, Collin County, Texas
- IRF = Iron Rod Found
- IRS = 1/2" Iron Rod Set with red plastic cap, stamped "RPLS 4701"
- TxDOT = Texas Department of Transportation
- CM = Controlling Monument

POINT OF BEGINNING

5/8" IRF W/Pink Cap TxDOT (CM)
N: 7,085,659.048
E: 2,544,257.938
State Plane Coordinates
Texas North Central Zone
NAD 83

F.M. HWY. 2551 (Angel Parkway)
(Variable Width Right-of-way)



LINE TABLE

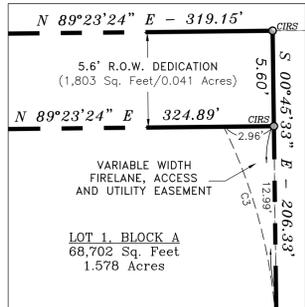
LINE	BEARING	DISTANCE
L1	N 00°56'41" W	184.37'
L2	N 45°00'40" E	32.64'
L3	N 00°56'41" W	4.50'
L4	N 89°03'19" E	10.00'
L5	S 00°56'41" E	4.50'
L6	N 89°03'19" E	50.85'
L7	N 00°56'41" W	10.00'
L8	N 89°03'19" E	10.00'
L9	S 00°56'41" E	10.00'
L10	N 00°45'22" W	17.35'

CURVE TABLE

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	20°38'33"	30.00'	10.81'	N 11°15'57" W	10.75'
C2	20°59'24"	30.00'	10.99'	S 09°33'01" W	10.93'
C3	25°39'54"	30.00'	13.44'	N 13°35'30" W	13.33'

EASEMENT TABLE

- (A) = VARIABLE WIDTH N.T.M.W.D. EASEMENT (By This Plat)
- (B) = 5' COSERV GAS EASEMENT (By This Plat)
- (C) = 10' UTILITY EASEMENT (By This Plat)



SURVEYORS' CERTIFICATE
That I, **Lawrence H. Ringley**, do hereby certify, that I prepared this plat from an actual on the ground survey of the land as described and that the corner monuments shown thereon were properly placed under my personal supervision in accordance with the Platting Rules and Regulations of the City of Lucas Planning and Zoning Commission.
DATED this the _____ day of _____, 2023.
Lawrence H. Ringley, R.P.L.S.
State of Texas, No. 4701

STATE OF TEXAS)
COUNTY OF COLLIN)

WHEREAS, 57 TEN PARTNERS, LLC is the owner of that certain tract of land situated in the City of Lucas, in the William Snider Survey, Abstract No. 821 of Collin County, Texas and being a part of that certain called 21.751 acre tract of land described in a deed to Pennington Partners, L.L.C., recorded in Volume 5184, Page 1102, Deed Records, Collin County, Texas (D.R.C.C.T.) and being more particularly described by metes & bounds as follows:

BEGINNING at a 5/8 inch iron rod, topped with a pink plastic cap, stamped "TxDOT", found for the northeastern corner of that certain called 0.0595 acre strip of land, described as "Parcel 59" in a deed to the State of Texas, dated March 5, 2020 and recorded in Document No. 20200306000326240, D.R.C.C.T. and from said beginning point, a found 1/2 inch iron rod, topped with a red plastic cap (illegible stamp), at the intersection of the original east right-of-way line of F.M. Highway 2551 (Angel Parkway - variable width right-of-way) and the south right-of-way line of McGarity Lane (variable width right-of-way) for the northwest corner of said "Parcel 59" and the above described 21.751 acre tract, bears South 89 deg. 23 min. 24 sec. West - 30.04 feet;

THENCE: North 89 deg. 23 min. 24 sec. East, along the common line of said 21.751 acre tract and said McGarity Lane, a distance of 319.15 feet to a 1/2 inch iron rod, topped with a red plastic cap, stamped "RPLS 4701", set for the northeast corner of this tract;

THENCE: South 00 deg. 45 min. 33 sec. East, departing from said McGarity Lane, over & across said 21.751 acre tract, a distance of 206.33 feet to a 1/2 inch iron rod, topped with a red plastic cap, stamped "RPLS 4701", set for the southeast corner of this tract;

THENCE: South 89 deg. 14 min. 38 sec. West, continuing across said 21.751 acre tract, at a distance of 39.50 feet, passing a 1/2 inch iron rod, topped with a red plastic cap, stamped "RPLS 4838", found on line and continuing across said 21.751 acre tract for a total distance of 341.95 feet to a 1/2 inch iron rod, topped with a red plastic cap, stamped "RPLS 4838", found on the east line of the above described TxDOT Parcel 59 and same being the now current east right-of-way line of said F.M. Highway 2551 (Angel Parkway);

THENCE: North 00 deg. 56 min. 41 sec. West, along the east line of said F.M. Highway 2551 and said Parcel 59, a distance of 184.37 feet to a 5/8 inch iron rod, topped with a pink plastic cap, stamped "TxDOT", found for an angle corner;

THENCE: North 45 deg. 00 min. 40 sec. East, continuing along the east line of said F.M. 2551 and said Parcel 59, a distance of 32.65 feet to the POINT OF BEGINNING and containing 70,505 square feet or 1.619 acres of land.

OWNER'S DEDICATION

STATE OF TEXAS)
COUNTY OF COLLIN)

That 57 TEN PARTNERS LLC, Owners, do hereby bind themselves and their heirs, assignees and successors of title this plat designating the hereinabove described property as **LUCAS RETAIL**, an addition to the City of Lucas, and do hereby dedicate to the public use forever the streets, alleys, and right-of-way easements shown thereon, and do hereby reserve the easement strips shown on this plat for the mutual use and accommodation of garbage collection agencies and all public utilities desiring to use or using same. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths that in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easement strips, and any public utility shall at all times have the right of ingress and egress to and from and upon the said easement strips for the purpose of constructing, reconstructing, inspecting, patrolling, without the necessity at any time of procuring the permission of anyone. Additionally, I certify that I am the sole owner of the dedicated property and that no other's interest are attached to this property unless otherwise indicated on the required Mortgage Holder Certification that is included on this plat. This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Lucas, Texas.

Witness our hands at LUCAS, Texas, this _____ day of _____, 2023.

Dave Carter - President
57 Ten Partners LLC

STATE OF TEXAS)
COUNTY OF COLLIN)

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared **DAVE CARTER**, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same in the capacity therein stated and for the purposes and considerations therein expressed.

WITNESS MY HAND AND SEAL OF OFFICE, this the _____ day of _____, 2023.

Notary Public, State of Texas

This plat is hereby approved by the Planning and Zoning Commission of the City of Lucas, Texas

Tommy Tolson
Chairman, Planning and Zoning Commission

ATTEST:

Signature _____ Date _____

Name & Title

The Director of Public Works of the City of Lucas, Texas hereby certifies that to the best of his/her knowledge or belief, this subdivision plat conforms to all requirements of the Code of Ordinances and with engineering construction standards and processes adopted by the City of Lucas, Texas as to which his/her approval is required.

Scott Holden,
Director of Public Works

The Development Services Director of the City of Lucas, Texas hereby certifies that to the best of his/her knowledge or belief, this subdivision plat conforms to all requirements of the Code of Ordinances, or as may have been amended or modified, as allowed, by the Planning and Zoning Commission as to which his/her approval is required.

Joseph Hilburn,
Development Services Director

LUCAS RETAIL
FINAL PLAT
LOT 1, BLOCK A
1.619 Acre Tract
Zoned: CB (Commercial Business)
situated in the
William Snider Survey, Abstract No. 821
City of Lucas, Collin County, Texas

Revision Date: 07-07-2023

OWNER
57 TEN PARTNERS, LLC
Contact: Dave Carter, President
4516 Lovers Lane, Suite #224
Dallas, Texas 75225
(214)-244-1777

SURVEYOR
RINGLEY & ASSOCIATES, INC.
701 S. Tennessee Street
McKinney, Texas 75069
LHR@Ringley.com
972-542-1266

Drawn by	Date	Scale	Job	Title	Sheet
Mark Hood	06/07/2023	1" = 40'	2021-071	2021-071-PP.DWG	1 of 1



PLATTING APPLICATION

Name of Subdivision and/or Project: Lucas Retail Addition

Items Submitted	Filing Fee
<input type="checkbox"/> Preliminary Plat	
▪ Single Family Residential Subdivision Development	
○ \$750 + \$5 per acre with 20 acres or less (i.e. \$850 for 20 acres) excluding minor plats of five (5) acres or less.	
○ \$750 + \$5 per acre with 21 - 30 acres (i.e. \$900 for 30 acres)	
○ \$800 + \$5 per acre with 31 - 45 acres (i.e. \$1,025 for 45 acres)	
○ \$900 + \$5 per acre with 46+ acres (i.e. \$1,130 for 46 acres)	
▪ Estate Residential Subdivision Development	
○ \$1,000 + \$7 per acre for all size parcels (i.e. \$1,140 for 20 acres)	
▪ Minor Plats	
○ \$500 + \$5 per acre with 5 acres or less (i.e. \$525 for 5 acres)	
▪ Non-residential District Plats	
○ \$800 + \$10 per acre with 30 acres or less	
○ \$850 + \$10 per acre with 31 - 45 acres	
○ \$950 + \$10 per acre with 46+ acres	
<input checked="" type="checkbox"/> Final Plat	
▪ Single Family Residential Subdivision Development	
○ \$800 + \$5 per acre with 30 acres or less	
○ \$850 + \$5 per acre with 31 - 45 acres	
○ \$950 + \$5 per acre with 46+ acres	
<i>Any additional development fees will be charged at final plat rates.</i>	
▪ Estate residential Subdivision Development	
○ \$950 + \$7 per lot for all size parcels	
▪ Minor Plat	<u>\$360</u>
○ \$350 + \$5 per acre with 5 acres or less	
▪ Non-residential District Plats	<u>850.00</u>
○ \$850 + \$10 per acre for up to 30 acres	
○ \$900 + \$10 per acre with 31 - 45 acres	
○ \$1,000 + \$10 per acre with 46+ acres	
▪ Replat	
○ Minor Plat (5 acres or less) \$450 + \$5 per acre (\$475 for 5 acres)	
○ All others - \$600 + \$10 per acre	
▪ Amended Plat	
○ Minor Plats (5 acres or less) - \$300 + \$7 per acre (i.e. \$300 for an amended plat for 5 acres)	
○ All others - \$500 + \$10 per acre (i.e. \$700 for an amended plat for 20 acres)	
<input type="checkbox"/> Storm Water Run-Off Permit	
○ Developments 0 - 3 acres \$75	
○ Developments 4 - 10 acres \$150	
○ Developments 10+ acres \$500	
<input type="checkbox"/> Vacation of Plat	
○ \$500 + \$10 per acre	
<input type="checkbox"/> Concept Plan (Optional Land Study)	
○ \$150 per session with Planning & Zoning and/or City Council	
<input type="checkbox"/> Tree Survey/Conservation Plan	<u>No Fee</u>
<input type="checkbox"/> Tree Removal & Site Clearing Permit	
○ \$250	
<input type="checkbox"/> Park Site Dedication	
○ \$1,000 per lot or land dedication	
TOTAL	<u>\$360</u> <u>850.00</u>



PLATTING APPLICATION

Physical Location of Property:

(Address and general location – approximate distance to nearest existing street intersection)

Legal Description of Property: Lot 1, Block A of the Lucas Retail Addition

(Survey/ Abstract Number and Tracts/Platted Subdivision Name with Lots/Block – Must attach metes and bounds description)

Comprehensive Zoning Designation(s): C - Commercial

Existing Zoning Designation(s): C-Commercial

Description of Project Use: Retail Center

Acreage: 1.619

Existing # of Lots/Tracts: 1

OWNERS NAME:

Contact Number: 214-361-1555

Applicant/Contact Person Dave Carter

Title: President

Company Name 57 Ten Partners LLC

Street Address 4516 Lovers Lane, #224

Mailing Address Dallas, Texas 75225-6993

Phone: 214-361-1555

Fax:

Email: dave@ndcholdings.com

OWNERS NAME:

Contact Number:

Applicant/Contact Person

Title:

Company Name

Street Address

Mailing Address

Phone:

Fax:

Email:

ENGINEER REPRESENTATIVE:

Contact Number: 972-957-5132

Applicant/Contact Person Jonathan Hake

Title: Vice President

Company Name Cross Engineering Consultants, Inc.

Street Address 1720 W. Virginia Parkway

Mailing Address McKinney, Texas 75069

Phone: 972-957-5132

Fax: 972-562-4471

Email: jhake@crossengineering.biz

Read before signing below: If there is more than one property owner complete a separate sheet with the same wording as below. The City requires all original signatures. If applicant is other than the property owner a "Power of Attorney" with original, notarized signatures are required. (notaries are available)

ITEMS REQUIRED PRIOR TO FINAL PLAT APPROVAL:

ALL APPLICATIONS MUST BE COMPLETE, ACCOMPANIED BY THE APPLICABLE CHECKLIST AND TAX CERTIFICATE SHOWING TAXES PAID BEFORE BEING SCHEDULED ON THE P&Z AGENDA. It is the applicant's responsibility to be familiar with, and to comply with, all City submittal requirements (in the Zoning & Subdivision Ordinances, and any separate submittal policies, requirements and/or checklists that may be required from City staff), including the number of plans to be submitted, application fees, etc. Please contact City staff in advance for submittal requirements. Drawings will not be returned to applicant.

ALL PARCELS/PROPERTIES MUST MATCH IN ACREAGE ALL OTHER DOCUMENTS SUBMITTED WITH NO AMBIGUITY.

SUBMISSIONS: Failure to submit all materials to the City with this application will result in delays scheduling the agenda date.

NOTICE OF PUBLIC RECORDS: The submission of plans/drawings with this application makes such items public record, and the applicant understands that these items may be viewed by the public unless they are copyrighted.



PLATTING APPLICATION

- Applicant agrees to pay any and all monies due to the City including but not limited to Park Site fee, Tree Removal Permit fee, 3% of Construction cost (developer to provide contracts for verification) and including but not limited to other fees that may be required prior to final plat approval.
- Maintenance Bond for City Improvements, 2 year – 10% Bond to be verified by submitting contract.
- Construction as-built record drawings (mylar)
- Engineering construction test reports.
- Walk-through with Public Works personnel completed with satisfactory outcome.
- HOA (covenants, conditions & restrictions) documentation approved by City Attorney before submittal to Planning & Zoning.

By signing this application, staff is granted access to your property to perform work related to your case. I waive the statutory time limits in accordance with Texas Local Government Code, Section 212.

STATE OF TEXAS }
 COUNTY OF COLLIN }

BEFORE ME, a Notary Public, on this day personally appeared Dave Carter the undersigned applicant, who, under oath, stated the following: "I hereby certify that I am the owner, or duly authorized agent of the owner, (**proof must be attached, e.g. "Power of Attorney"**) for the purposes of this application; that all information submitted herein is true and correct. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial."



[Handwritten Signature]

 Owner/ Agent (circle one)

SUBSCRIBED AND SWORN TO before me, this the 18 day of JULY, 2023.
 Notary Public in and for the State of Texas: Hannah Holloway

Official Use Only:	
Planning & Zoning: _____	Date: _____
City Council: _____	Date: _____
Applicant Withdrew: Yes or No	Date: _____
Applicant Made a Written Withdrawal: Yes or No	Date: _____



PRELIMINARY AND FINAL PLAT Minimum Requirements Checklist

Project Name Lucas Retail Preparer Jonathan Hake

This checklist is provided to assist you in addressing the minimum requirements for Preliminary Plat submission. Confirm that all information is included on the submitted plans by checking the box next to the required information. Checking the box certifies to the City that you have completely and accurately addressed the issue. This completed form must be returned at the time of application submittal.

If an exception or modification to the regulations is requested, the reason and/or request for each shall be provided both directly on the plan and on a separate sheet on letterhead with sufficient details as to allow a determination by the appropriate approving body. Additional information may be required. Reference the specific requirement. Plans are to be submitted complete in all detail as shown by the checklist. Should plans be determined to be incomplete, they may either be returned to the applicant without further review or marked up with needed changes. If a preliminary plat is required, a Tree Survey/Preservation Plan is also required as part of the submittal requirements with and at the time of preliminary plat submittal. Refer to the Development Plan Application packet for the needed application and checklist.

- I have made the decision NOT to waive the statutory time limits (30 days) in accordance with section 212 of the Texas Local Government Code. I understand and acknowledge that the City may DENY my plat application if not complete as determined by staff within the 30-day time period.
- The required number of copies of the preliminary plat and the approved engineering and construction plans for all public infrastructure improvements in accordance with the design standards of the City, to include all streets, water mains and services, sewer system and services, and drainage systems required to develop the proposed subdivision.
- The name, address and telephone number of the owner, the surveyor, and engineer responsible for the preparation of the final plat.
- The name of the subdivision and location map showing adjacent subdivisions, street names (which shall conform, whenever possible, to existing street names and be approved by the Post Office) and lot and blocks numbers in accordance with a systematic arrangement.
- An accurate boundary survey description of the property, with bearings and distances, referenced to survey lines, existing property descriptions and established subdivisions, and showing the lines of adjacent tracts, the layout, dimensions and names of adjacent streets and alleys and lot lines shown in dashed lines.
- Existing boundary of adjacent street, and alley rights-of-way and boundaries of right-of-way (ROW) dedication are indicated, street names are labeled, and ROW widths are dimensioned.
- Scale, north point, date, lot and block numbers.
- The name and location of adjacent subdivisions or unplatted tracts drawn to scale shown in dotted lines and in sufficient detail to accurately show the existing streets, alleys and other features that may influence the layout and development of the propose subdivision. The abstract name and number, and name of the owner of the adjacent unplatted tracts should be shown.
- Exact location of lots, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimal fractions of feet, with the length of radii and of arcs of all curves, internal angles, points of curvatures, length and bearings of the tangents, and with all other surveyor information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points.
- All lots on building sites shall conform to the minimum standards for area, width and depth prescribed by the zoning district or districts in which the subdivision is located and state the area size of each lot. Internal lot lines are clearly indicated, shown to scale, and labeled with bearings and distances.
- Building setback lines and the location of utility easements.
- Topographic information showing contour lines with intervals up to one (1') foot indicating the terrain, drainage pattern of the area, and the drainage basin areas within the proposed subdivision. Topographic information showing contour lines with intervals up to two (2) feet indicating the terrain, the drainage pattern of the area, and the drainage basin areas outside the boundaries of the proposed subdivision.
- The layout and dimensions of proposed storm drainage areas, easements and rights-of-way necessary for drainage within and outside the boundaries of the proposed subdivision.
- The location and purpose of all proposed parks or other areas offered for dedication to public use.



PRELIMINARY AND FINAL PLAT Minimum Requirements Checklist

- The location of all existing property lines, buildings, sewer or water mains, storm drainage areas, water and wastewater facilities, fire hydrants, gas mains or other underground structures, easements of record or other existing features.
- The location, size and identification of any physical features of the property, including water courses, ravines, bridges, culverts, existing structures, drainage or other significant topographic features located on the property or within one hundred fifty feet (150') of the proposed subdivision.
- Copy of any deed restrictions, restrictive covenants, special use permit or planned development district ordinance regulating the property.
- The angle of intersection of the centerlines of all intersecting streets which are intended to be less than ninety (90°) degrees.
- In accordance with the city floodplain management regulations, of the Code of Ordinances, as amended, the floodplain and floodway lines and base flood elevations as shown on the current effective flood insurance rate maps for the city shall be shown, where applicable. A notation shall be shown on the face of the preliminary plat stating: "Lots or portions of lots within the floodplain or areas of special flood hazard require a development permit prior to issuance of a building permit or commencement of construction including site grading, on all or part of those lots".
- Floodplain and floodway lines and base flood elevations as shown on the current effective flood insurance rate maps for the City should be shown, where applicable.
- For a preliminary plat of land located outside the city limits where sanitary sewer does not exist or where street improvement standards vary from those specified by the city, such differences shall be noted.
- A certificate of ownership and dedication of all streets, alleys, easements, parks and other land intended for public use, signed and acknowledged before a Notary Public by the owner and lien holders of the property, along with complete and accurate metes and bounds description of the land subdivided and the property dedicated to public use.
- Receipt showing all taxes on the subject property are paid.
- Certification by a surveyor, to the effect that the preliminary plat represents a survey made by the Surveyor, and that all the necessary survey monuments are correctly shown thereon.
- A preliminary plat provided in multiple sheets shall include a key map showing the entire subdivision at smaller scale with lot and block numbers and street names on one (1) of the sheets or on a separate sheet of the same size.
- Copy of any proposed property owner or homeowners' association agreements, covenants and restrictions.
- Front and exterior side or corner setback lines are shown and labeled.
- Abstract lines, survey lines, county lines, school ISD boundary and corporate boundaries are shown and clearly labeled.
- A title block is provided in the lower right corner that includes large, boldly printed:

(Subdivision Name)

Preliminary Plat

Lot(s) _____, Block(s) _____ (survey, abstract and tract number)

If a replat, include:

Replat of Lot(s) _____, Block(s) _____

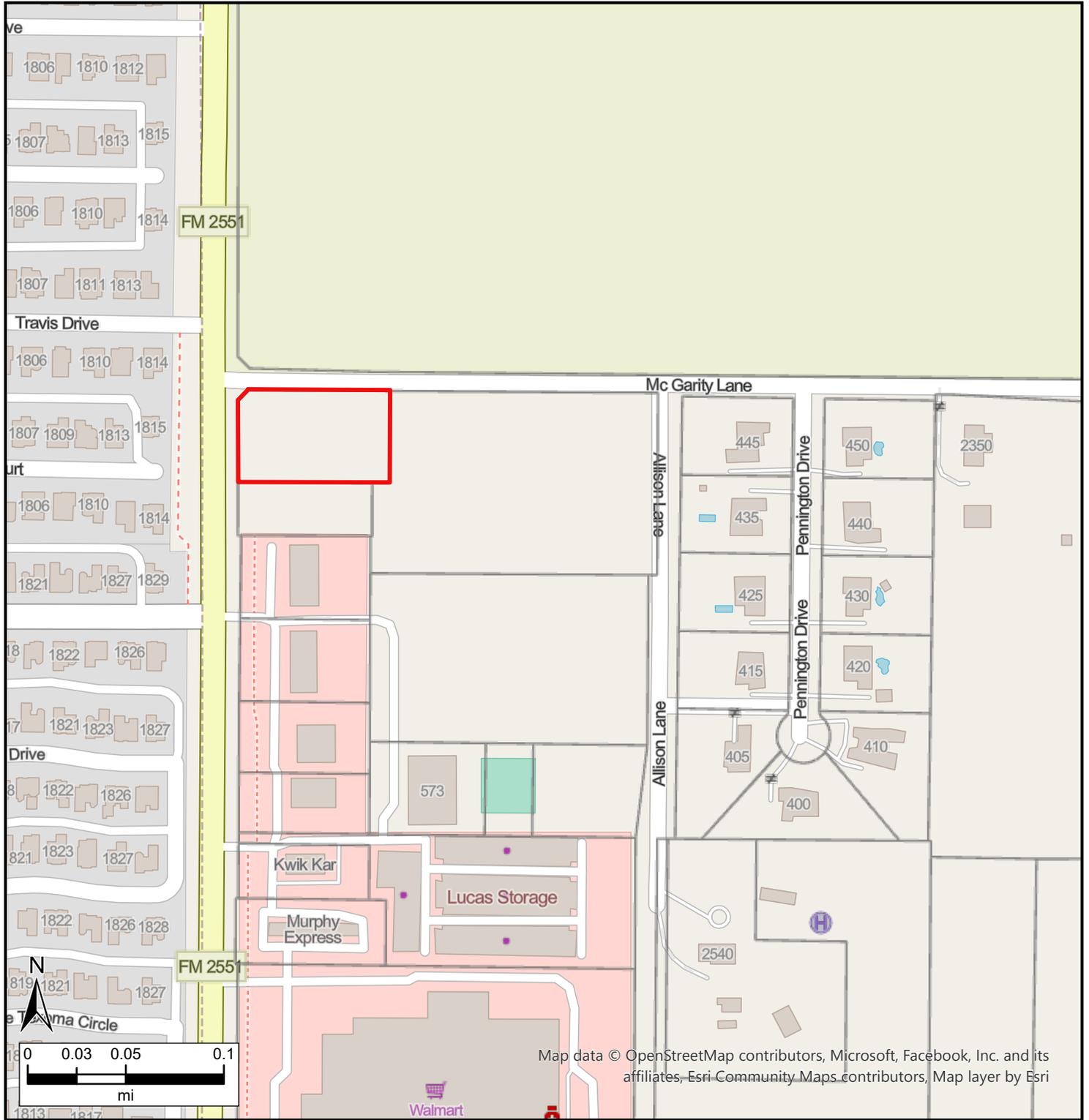
- A log of submittal/revision dates since submitted to the City.
- The purpose of a replat or amending plat is stated on the face of the plat document.
- If the proposal is a replat or amending plat, the existing lot numbers and block numbers or letters are shown as light dotted lines, with lot number designation followed by R for replats or an A for amending plats.
- Location of property lines, owner or subdivision name(s) and recording information of abutting properties is indicated. Unplatted property or any streets or alleys within a 500-foot radius of subject property are shown and identified/labeled as appropriate.



PRELIMINARY AND FINAL PLAT Minimum Requirements Checklist

- Medians, median openings; turn lanes, deceleration/acceleration lanes and stacking distance is indicated within 200 feet of the property. The entire median, left-turn lane and/or deceleration lane and median opening serving a site is shown.
- Each lot is dimensioned, and the square footage of each lot is indicated.
- Each lot is numbered, and block groups are assigned a letter. Homeowner's association and other open space areas are identified with tract number.
- The location of existing underground and above ground utilities, flood plain boundaries and state or federally protected areas, such as wetlands, are indicated.
- The location of existing structures or other features proposed to remain and those proposed for removal.
- Existing easements are indicated by a light, dashed line and labeled indicating dimension, purpose and County recording information.
- Location, dimension, and purpose of proposed easements are indicated by a medium-weight, dashed line. Required and proposed ingress/egress or access easements are shown, clearly labeled and tied down, as appropriate.
- Existing zoning is shown.
- Location and area of parks, drainage ways, creeks and open space is indicated and labeled.
- Legal description/metes and bounds description is included.
- Include any notes required by the various affected agencies/utilities.
- Residential minor streets shall be designed and platted so that no street segment shall have a straight line for more than 1,000 feet before altering its course by at least 20 degrees.
- Sites to be reserved or dedicated for parks, playgrounds and/or other public uses are indicated and labeled.
- Preliminary water plans are included with this submittal.
- Contours are indicated with intervals of two (2) feet for property five acres or less and five (5) feet for property more than five acres.
- A note is included that states whether or not the property is in the 100-year flood plain, with the FIRM Community Panel reference number and map date.
- A note shall be added to the plat stating: **"Preliminary Plat - For Inspection Purposes Only."**

Location Map: Lucas Retail Addition



Legend

 Lucas Parcels





City of Lucas Planning and Zoning Agenda Request August 10, 2023

Requester: Development Services Director Joe Hilbourn

Agenda Item

Discuss updating the City of Lucas Code of Ordinances, Chapter 14 titled “Zoning”.

Background Information

The City Council requested that a strategic review of the Code of Ordinances be done with specific focus on Chapter 14 titled “Zoning.” At the June 1, 2023, City Council meeting, the Council gave direction that the Planning and Zoning Commission review Chapter 14 in segments and bring updates to the City Council. Councilmembers will inform City staff of any specific areas of concern to bring to the Planning and Zoning Commission.

At the City Council meeting on August 3, 2023, the City Council provided feedback that terms and definitions should be more general and broader as opposed to hyper-specific. City Council has advised the Planning and Zoning Commission to re-review section 14.01.004.

The following is the proposed schedule for the Planning and Zoning Commission:

Section of Chapter 14	Meeting
14.01.004 (completed) 14.02 Division 2 (completed) 14.02 Division 3 (completed) 14.02 Division 5 (completed)	June 8, 2023 P & Z Meeting
14.03 Division 6 (completed) 14.03 Division 8 (completed) 14.03 Division 10 (completed) 14.03 Division 15 (completed)	July 13, 2023 P & Z Meeting
14.01.004 (re-review) 14.03 Divisions 6, 8, 10, and 15 (revisions) 14.04 Division 5 Remainder of 14.01 Remainder of 14.02	August 10, 2023 P & Z Meeting
Remainder of 14.03 Remainder of 14.04	September 14, 2023 P & Z Meeting
Final Review by Planning and Zoning of Chapter 14	October 12, 2023 P & Z Meeting
Review by City Council	November 2, 2023 City Council Meeting
First Public Hearing	December 14, 2023 P & Z Meeting
Second Public Hearing	January 4, 2024 City Council Meeting



City of Lucas

Planning and Zoning Agenda Request

August 10, 2023

Attachment/Supporting Documentation

1. Proposed Revisions to Section 14.01.004
2. Proposed Revisions to Section 14.03, Divisions 6, 8, 10, and 15
3. Section 14.04, Division 5
4. Remainder of Section 14.01
5. Remainder of Section 14.02
6. Table of Contents for Chapter 14 with amendment dates

Budget/Financial Impact

NA

Recommendation

NA

Motion

There is no motion required.

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

ARTICLE 14.01 GENERAL PROVISIONS

Division 1 Generally

§ 14.01.001 **Short title and application of chapter.**

These regulations shall be known as, and may be cited as, “The City of Lucas, Texas, Zoning Ordinance” and shall apply to the land within the corporate limits of the city.

(1995 Code, sec. 9-1)

§ 14.01.002 **Interpretation and purposes.**

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements adopted for promotion of the public health, safety, and welfare. The zoning regulations and districts as herein established have been made for the purpose of promoting health, safety, moral responsibility, and the general welfare of the city, and have been designed, among other things:

- (1) To lessen congestion on streets;
- (2) To secure safety from fire, panic, and other dangers;
- (3) To promote health and the general welfare;
- (4) To provide adequate light and air;
- (5) To prevent the overcrowding of land;
- (6) To avoid undue concentration of population;
- (7) To facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements;
- (8) To conserve the value of the property and encourage the most appropriate use of land throughout the community;
- (9) To minimize the threat of release, spillage or seepage of trash, garbage, debris, sewage, wastewater, noxious fumes or odors, or toxic materials; and
- (10) To lessen the potential pollution of the environment in the city or its environs.

(1995 Code, sec. 9-2)

§ 14.01.003 **Scope.**

It is not intended by these regulations to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances, or with private restrictions placed upon property by covenant, deed, easement, or other private agreement. Where this chapter imposes a greater restriction upon land, buildings, or structures than is imposed or required by other ordinances, covenants, or agreements, the provisions of these regulations shall govern. Where other ordinances impose a greater restriction than is imposed herein, the provisions of such other ordinances shall govern.

(1995 Code, sec. 9-3)

§ 14.01.004 Definitions.

Accessory building or use.

Is:

- (1) Subordinate to and serves a principal building or principal use;
- (2) Subordinate in area, extent, or purpose to the principal building or principal use served;
- (3) Contributes to the comfort, convenience, and necessity of occupants of the principal building or principal use served; and
- (4) Located on the same building lot as the principal use served. "Accessory" when used in the text shall have the same meaning as accessory use.

Alley.

A public space or thoroughfare which may afford secondary means of access to property abutting thereon.

Area of the lot.

Shall be the net area of the lot and shall not include portions of public streets or alleys.

Art Studio.

An accessory building designed to foster arts, crafts, and other hobbies that may be conditioned, or unconditioned space. May include open spaces for creating art, crafts, painting, sculpture, pottery, photography, hanging arts and crafts, and may include the study of dancing, singing, acting, and musical instruments as well as storage, and sanitation. An Art studio shall not include spaces for sleeping, or the preparation of food.

Athletic/Sports training facility.

Means a facility designed and used primarily for training in team sports, athletic performance programs, consisting of outdoor and/or indoor athletic fields and related facilities, including but not limited to gymnasiums, equipment, training rooms, offices, locker rooms, and batting cages.

Automobile repair.

- (1) Collision services. Body, frame, and fender straightening or repair; customizing; painting.
- (2) Major. Major repair, rebuilding or reconditioning of engines, radiators, or transmissions; undercoating and rust proofing; any operation requiring dismantling or removal of head, crankcases, engines or other major parts; and recapping or re-grooving of tires; any use of a welder or cutting torch; any repair of heavy load vehicles; and other operations not listed as minor repair, but not collision services.
- (3) Minor. Minor repair or replacement of parts, tires, batteries, and accessories; diagnostic services; minor motor services such as grease, oil, spark plug and filter changes; tune-ups; replacement of starters, alternators, hoses, brake parts, mufflers, water or fuel pumps; state inspections; steam cleaning and detailing; servicing of air-conditioning systems; for vehicles, but not heavy load vehicles and not including any operation listed as major repair or collision service.

Block.

Commented [KS1]: Need to add definitions for art studio, pool house, and privately owned athletic training facilities. Joe Hilbourn will provide definitions for consideration

PZ look at possibly adding a nuisance definition

Commented [JH2R1]: Done see below

Commented [KS3]: Add 1-acre minimum for septic requirements to another zoning section

Commented [JH4R3]: This would belong in the district requirements not definitions

Commented [JH5]: Added Art Studio

Commented [JH6R5]: Added Athletic/Sports training facility

Commented [KS7]: Need clarification and look at definition per City Council. Art studio can be part of the main building.

Commented [KS8]: Needs more broad definition per City Council. There are other things like indoor sports.

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

Building.

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

Building height.

The number of stories contained in a building and/or the number of feet above the average level of the adjoining ground.

Building line (setback line).

A line parallel or approximately parallel to the centerline of a street or to a property line when not adjacent to a street and having a specific minimum distance as established by this code based on the zoning district in which the property is located delineating where a building may be erected.

Building lot.

A single tract of land located within a single block which (at the time of filing for a building permit) is designed by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. It shall front upon a street or approved place. Therefore, a "building lot" may be subsequently subdivided into two or more "building lots" or a number of "building lots," subject to the provisions of this chapter and the subdivision ordinance.

Building official.

The building inspector or administrative official charged with the responsibility for issuing permits and enforcing the zoning ordinance, subdivision ordinance, and building code.

Certificate of occupancy or compliance.

An official certificate issued by the city through the building official which indicates conformance with or approval of a conditional waiver from the zoning regulations and authorizes legal use of the premises for which it was issued.

Child care center.

A facility licensed, certified or registered by the Texas Department of Family and Protective Services ("TDFPS") to provide assessment, care, training, education, custody, treatment, or supervision for a child who is not related by blood, marriage, or adoption to the owner or operator of the facility, for all or part of the 24-hour day, whether or not the facility is operated for profit or charges for the services it offers.

Church or rectory.

A place of assembly and worship by a recognized religion including synagogues, temples, churches, instruction rooms, and the place of residence for the ministers, priests, rabbis, teachers, and directors of the premises.

City.

The word "city" shall mean the City of Lucas.

Clinic.

A group of offices for one or more physicians, surgeons, dentists or similar members of the medical profession to treat sick or injured outpatients or animals.

College or university.

An institution established for educational purposes and offering a curriculum similar to the public schools or an accredited college or university, but excluding trade and commercial schools.

Commission and/or planning commission.

The planning and zoning commission of the city.

Community home.

A place meeting the requirements established under section 123.004 of the Texas Human Resources Code and where no more than six (6) persons with disabilities and up to two (2) supervisors reside at the same time to provide services to persons with disabilities including food, shelter, personal guidance, care, habilitation and supervision.

Conditional use.

A use which shall be permitted in a particular district only upon fulfillment of the conditions as set forth for that use in the use regulations for the appropriate district.

Council.

The word "council" shall mean the city council.

Courtyard.

An open, occupied space bounded on more than two (2) sides by the walls of a building. An inner courtyard is entirely surrounded by the exterior walls of a building. An outer courtyard is a court having one side open to a street, alley, yard, or other permanent open space.

Depth of lot.

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

Design review committee (DRC).

The DRC is comprised of staff members representing the various departments and divisions involved in the review and approval process (administration, planning, engineering, building inspection, public works, fire, parks and health). DRC is responsible for review of development and building plans, subdivision plats and zoning applications. It offers reports and recommendations to both P&Z and city council pertaining to applications and proposals requiring actions by these bodies. DRC has final approval authority for certain plats such as amending plats, replats and minor plats in compliance with Texas Local Government Code, section 212.0065 and section 212.016.

Development or to develop.

A "development" includes the construction of new buildings or structures on a building lot, the relocation of an existing building on another building lot, or the use of open land for a new use. To "develop" is to create a development.

District.

A section of the city for which the regulations of this chapter, such as the area, height, use, etc., of the land and buildings, are uniform.

Drive-through, drive-thru, drive-in, or drive-up.

A product or service provided by a business that allows customers to purchase a product or service without leaving their cars. For the purposes of this definition, any product or service that is provided to a customer without the need for the customer to leave their vehicle is a drive-through, drive-thru, drive-in or drive-up.

Dwelling unit.

A building or portion of a building which is arranged, occupied, or intended to be occupied as living quarters of a family and including facilities for food preparation and sleeping.

Dwelling, multiple family.

Any building or portion thereof which is designed, rented, leased, or let to be occupied as two or more dwelling units or apartments of [or] which is occupied as a home or residence of two or more families.

Dwelling, single-family.

A detached building, but not a mobile home, manufactured housing or RV, having accommodations for and occupied by not more than one family, located on a lot or separate building tract, and having no physical connection to a building located on any other separate lot or tract.

Equestrian boarding.

A business consisting of a minimum of two (2) acres and up to five (5) acres for the boarding of a maximum of two (2) horses per acre regardless of ownership, that receives compensation through the boarding of horses. On lots greater than five (5) acres no such limit shall be imposed.

Equestrian facilities.

A facility or place used for horse boarding, including equestrian pasture boarding, horse training, riding lessons, horse breeding, horse rescue or horse shows. The facility may contain a riding arena provided the arena does not exceed 10% of the total lot size or a maximum of 20,000 square feet regardless of the size of the lot.

Family.

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

Farm or ranch.

An area 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 said premises, but not including the commercial feeding or the feeding of garbage to swine or other animals and not including any type of agricultural or husbandry specifically prohibited by ordinance or law.

Farmer's market.

The retail sale of farm produce by individual vendors for the primary purpose of selling fruits, vegetables, herbs, spices, edible seeds, nuts, live plants, flowers and honey, where such produce, or its portion, is not grown on the premises.

Commented [KS9]: Courtney Morris will look into definition as it pertains to cottage food laws. Concerns regarding herbs and spices

Floor area.

The total square feet of floor space within the outside dimensions of a building including each floor level, but excluding porches, carports, garages or unfinished cellars.

Commented [CM10R9]: No change recommended

Garage, auto repair.

A building or portion thereof whose principal use is for the repair, servicing, equipping, or maintenance of motor vehicles or motor vehicle components, including engines, radiators, starters, transmissions, brakes, tires and wheels, seats, and similar components.

Halfway house.

A residence for former mental patients, convicts, or recovering drug users or alcoholics that serves as a transitional environment between confinement and the return to society.

Home occupation.

A business, occupation, or profession conducted wholly within an allowable residential building and dwelling unit by only the residents thereof, and which shall have the following characteristics:

- (1) The activity shall employ only members of the immediate family of the resident of the dwelling unit.
- (2) There shall be no external evidence of the occupation detectable at any lot line, said evidence to include, advertising signs, or displays, smoke, dust, noise, fumes, glare, vibration, electrical disturbance, storage of materials or equipment, or traffic or parking of vehicles in a manner evidencing the conduct of a business or that creates a nuisance to persons of ordinary sensibilities that occupy surrounding properties.

Hospital.

A legally authorized institution in which there are complete facilities for diagnosis, treatment, surgery, laboratory, X-ray, and the prolonged care of bed patients. Clinics may have some but not all of these facilities.

HUD-code manufactured home.

A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development (HUD), transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. The term does not include a recreational vehicle as that term is defined by 24 CFR section 3282.8(g).

Commented [KS11]: Double check status of state legislation related to HUD manufactured or industrialized homes

Commented [CM12R11]: No change recommended

Kennel.

Any business or establishment other than a veterinary hospital, whether operated separately or in connection with another business or establishment, that keeps, breeds and/or boards and/or trains dogs and/or cats for profit. Veterinary hospitals shall not be considered a kennel, unless such hospitals contain pens or facilities for housing, boarding, breeding, training, harboring, or keeping dogs, cats or other domesticated animals, swine, equine, or other livestock or animals other than, or in addition to, short-term care incidental to the hospital use. Kennels must be established, maintained and operated in compliance with all applicable zoning and land use regulations of the city.

Livestock.

Any horses, mules, donkeys, ponies, cattle, sheep, goats, hogs, pigs, of any and all kinds regardless of sex.

Lot.

Land occupied or to be occupied by a building(s) and its accessory building including such open spaces as are required under this chapter and having its principal frontage upon a public street or officially approved place.

Commented [KS13]: Add (s) to building

Commented [JH14R13]: Added (s)

Lot depth.

The distance, measured in a straight line, between the front lot line and the rear lot line measured at the respective midpoints of the front lot line and the rear lot line.

Lot Depth Illustration

[\[Image\]](#)

Lot flag.

A lot of irregular shape with reduced frontage along a public or private street with dimensions that are otherwise adequate at the building lines.

[Image]

Lot lines.

The lines bounding a lot as defined herein.

- (1) *Lot line, front.* A "front lot line" is that boundary of a building lot which is the line of an existing or dedicated street. Upon corner lots, either street line may be selected as the front lot line providing that a front and rear yard are provided adjacent and opposite, respectively, to the front lot line.
- (2) *Lot line, rear.* The "rear lot line" is that boundary of a building lot which is the most distant from and is, or is most nearly, parallel to the front lot line.
- (3) *Lot line, side.* A "side lot line" is that boundary of a building lot which is not a front lot line or a rear lot line.

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 by the city prior to the adoption of this chapter May 1, 1995

Lot width.

The width of a lot, measured in a line generally parallel to the front property line at the front building line setback line.

Lot Width Illustration

[Image]

Main building.

The building or buildings on a lot which are occupied by the primary user.

Major retail development.

A singular retail establishment or shopping center that involves any one, or a combination of the following and as defined herein:

- (1) New construction of a singular retail sales establishment that is greater than 20,000 gross square feet in size;
- (2) New construction of a shopping center on a parcel or combination of parcels comprising ten acres or larger; or
- (3) Expansion to a singular retail sales establishment or shopping center existing as of the effective date of adoption of this chapter May 1, 1995 and which said expansion will increase the square footage of a singular retail sales establishment to become more than 20,000 gross square feet in area or increase the size of a shopping center to more than ten acres.

Man Cave/She Shed.

Commented [KS15]: Add that the plat has been filed by the city

Commented [KS16]: Change to county

Commented [JH17R16]: DoneDone

Commented [KS18]: Add adoption date. Courtney Morris will double check if the adoption is referring to 1995

Commented [JH19R18]: Struck through adoption of chapter added May 1, 1995

Commented [KS20]: Double check the term "primary"

Commented [JH21R20]: Struck Through

Commented [KS22]: Add adoption date

Commented [JH23R22]: Struck through adoption of chapter added May 1, 1995

Commented [JH24]: Added definition Man Cave/She shed

Commented [KS25]: Needs to be redefined per City Council. There are no definitions for shops or sheds. Need to re-review this so there are no conflicts.

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An accessory building designed to give privacy, separation, and a place to express individuality away from the main structure. Man Cave/ She Shed may be conditioned, or unconditioned space, ~~May may~~ include areas used for relaxation, entertaining, bar area, storage, and sanitation, ~~but~~ shall not include spaces for sleeping, or the preparation of food.

Masonry.

An exterior building material which includes: Brick of a minimum three and one-half inch (3-1/2") nominal thickness, stone with a minimum average thickness of two inches (2") or stucco.

Mobile home.

A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

Mobile home park.

Any premises on which one or more mobile homes are parked or situated and used for living or sleeping purposes, or any premises used or held out for the purpose of supplying to the public a parking space for one or more mobile homes whether such vehicles stand on wheels or on rigid supports. A trailer park is a mobile home park.

Museum, library or art gallery (public).

An institution for the collection, display and distribution of books and objects of art, or science and sponsored by a public or quasipublic agency and open to the general public.

Nonconforming.

A building, structure, or use of land lawfully occupied at the time of the effective date of this chapter May 1, 1995 or amendments thereto, and which does not conform to the use ~~of~~ for the regulations of the district in which it is situated.

Noxious matter.

A material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being or comfort of humans.

Nuisance.

An unreasonable or unlawful use of property that results in material annoyance, inconvenience, discomfort, or injury to another person or to the public. The unlawful use may involve doing something (for example, piling garbage on residential property) or failing to do something (for example, cutting or removing noxious weeds from residential property).

Nursing home facility (also termed skilled nursing facility, convalescent home, assisted living, memory care facility or long-term care facility.)

A facility providing primarily inpatient health care, personal care or rehabilitative services over a long period of time to persons chronically ill, aged, or disabled who need ongoing health supervision and such facilities comply with the required state licensing, if any.

Occupancy.

The use or intended use of the land or building by proprietors or tenants.

Office, general business or professional.

- Commented [KS26]:** Add adoption date
- Commented [JH27R26]:** Struck through adoption of this chapter added May 1, 1995
- Commented [KS28]:** Change to "for" instead "of"
- Commented [JH29R28]:** Done
- Commented [JH30R28]:** Added Nuisance for effect, this belongs in chapter 8 not chapter 14.
- Commented [KS31]:** Definition is too specific with examples and limits us per City Council.

An establishment providing administrative, business, executive, management or professional services, but not involving medical or dental services or the sale of merchandise, except as incidental to a permitted use.

Office, medical or dental.

An office or group of offices for one or more physicians, surgeons, dentists or other health-care professionals to treat sick or injured patients who do not remain overnight.

Open space or open areas.

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

Open storage.

The storage of any equipment, machinery, commodities, raw or semi-finished materials, and building materials, not accessory to a residential use, which is visible from any point on the building lot line when viewed from ground level to six feet above ground level.

Public, Park, playground, community center.

An open recreation facility or park owned and operated by a general public agency and available to the general public. Any publicly owned park, playground, parkway, greenbelt, or roadway within the jurisdiction and control of the city.

Commented [KS32]: There is nothing specific about community center per City Council.

Commented [KS33]: Combine definition with public park definition as one definition

Commented [JH34R33]: Combined definitions

Parking space.

A surface area, enclosed or unenclosed, sufficient in size to store one automobile together with a surface driveway connecting the parking space with the street or alley and permitting ingress or egress of an automobile.

Pet.

A domesticated animal kept for companionship or pleasure that includes any dogs, cats, birds, rodents, of any and all kinds regardless of sex, and those similar in nature and function.

Pet boarding.

Commercial establishment which provides accommodations, feeding and general care for pets.

Plat.

A plan of a subdivision of land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the subdivision standards of the city and subject to approval by the planning and zoning commission. Reference to a plat in this chapter means an official plat of record which has been approved by the planning and zoning commission and filed in the plat records of the county.

Pool House.

An accessory building designed to enhance the poolside experience by minimizing the need to enter the ~~actual primary residence~~ house during pool time. A pool house may be conditioned, or unconditioned space, and ~~may~~ include spaces for entertaining guests, game rooms, bar area, storage, and sanitation including full shower and/or bathtub. A pool house shall not include spaces for sleeping, or the preparation of food.

Commented [JH35]: Added definition pool house

Premises.

Land together with any buildings or structures occupying it.

Primary or Principle Building.

Commented [JH36]: Added principle building

Commented [JH37R36]: Struck Through

The building or buildings on a lot which are occupied by the primary user or tenant.

Public park.

~~Any publicly owned park, playground, parkway, greenbelt, or roadway within the jurisdiction and control of the city.~~

Recreation area.

A privately owned park, playground, or open space maintained by a community club, property owners' association, or similar organization.

Refueling station.

Any building or premises used for the dispensing, sale, or offering for sale at retail any automobile fuels, oils, propane, natural gas, or electrical recharging. If the dispensing, sale, or offering for sale is incidental to a public garage, the premises shall be classified as a public garage.

Registered family home.

- (1) A home that is registered with the Texas Department of Family Protective Services ("TDFPS") and that provides regular care in the caretaker's own residence for not more than six children under 14 years of age, excluding children who are related to the caretaker, and that provides care after school hours for not more than six additional elementary school children, but the total number of children, including children who are related to the caretaker, does not exceed 12 at any given time.
- (2) The term does not include a home that provides care exclusively for any number of children who are related to the caretaker. For purposes of this definition regular care means care that is provided at least:
 - (A) Four hours a day, three or more days a week, for three or more consecutive weeks; or
 - (B) Four hours a day for 40 or more days in a period of 12 months.

Residence.

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

Restaurant or cafeteria.

An eating establishment where service is provided to customers at tables and not involving service of food to customers in automobiles.

Retail sales establishment.

An establishment or place of business primarily engaged in selling goods directly to the consumer, where such goods are generally available for immediate purchase and removal from the premises by the purchaser.

Retirement home/senior independent living facility.

A multifamily dwelling complex or similar living arrangements that is age restricted for senior citizens but which is not an assisted-living center or long-term care facility.

School, private.

A school under the sponsorship of a private agency or corporation other than a public agency.

School, public or parochial.

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 private, trade, or commercial schools.

Schools, trade and commercial.

Establishments, other than public or parochial schools, private primary or secondary schools, or colleges, offering training or instruction in a trade, art, or occupation.

Screening device.

A barrier of stone, brick, pierced brick or block, uniformly colored wood, or other permanent material of equal character, density, and acceptable design at least four (4) feet in height, where the solid area equals at least sixty-five percent (65%) of the wall surface, including an entrance gate or gates; or foliage of an acceptable type with a density that will not permit through passage; or an acceptable combination of these materials. Such screening device shall be continuously maintained.

~~Servant's quarters.~~

~~An accessory building or portion of a main residential building located on the same lot as the principal residential building, occupied only by such persons and their families as are employed full time by the occupants of the principal residence.~~

Commented [KS38]: Needs to be removed and codified

Commented [JH39R38]: Struck through

Shopping center.

A grouping of two (2) or more commercial units built primarily for retailing purposes on common property planned, developed, owned or managed as a unit with common off-street parking provided on the same site. For purposes of this chapter, a neighborhood shopping center shall be considered to be a shopping center primarily serving adjacent residential area.

Specific use.

A means for developing certain designated uses in a manner in which the specific use will be compatible with the adjacent property and consistent with the character of the neighborhood.

Stadium or playfield, public.

An athletic field or stadium owned and operated by a public agency for the general public including a baseball field, football field or stadium.

Street.

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

Street line.

A dividing line between a lot, tract, or parcel of land and contiguous street.

Structural alterations.

Any change in the supporting member of a building, such as a bearing wall, column, beams, or girders.

Toxic materials.

Those materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

Use.

The purpose or activity for which the land, or building thereon, is designed, arranged, or intended, or for which it is occupied and maintained, and shall include any manner of such activity with respect to the standards of this chapter.

Use, principal.

The main use of land or buildings as distinguished from a subordinate or accessory use.

Utility facilities, private or franchised.

A nonpublic utility requiring specific facilities in residential areas or on public property such as heating, cooling, or communications not customarily provided by the municipality or the normal franchised utilities.

Yard.

An open space other than a courtyard, on the lot on which a building is situated and which is open and unobstructed from a point forty (40) inches above the general ground level of the graded lot to the sky, except as provided for roof overhang, similar special building features and other accessory structures as provided for in this code.

Yard, front.

An open, unoccupied space on a lot facing a street extending across the lot between the side lot lines and from the front building line to the street.

Yard, rear.

An open, unoccupied space from the rear building line extending across the rear of a lot from one side lot line to the other side lot line to the rear property line.

Yard, side.

An open, unoccupied space or spaces between the property line and the side building line that would not be consider front yard or rear yard that extends between the front building line and the rear building line.

**Yard &
Building,
Line
Illustrations**

[\[Image\]](#)

Zoning district map.

The official certified map upon which the boundaries of the various districts are drawn and which is an integral part of the zoning ordinance.

(Ordinance 2012-05-00715, sec. 2, adopted 5/17/12; Ordinance 2012-06-00718, sec. 1, adopted 6/21/12; Ordinance 2012-10-00737 adopted 10/4/12; Ordinance 2013-07-00760 adopted 7/18/13; Ordinance 2015-08-00816 adopted 8/20/15; Ordinance 2016-03-0832 adopted 3/3/16; Ordinance 2016-04-00835 adopted 4/7/16; Ordinance 2018-03-00876 adopted 3/1/18; Ordinance 2022-05-00953 adopted 5/19/22; Ordinance 2022-08-00535 adopted 9/1/2022)

§ 14.01.005 Compliance with the regulations.

Except as herein specifically provided:

- (1) No land shall be used except for a purpose permitted in the district in which it is located.
- (2) No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, nor shall any building be used, except for a use permitted in the district in which such building is located.
- (3) No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which such building is located.
- (4) No building shall be erected, converted, enlarged, reconstructed, or structurally altered except in

conformity with the area regulations of the district in which such building is located.

- (5) No building shall be erected, converted, enlarged, reconstructed, or structurally altered to the extent specifically provided herein except in conformity with the off-street parking and loading regulations provided herein for the use for which the building is intended.
- (6) The minimum yards, parking spaces, and open area, including lot area per dwelling unit, required by this chapter for each and every building existing at the time of passage of this chapter or for any building hereafter erected, shall not be encroached upon or considered as part of the yard or parking, nor shall any lot area be reduced below the requirements of this chapter for the district in which such lot is located.
- (7) Every building hereafter erected or structurally altered shall be located on a building lot as herein defined and, except as specifically provided herein, there shall not be more than one main building on one (1) lot.
- (8) No construction of any sewer system, sanitary landfill, public utility, or facility for the treatment of wastewater in any part of the city or its extraterritorial jurisdiction and within 2,000 feet (2000') of Lake Lavon shall be permitted.
- (9) All lots shall front on a street and all lots shall have street frontage of not less than 50% of the required width at the front building line, but not less than forty feet (40)'; No lot shall be landlocked.

Commented [JH40]: Added but not less than 40'

(1995 Code, sec. 9-5; Ordinance 2022-08-00535 adopted 9/1/2022)

§ 14.03.291

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DIVISION 6
VC Village Center District

§ 14.03.291. Purpose.

The intent of this district is to provide a clustered village setting with a rural country style as a retail and neighborhood services area.
(1995 Code, sec. 9-60)

§ 14.03.292. Use regulations.

No land shall be used and no building shall be erected, altered, converted or used for a use other than those specified in section 14.03.801, schedule of uses, and article 14.02, division 4, specific use permits.

- (1) Any retail store or personal service listed in section 14.03.801 shall be permitted subject to the following conditions:
 - (A) The business establishment supplies the everyday shopping needs of the area.
 - (B) The business is conducted wholly within an enclosed building.
 - (C) Such use not be objectionable because of odor, excessive lights, smoke, dust, noise, vibration, or similar nuisance.

(2) No mobile homes or HUD-code manufactured homes as defined herein shall be permitted.

~~(3) A specific use permit shall be required when the total square footage of any building exceeds 25,001 square feet.~~

(3) Major retail development by specific use permit.

(4) All drive-through, drive-in, and drive-up businesses shall require a specific use permit.
(Ordinance 2015-08-00816 adopted 8/20/15; Ordinance 2017-08-00861 adopted 8/3/17)

§ 14.03.293. Building regulations.

- (a) Buildings shall be clustered on site.
- (b) No flat roofs.
- (c) A minimum of seventy-five percent (75%) of all building exteriors shall be constructed with a 75% masonry exterior. Alternate materials may be approved by the DRC so as to maintain the architectural compatibility with existing structures.
- (d) All mechanical equipment shall be screened from public view either by landscaping materials or materials that blend with the building.
- (e) Refuse collection areas shall be screened from public view.
- (f) Parking and drive to be weather-impervious surface developed in accordance with ~~city standards~~ the cities pavement design manual.
- (g) Development shall comply with performance standards (article 14.04, division 3, of this chapter). (1995 Code, sec. 9-62; Ordinance 2012-06-00718, sec. 6, adopted 6/21/12)

Commented [JH1]: Delete number 3, redundant all major retail development over 20,000 square feet requires an SUP

Commented [JH2]: renumbered

Commented [JH3]: Renumbered

Commented [JH4]: Delete 75% repeated

Commented [JH5]: Deleted city standards, added the cities pavement design manual

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§ 14.03.294. Height regulations.

Building height. Buildings shall not exceed a height of more than twenty-five feet (25').

- (1) The height shall be measured from the sidewalk or ground surface elevation along the side of the building fronting onto a public right-of-way to the highest point of the roof excluding chimneys, weather vanes and similar materials.

(Ordinance 2011-09-00685, sec. 1, adopted 9/1/11)

§ 14.03.295. Area regulations.

- (a) **Lot area.** Minimum three (3) acres net, exclusive of all street rights-of-way and the 100-year floodplain as determined by a registered **surveyor**.
- (b) **Building area.** ~~The~~ total building area shall not exceed a floor-area-to-land ratio of 0.30 to 1.
- (c) **Front yard.** Minimum fifty feet (50') from property line.
- (d) **Side yard.** Minimum fifty feet (50') from property line.
- (e) **Rear yard.** Minimum fifty feet (50') from property line.
- (f) **Impervious coverage.** ~~The~~ maximum impervious coverage shall not exceed seventy percent (70%) of the total lot area.
- (g) Development shall comply with performance standards (article 14.04, division 3, of this chapter).

Commented [JH6]: Grammer correction

- (h) **Replacement of buffering/screening/fencing.** All **existing** buffering, screening, and fencing that is replaced is required to be replaced with materials required by code for new construction. If there is no material listed for the application then the replacement will match existing material for buffering, screening, or fencing, the item being replaced.

Commented [JH7]: Added existing

(1995 Code, sec. 9-64; Ordinance 2011-09-00685, sec. 1, adopted 9/1/11; Ordinance 2015-08-00816 adopted 8/20/15)

§ 14.03.296. Site plan approval.

- (a) Prior to issuance of any building permit, an application in writing, for the approval of the site plan, An electronic site plan in PDF format, shall be filed with the city secretary. The plans are to be submitted at least fourteen (14) consecutive calendar days before the meeting of the planning and zoning commission **at which they are to be considered**, if the site plan is to be considered at such meeting. No site plan will be considered by the city until the prescribed filing fees have been paid. Applicant shall submit proof of written notification set forth in chapter ~~10 6-~~ Division 2 ~~article 4,~~ section 10.03.037 ~~6-11,~~ of the Code of Ordinances. The site plan shall contain those items as designated by approved city procedure, but not be limited to the following information:

Commented [JH8]: Added at which they are to be considered

Commented [JH9]: Delete references to chapter 6, add correct chapter 10 references

~~**Editor's note** The reference above to "chapter 6, article 4, section 6-11, of the Code of Ordinances" is no longer applicable. Former chapter 6 has been completely superseded by Ordinance No. 2006-07-00567, which is now codified in chapter 10, article 10.03.~~

Commented [JH10]: Delete editors note

- (1) The boundaries and dimensions of the proposed development, including total area.
- (2) Adjoining property, owners, and zoning.
- (3) Contour lines at five-foot intervals.

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- (4) Location map.
 - (5) Existing or platted streets, public rights-of-way, easements or railroads within or adjacent to the tract.
 - (6) Existing and proposed utility lines showing sizes of water and sewer lines.
 - (7) Existing and proposed fire hydrants and fire lanes.
 - (8) Location of all easements.
 - (9) Building setback lines.
 - (10) Location and dimensions of buildings.
 - (11) Means of ingress and egress.
 - (12) Engineering for drainage.
 - (13) Areas designated for landscaping and location of exterior lighting.
 - (14) Parking area locations and specifications.
 - (15) Must be drawn to an acceptable scale.
 - (16) Must provide signature lines for chairman of planning and zoning commission, city engineer, and mayor to signify approval.
- (b) For the purpose of assisting in-process planning, a properly designated “preliminary” site plan may be submitted for consideration. Approval of a “preliminary” site plan will not imply approval of all elements of a site plan.
- (c) Final plans shall be approved by city council as provided in article 14.02, division 5, of this chapter. (1995 Code, sec. 9-65; Ordinance 1996-11-00343, sec. 10, adopted 11/4/96; Ordinance 2015-08-00816 adopted 8/20/15)

§ 14.03.297. Landscaping plan approval.

- (a) Prior to issuance of any building permit, ~~there shall be seven (7) copies~~ **an electronic copy in PDF format** of a landscape plan submitted to the City Secretary. The plans are to be submitted at least fourteen (14) days prior to the planning and zoning commission meeting at which they are to be considered. The landscape plan shall be approved or disapproved based on its compliance with the following requirements and any other deemed necessary to promote the character and value of the surrounding neighborhoods:
- (1) Plans shall be to same scale as approved site plan.
 - (2) A minimum of 15% of the gross area must be landscaped.
 - (3) The area between the property line and the street shall be included in the landscape plan and shall be maintained by the abutting property owner.
 - (4) Heights of landscaping materials shall be such that they do not create safety hazards for vehicular traffic by blocking sight lines at ingress and egress points.
 - (5) The specifications shall state the common names, sizes, and quantity of all materials to be utilized.

Commented [JH11]: Deleted struck through section added section in red

- § 14.03.297 § 14.03.300
- (6) Where the property abuts a different ~~zone~~ **zoning district**, it shall be screened as provided in article 3.18 of this code.
- (b) It shall be the property owner's responsibility to permanently maintain the approved landscaping in a neat and orderly manner.
- (c) Final plans shall be approved by city council as provided in this chapter. (Ordinance 2011-09-00685, sec. 1, adopted 9/1/11; Ordinance 2015-08-00816 adopted 8/20/15)

§ 14.03.298. Architectural plan approval.

- (a) Prior to the issuance of a building permit, there shall be ~~seven (7) copies~~ **an electronic copy in PDF format** of a proposed architectural elevation of the building or buildings submitted to the **City Secretary**. The plans are to be submitted at least fourteen (14) days prior to the planning and zoning commission meeting at which they are to be considered. The proposed architectural rendering, including use of site and/or building signage, shall be approved or disapproved based on its ability to create a village setting with a rural country style as a retail and neighborhood services area. This effort shall entail several design fixtures such as the use of clustered buildings as opposed to strip-type development. Sloping roofs are required as are overhanging colonnades.
- (b) Final plans shall be approved by city council as provided in this chapter. (1995 Code, sec. 9-67; Ordinance 2015-08-00816 adopted 8/20/15)

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§ 14.03.299. Off-street loading and parking.

See article 14.04, division 2.
(1995 Code, sec. 9-68)

§ 14.03.300. through § 14.03.350. (Reserved)

DIVISION 8
PD Planned Development District

§ 14.03.411. General purpose and description.

- (a) The city council, after public hearing and proper notice to all parties affected and after recommendation from the planning and zoning commission, may authorize the creation of a planned development district.
- (b) The planned development district is a district which accommodates planned associations of uses developed as integral land use units such as industrial districts, offices, commercial or service centers, shopping centers, retail centers, residential developments or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A planned development district may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this chapter. While greater flexibility is given to allow special conditions or restrictions, which would not otherwise allow the development to occur, procedures are established herein to ensure against misuse of increased flexibility.

(Ordinance 2006-01-00548, sec. 1, adopted 1/3/06)

§ 14.03.412. Permitted uses.

An application for a planned development district shall specify the base district(s), [and] the use or the combination of uses proposed. Uses which may be permitted in a planned development district must be specified if not permitted in the base district(s). Specific use permits allowed in a base zoning district are allowed in a planned development district only if specifically identified at the time of approval by the city council.

(Ordinance 2006-01-00548, sec. 1, adopted 1/3/06)

§ 14.03.413. Planned development requirements.

- (a) Development requirements for each separate planned development district shall be set forth in the ordinance granting the planned development district and shall include, but may not be limited to: uses, density, lot area, lot width, yard depths and widths, building height, building elevations, building material coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, hours of operation, project phasing or scheduling, management associations, and other requirements as the city council may deem appropriate.
- (b) All applications for a planned development district shall list all requested deviations from the standard requirements set forth throughout this chapter. The planned development district shall conform to other sections of this chapter unless specifically excluded in the granting ordinances granting the planned development district.
- (c) Detailed site plan. A detailed site plan shall be submitted as a part of the planned development district application shall set forth the final plans for development of the planned development district and shall be considered part of the planned development district. Changes of detail on the detailed site plan, which differ from the approved detailed site plan, but do not alter the basic relationship of the proposed development to the adjacent property, the uses permitted, or increase the density, building height or coverage of the site, the off-street parking ratio or reduce the yards provided at the boundary of the site, or do not significantly alter the landscape plans as indicated on the approved site plan, may be authorized by the city council without an amendment to the planned development

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district ordinance.
(Ordinance 2006-01-00548, sec. 1, adopted 1/3/06)

§ 14.03.417

§ 14.03.414. Mandatory homeowners' association.

In a planned development district for residential uses, property owner or homeowner associations are to be established for the purpose of ownership, maintenance and management of open spaces. The initial term of the agreement, covenants and restrictions establishing and creating the homeowners' association shall be for a twenty-five-year period and shall automatically renew for successive ten-year periods, and the homeowners' association may not be dissolved without the prior written consent of the city.
(Ordinance 2006-01-00548, sec. 1, adopted 1/3/06)

§ 14.03.415. City/developer facilities agreement.

Planned development districts may require a city/developer facilities agreement prior to or contemporaneous with the final plat approval. This agreement shall reflect the cost-sharing agreement between the city and the developer for the installation or over-sizing of utility systems, perimeter streets, mandatory construction or dedication of park or open space area, landscaping or greenbelt development or other comparable items, phasing of the development, maximum density or intensity of use during the construction process, and the maintenance of open space.
(Ordinance 2006-01-00548, sec. 1, adopted 1/3/06)

§ 14.03.416. Zoning ordinance compliance and zoning map.

All planned development districts approved in accordance with the provisions of the zoning ordinance in its original form, or by 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 as a part of this code.
(Ordinance 2006-01-00548, sec. 1, adopted 1/3/06)

§ 14.03.417. through § 14.03.470. (Reserved)

DIVISION 10
ED Estate Development District

§ 14.03.531. Purpose.

It is the intended purpose of this zoning district to provide for the unified and coordinated development of parcels or tracts of primarily vacant land. Certain freedom of choice as to intended land use shall be permitted, provided that the special requirements which may apply are complied with and that the intended uses are not in conflict with the general purpose and intent of either this chapter or the comprehensive plan for the city.

(1995 Code, sec. 9-90)

§ 14.03.532. Use regulations.

No land shall be used and no building shall be erected, altered, converted or used for a use other than those specified in section 14.03.801, schedule of uses, and article 14.02 division 4, specific use permits. (Ordinance 2008-11-00634 adopted 11/20/08)

~~§ 14.03.533. Height, lot, and yard requirements.~~

- (a) ~~Height, lot, and yard requirements shall conform to the requirements of the appropriate sections of this chapter, except that modifications in these regulations may be granted if it shall be found that such modifications are in the public interest, are in harmony with the purposes of this chapter, and will not adversely affect nearby properties.~~
- (b) ~~The following requirements shall be used for areas developed as half acre lots:~~
 - (1) ~~Height regulations. No building shall exceed thirty five feet (35') or two and one half (2 1/2) stories in height.~~
 - (2) ~~Area regulations:~~
 - (A) ~~Size of yards:~~
 - (i) ~~Front yard. There shall be a front yard having a depth of not less than fifty feet (50').~~
 - (ii) ~~Side yard. There shall be a side yard on each side of the lot having a minimum width of twenty five feet (25'). A side yard adjacent to a side street shall not be less than fifty feet (50').~~
 - (iii) ~~Rear yard. There shall be a rear yard having a depth of not less than twenty five feet (25').~~
 - (B) ~~Size of lot:~~
 - (i) ~~Lot area. No building shall be constructed on any lot of less than twenty one thousand seven hundred eighty (21,780) square feet.~~
 - (ii) ~~It is intended to preserve the rural atmosphere with deep setbacks and wide lot widths.~~
 - (3) ~~Building regulations. The minimum floor area of any dwelling, exclusive of garages, breezeways, and porches, shall be sixteen hundred square feet (1,600 sq. ft.) with a minimum of seventy five percent (75%) of the exterior walls of masonry construction or the heartwood of a natural decay resistance wood, cementitious siding, stucco, cultured stone exterior or~~

~~§ 14.03.533~~ ~~§ 14.03.536~~
~~combination of these materials. Alternate materials may be approved by the DRC so as to maintain the architectural compatibility with existing structures. (1995 Code, sec. 9-92; Ordinance 2012-06-00718, sec. 9, adopted 6/21/12)~~

~~§ 14.03.534. Area requirements.~~

~~For the purposes of this chapter, the entire tract to be zoned “ED” may be considered as one building lot, or separate areas intended for separate land uses may be considered as separate building lots. Required open space is established at a minimum of 15% of the total developed acreage. Open space must have public access and may include public street rights-of-way exclusive of impervious surface. (1995 Code, sec. 9-93)~~

~~§ 14.03.535. Parking regulations.~~

~~Off street parking spaces shall be provided in accordance with the requirements for specific uses set forth in article 14.04, division 2.~~

~~§ 14.03.536. Special conditions.~~

~~The following special conditions apply to uses located in this zoning district:~~

- ~~(1) A minimum land area of ten (10) acres shall be required before application for an estate development will be approved.~~
- ~~(2) All requirements of any subdivision regulations of the city pertaining to procedure, plan, and design criteria among others shall be complied with and include height, lot, yard, and area requirements as designated in the appropriate sections of this chapter.~~
- ~~(3) No front entry garages will be allowed.~~
- ~~(4) All proposed estate developments shall require a mandatory site and landscape plan submittal as per sections 14.03.296 and 14.03.297 of this chapter. The site and landscape plans will be reviewed and approved by the planning and zoning commission, city engineer, and the city council in public hearings prior to receiving plat approval or building permit. In addition to the site plan, the owner shall provide such other sketches, diagrams, and calculations necessary to determine whether the proposed development conforms with the provisions of the district and to determine the effect of the proposed development on population densities, streets, schools, recreation, and other community facilities in the area. Such site plans, sketches, diagrams, and calculations shall become a part of the amendment for the “ED” district and shall form the basis for issuance of a building permit on conformity therewith.~~
- ~~(5) Property to be developed for nonresidential purposes, other than public and semipublic uses, shall be located upon a thoroughfare, except if it abuts property which is zoned for commercial or industrial purposes and which has major street frontage. A plan for development of the property, showing adequate access to and from the major streets, shall be submitted to the planning and zoning commission.~~
- ~~(6) Prior to the issuance of a certificate of occupancy, a screening device, as defined in this chapter, shall be built along that boundary of the area proposed for “VC” use which abuts property developed, zoned, or designated for any type of residential use.~~
- ~~(7) Lighting devices in conjunction with “VC” uses or parking lots shall not be operated so as to produce 2~~

- ~~§ 14.03.536~~ ~~§ 14.03.537~~
~~direct or reflected light or glare across abutting property lines.~~
- ~~(8) Loudspeakers and similar devices in conjunction with commercial uses or parking lots shall not be used.~~
 - ~~(9) Accessory building and structures shall comply with article 14.04, division 8, of this chapter.~~
 - ~~(10) Open space will be interconnected from interior of the site to the exteriors when feasible.~~
 - ~~(11) A landscape plan shall include irrigation system size, quantity, and type of landscaping materials drawn to same scale as the site plan. A minimum of twenty percent (20%) shall be materials other than grasses. The landscape plan shall be submitted to the planning and zoning commission for approval.~~
 - ~~(12) Cluster development is preferred.~~
 - ~~(13) Residential uses are limited to single family detached housing and their related accessory buildings.~~
 - ~~(14) Cul-de-sac streets shall have open space access for the public to the required open space system.~~
 - ~~(15) A homeowners' association must be created to maintain the open spaces. Association guidelines and rules will be submitted at time of site plan approval.~~
 - ~~(16) Underground utilities will be required.~~
 - ~~(17) A specific use permit shall be required when the total square footage of the main building and/or any accessory buildings exceeds 50,000 square feet.~~
- ~~(1995 Code, sec. 9-95; Ordinance 2006-10-00577, sec. 2, adopted 10/16/06; Ordinance 2015-08-00816 adopted 8/20/15)~~

~~§ 14.03.537. through § 14.03.590. (Reserved)~~

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§ 14.03.533 Height regulations.

No building shall exceed thirty-five feet (35') or two and one-half (2-1/2) stories in height.

§ 14.03.534 Area regulations.

(a) Size of yards.

(1) Front yard. The building line adjacent to a street shall be established at seventy-five feet (75') from the centerline of the street right-of-way or street reflected as type C or D roadway on the Master Thoroughfare Plan. (85' for type B, and 110' for Type A). Where a building line is established on a plat, which is not consistent with this ordinance, the building line is a greater distance from the front property line shall be observed. No required parking shall be allowed within the required front yard.

(2) Side yard. The building line adjacent to the side property line(s) shall be not less than ten percent (10%) of the lot width, [or] twenty feet (20'), whichever is less. No side yard for allowable nonresidential uses shall be less than twenty-five feet (25').

(3) Rear yard. The building line adjacent to the rear property line shall be not less than fifty feet (50').

(b) Size of lot.

(1) Lot area.

No building shall be constructed on any lot of less than one and one-half (1-1/2) acres (65,340 square feet).

(2) Lot width.

The width of the lot shall be not less than one hundred sixty feet (160') at the front street property line, nor shall its average width be less than one hundred seventy-five feet (175'). The minimum width of a lot on a cul-de-sac shall be not less than thirty-five feet (35') at the property line, nor shall its average width be less than one hundred seventy-five feet (175'). The minimum width of a lot on curve exceeding thirty degrees shall be not less than thirty-five feet (35') at the property line, nor shall its average width be less than one hundred seventy-five feet (175').

(3) Lot depth.

The average depth of the lot shall not be less one hundred eighty feet (180').

(4) Where a lot having less area, width, and/or depth than herein required exists in separate ownership upon the effective date of this chapter, the above regulations shall not prohibit the erection of a one-family dwelling thereon.

(c) Minimum dwelling size.

The minimum floor area of any dwelling shall be eighteen hundred square feet (1,800 sq. ft.), exclusive of garages, breezeways, and porches. Dwellings shall have a minimum seventy-five percent (75%) of the exterior walls of masonry construction or the heartwood of a natural decay resistance wood, cementitious siding, stucco, cultured stone exterior or combination of these materials. Alternate materials may be approved by the DRC so as to maintain the architectural compatibility with existing structures.

(d) Lot coverage.

In no case shall more than thirty percent (30%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.

(e) A specific use permit shall be required when the total square footage of the main building and/or any accessory buildings exceeds 50,000 square feet.

(f) Accessory building and structures shall comply with article **14.04**, division 8, of this chapter.

(g) Roof pitch.

Residential dwelling structures shall have a roof pitch of not less than 6" vertical for each 12" horizontal (6:12). Alternative roof design and roof pitches may be considered and approved by the design review committee (DRC).

(h) Exterior walls and foundation.

The exterior walls of residential dwellings shall be supported on a continuous solid concrete beam or slab; or on a fully grouted masonry foundation designed to carry the imposed loads. Exterior and load bearing walls shall be secured to the foundation as required by the adopted residential building code.

14.03.535. Special conditions.

(1) No front-entry garages will be allowed.

(2) The minimum lot size is one and a half acres (1 ½) acres, the average lot size for the proposed development shall be four (4) acres.

(3) Accessory building and structures shall comply with article 14.04, division 8, of this chapter.

(4) Residential uses are limited to single-family detached housing and their related accessory buildings.

(5) A homeowners' association must be created to maintain the open spaces. Association guidelines and rules will be submitted at time of site plan approval.

(6) Underground utilities will be required.

(7) A specific use permit shall be required when the total square footage of the main building and/or any accessory buildings exceeds 50,000 square feet.

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DIVISION 15
Schedule of Uses

§ 14.03.801. Use designations.

(a) The use of land and/or buildings shall be in accordance with those listed in the following schedule of uses chart. No land or building shall hereinafter be used and no building or structure shall be erected, altered, converted other than for those uses specified in the zoning district in which it is located. The legend for interpreting the permitted uses in this schedule of uses is:

X	Designates use permitted in the zoning district indicated
	Designates use prohibited in district indicated
S	Designates use may be approved by specific use permit. (See also section 14.02.081)

(b) If a use is not listed, it is not allowed in any district.

(c) Use chart organization.

- (1) Residential uses.
- (2) Educational, institutional, public and special uses.
- (3) Office and professional.
- (4) Retail and related uses.
- (5) Automobile, transportation, utility, communication and related uses.
- (6) Other uses.

(d) Classification of new/unlisted uses. It is recognized that new types of land use will develop and forms of land use not presently anticipated may seek to locate in the city. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use in the schedule of uses chart shall be made as follows:

- (A) A person, city department, the planning and zoning commission, or city council may propose zoning amendments to regulate new and previously unlisted uses.
- (B) A person requesting the addition of a new or unlisted use shall submit to the director of planning all information necessary for the classification of the use, including but not limited to:
 - (i) The nature of the use and whether the use involves dwelling activity, sales, services, or processing;
 - (ii) The type of product sold or produced under the use;
 - (iii) Whether the use has enclosed or open storage and the amount and nature of the storage;
 - (iv) ~~Anticipated~~ Employment typically anticipated with the use;
 - (v) Transportation requirements;

Commented [JH17]: Delete Anticipated

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- (vi) The nature and time of occupancy and operation of the premises;
 - (vii) The off-street parking and loading requirements;
 - (viii) The amount of noise, odor, fumes, dust, toxic materials and vibration likely to be generated; and
 - (ix) The requirements for public utilities such as sanitary sewer and water and any special public services that may be required.
- (2) The development services director shall refer the question concerning a new or unlisted use to the planning and zoning commission requesting a recommendation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by the statements of facts in subsection (B) above. An amendment to this chapter shall be required as prescribed by ordinance.
- (3) 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 most similar and should be permitted.
- (4) The planning and zoning commission shall transmit its findings and recommendations to the city council as to the classification proposed for any new or unlisted use. The city council shall approve [or] disapprove the recommendation of the planning and zoning commission or make such determination concerning the classification of such use as is determined appropriate based upon its findings. If approved, the new or unlisted use shall be amended in the use charts of the zoning ordinance according to ordinance.
- (5) Standards for new and unlisted uses may be interpreted by the director of planning as those of a similar use. When a determination of the appropriate zoning district cannot be readily ascertained, the same criteria outlined in subsection (B) above shall be followed for determination of the appropriate district. The decision of the **Development Services Director** of planning may be appealed according to the process outlined in subsections (2) through (4) above.
- (e) Schedule of uses chart.

Commented [JH18]: Correct title

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Use	AO	R2	R1.5	R1	VC	CB	OS	MH	LI	ED
Residential uses										
Accessory buildings	X	X	X	X			X	X		X
Accessory buildings with habitable space Dwelling Unit	X	X	X	X						X
Caretaker/guard residence	X					S			X	
Community home	X	X	X	X						X
Home occupation	X	X	X	X				X		X
Mobile home on individual lot								X		
Mobile home park								X		
Multifamily residence								X		
Registered family home	S	S	S	S						S
Single-family dwelling (detached)	X	X	X	X						X
Temporary field construction office	X	X	X	X	X	X			X	X
Educational, institutional, public and special uses										
Adult, child care or day care center	S					X		S		S
Amateur communications antenna	X	X	X	X				X		
Athletic stadium or field (not with public school)	S	S	S	S		S			S	
Church including church related activities	X	X	X	X	X	X	X	X	X	X
Community center (public)	X	X	X	X	X	X		X	X	
Equestrian facilities	X	S				X	X		X	
Equestrian boarding	X	X				X	X		X	
Farm, ranch, garden or orchard	X	X	X	X		X	X	X	X	
Fire or police station	X	X	X	X	X	X		X	X	
Government offices (federal, state, county, city)	X	X	X	X	X	X	X	X	X	
Halfway house									X	
Hospital						S			X	

Commented [JH20]: Estates district added X and S to make similar to R 1.5 throughout doc

Commented [JH19]: Strike through add dwelling unit

Commented [JH21]: Delete S

Use	AO	R2	R1.5	R1	VC	CB	OS	MH	LI	ED
Clinic					S	X			X	
Library (public)	X	X	X	X	X	X		X	X	
Movie theater						X			X	
Municipal uses operated by the city	X	X	X	X	X	X	X	X	X	X
Museum	X	S	S	S	X	X		S	X	S
Nursing home					S	S			S	
Pet boarding	S					S			S	
Pet day care						S			S	
Philanthropic institutions					S	X			X	
Public park or playground	X	X	X	X	X	X	X	X	X	X
Radio, TV antenna or tower						S			S	
Broadband antenna support structure	X	X	X	X						X
Recreation area					S	X			X	
Retirement home/senior independent living facility					S	S			S	
School (private)	S	S	S	S	S	X		S	X	S
School (public)	X	X	X	X	X	X	X	X	X	X
School, trade or commercial	S				S	S			X	
Trade days/periodic or seasonal open market	S					S			X	
Office and Professional										
General professional office					X	X			X	
Bank or credit union					X	X			X	
Medical/dental clinic					X	X			X	
Medical laboratory					S	S			X	
Medical minor emergency clinic					S	S			X	
Radio broadcasting without tower					S	X			X	
Real estate sales office (permanent)					X	X			X	

Commented [JH22]: Bolded Office

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Use	AO	R2	R1.5	R1	VC	CB	OS	MH	LI	ED
Retail and Related Uses										
Athletic Training Facilities						S			S	
Antique shop					X	X			X	
Art and craft supply store					X	X			X	
Bakery (retail)					X	X			X	
Barber shop or beauty salon					X	X			X	
Bicycle, lawnmower sales, repair enclosed						X			X	
Bookstore					X	X			X	
Building materials and hardware (inside)						X			X	
Camera store					X	X			X	
Ceramics store						X			X	
Clothing, apparel or shoe store (new)					X	X			X	
Coffee house					S	X			X	
Computer sales and repair (new and used)					X	X			X	
Convenience store with refueling station						S			X	
Convenience store without refueling station					X	X			X	
Dance studio or gymnastics					S	X			X	
Department store (retail)					S	S			S	
Donut shop					X	X			X	
Driving school						X			X	
Dry cleaning/laundry (no plant on site)					X	X			X	
Dry cleaning plant									X	
Fabric store					X	X			X	
Farmer's market	S				S	S			X	
Feed store						X			X	
Fish and tackle store					S	X			X	
Florist					X	X			X	

Commented [JH23]: Added athletic and SUP

Use	AO	R2	R1.5	R1	VC	CB	OS	MH	LI	ED
Funeral home						X			X	
Furniture store, home furnishings					X	X			X	
Gift shop (new merchandise)					X	X			X	
Grocery store					X	X			X	
Gunsmith						S			S	
Hobby or toy store					X	X			X	
Ice cream or frozen yogurt sales					X	X			X	
Kennels	S								S	
Key shop or locksmith					X	X			X	
Laundromat (self-service)								S		
Meat market (retail)					X	X			X	
Medical aids and equipment					X	X			X	
Musical instrument sales and repair					X	X			X	
Nursery (retail)						X			X	
Outside display of merchandise	S					S			S	
Optical store					X	X			X	
Paint store						S			X	
Pet shop					S	S			S	
Pharmacist or drug store (without drive thru)					X	X			X	
Pharmacist or drug store (with a drive thru)					S	S			S	
Printing shop						X			X	
Produce stand (including wood and seasonal items)	S				S	X			X	
Recycling collection center						X			X	
Refueling station						S			X	
Restaurant, cafe or cafeteria (excluding smoked on site)					X	X			X	
Restaurant drive in					S	S			X	

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Use	AO	R2	R1.5	R1	VC	CB	OS	MH	LI	ED
Restaurant (food smoked on site)					S	S			X	
Self-storage						S			S	
Sporting goods					X	X			X	
Tack and saddle shop	S				X	X			X	
Therapeutic message					S	S			S	
Used clothing store					S	S			S	
Veterinarian office (with outside pens)						S			X	
Veterinarian office (without outside pens)						X			X	
Wallpaper, flooring and carpet supply						X			X	
Automobile, Transportation, Utility, Communication and Related Uses										
Auto paint (in building)						S			S	
Auto parts store						X			X	
Automotive repair minor						S			S	
Automobile sales (new)						S			X	
Automobile sales (used)						S			X	
Boat sales (new or used)						S			X	
Communication towers						S			S	
Electrical substation	S	S	S	S		S	S	S	S	
Manufacturing (light industrial - enclosed only)									X	
Mobile home sales (new or used)									S	
Motorcycle repair/paint (enclosed)						S			X	
Recreation vehicle sales (new or used)									X	
Telephone exchange	S	S	S	S		S	S	S	S	
Truck sales (new)									X	
Truck sales (used)									X	

Use	AO	R2	R1.5	R1	VC	CB	OS	MH	LI	ED
Truck rental, leasing									X	
Trailer rental/sales									X	
Tractor sales (new or used)									X	
Vehicle leasing or rental						S			X	
Vehicle wash						S			X	
Water utilities	X	X	X	X	X	X	X	X	X	X
Other uses	Commented [JH24]: Bolded other uses									
Forestry	S									
Mining	S									
RV, boat, motorized or non-motorized vehicles, (inside or outside storage)									S	
Temporary real estate sales office		X	X	X	X					

§ 14.03.801
(Ordinance 2008-11-00634 adopted 11/20/08; Ordinance 2012-05-00715, sec. 4, adopted 5/17/12;
Ordinance 2012-10-00737 adopted 10/4/12; Ordinance 2016-03-00832 adopted 3/3/16; Ordinance 2016-
10-00845 adopted 10/20/16; Ordinance 2017-04-00853 adopted 4/6/17; Ordinance 2017-07-00859
adopted 7/6/17; Ordinance 2018-03-00876 adopted 3/1/18; Ordinance 2020-12-00927 adopted 12/17/20)

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ARTICLE 14.04 SUPPLEMENTARY REGULATIONS

Division 5 Nonconforming Uses

§ 14.04.171 Existing land.

The lawful use of land existing upon the effective date of this chapter although such use does not conform to the provisions hereof may be continued, subject to the provisions hereof.

(1995 Code, sec. 9-180)

§ 14.04.172 Existing building.

The lawful use of a building existing upon the effective date of this chapter may be continued, only in conformance with these regulations, although such use does not conform to the provisions hereof. Such use may be extended throughout such portions of the buildings as are arranged or designed for such use, provided no structural alterations or extensions, except those required by law or ordinance, are made therein. If such nonconforming building is voluntarily removed, the future use of such premises shall be in conformity with the provisions of this chapter.

(1995 Code, sec. 9-181)

§ 14.04.173 Voluntary discontinued use of a building for one year.

In the event an existing nonconforming use of any building or premises is voluntarily discontinued for a period of one (1) year, the use shall thereafter conform to the provisions of the district in which it is located.

(1995 Code, sec. 9-182)

§ 14.04.174 Existing residence.

A residential dwelling unit having a lesser floor area at the time of the passage of this chapter than the minimum floor area required for the district in which it is located shall not be construed to be nonconforming.

(1995 Code, sec. 9-183)

§ 14.04.175 Repairs.

Repairs and alterations may be made to a nonconforming building provided that no structural alterations or extensions shall be made except those required by law or ordinance unless the building is changed to a conforming use.

(1995 Code, sec. 9-184)

§ 14.04.176 Nonconforming use not to be extended or rebuilt.

A nonconforming use shall not be extended or rebuilt in case of obsolescence or total destruction by fire or other causes. In the case of partial destruction by fire or other causes not exceeding fifty percent (50%) of its value, the building inspector shall issue a permit for reconstruction. If destruction is greater than fifty percent (50%) of its value, the board of adjustment may grant a permit for repair or replacement after public hearing and having due regard for the property rights of the persons affected when considered in the light of public welfare and the character of the areas surrounding the designated nonconforming use and the purposes of this chapter.

(1995 Code, sec. 9-185)

§ 14.04.177 through § 14.04.210. (Reserved)

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ARTICLE 14.01 GENERAL PROVISIONS

Division 1 Generally

§ 14.01.001 Short title and application of chapter.

These regulations shall be known as, and may be cited as, “The City of Lucas, Texas, Zoning Ordinance” and shall apply to the land within the corporate limits of the city.

(1995 Code, sec. 9-1)

§ 14.01.002 Interpretation and purposes.

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements adopted for promotion of the public health, safety, and welfare. The zoning regulations and districts as herein established have been made for the purpose of promoting health, safety, moral responsibility, and the general welfare of the city, and have been designed, among other things:

- (1) To lessen congestion on streets;
- (2) To secure safety from fire, panic, and other dangers;
- (3) To promote health and the general welfare;
- (4) To provide adequate light and air;
- (5) To prevent the overcrowding of land;
- (6) To avoid undue concentration of population;
- (7) To facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements;
- (8) To conserve the value of the property and encourage the most appropriate use of land throughout the community;
- (9) To minimize the threat of release, spillage or seepage of trash, garbage, debris, sewage, wastewater, noxious fumes or odors, or toxic materials; and
- (10) To lessen the potential pollution of the environment in the city or its environs.

(1995 Code, sec. 9-2)

§ 14.01.003 Scope.

It is not intended by these regulations to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances, or with private restrictions placed upon property by covenant, deed, easement, or other private agreement. Where this chapter imposes a greater restriction upon land, buildings, or structures than is imposed or required by other ordinances, covenants, or agreements, the provisions of these regulations shall govern. Where other ordinances impose a greater restriction than is imposed herein, the provisions of such other ordinances shall govern.

(1995 Code, sec. 9-3)

§ 14.01.004 Definitions. [THIS SECTION WAS REVIEWED BY PLANNING & ZONING COMMISSION ON JUNE 8, 2023]

§ 14.01.005 Compliance with the regulations.

Except as herein specifically provided:

- (1) No land shall be used except for a purpose permitted in the district in which it is located.
- (2) No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, nor shall any building be used, except for a use permitted in the district in which such building is located.
- (3) No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which such building is located.
- (4) No building shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the area regulations of the district in which such building is located.
- (5) No building shall be erected, converted, enlarged, reconstructed, or structurally altered to the extent specifically provided herein except in conformity with the off-street parking and loading regulations provided herein for the use for which the building is intended.
- (6) The minimum yards, parking spaces, and open area, including lot area per dwelling unit, required by this chapter for each and every building existing at the time of passage of this chapter or for any building hereafter erected, shall not be encroached upon or considered as part of the yard or parking, nor shall any lot area be reduced below the requirements of this chapter for the district in which such lot is located.
- (7) Every building hereafter erected or structurally altered shall be located on a building lot as herein defined and, except as specifically provided herein, there shall not be more than one main building on one (1) lot.
- (8) No construction of any sewer system, sanitary landfill, public utility, or facility for the treatment of wastewater in any part of the city or its extraterritorial jurisdiction and within 2,000 feet (2000') of Lake Lavon shall be permitted.

(9) All lots shall front on a street and all lots shall have street frontage of not less than 50% of the required width at the front building line. No lot shall be landlocked.

(1995 Code, sec. 9-5; Ordinance 2022-08-00535 adopted 9/1/2022)

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ARTICLE 14.02 ADMINISTRATION

Division 1 Generally

§ 14.02.001 Enforcement and penalties.

Any person, firm, corporation, or political subdivision who violates any of the provisions of these regulations shall be guilty of a misdemeanor and, upon conviction in the municipal court, shall be subject to a fine of not more than two thousand dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense and such violation is hereby declared to be a common nuisance which may be abated by the city in any manner authorized by law, including injunction and an action for damages.

(1995 Code, sec. 9-6)

§ 14.02.002 through § 14.02.030. (Reserved)

Division 2 Board of Adjustment

**[THIS SECTION WAS REVIEWED BY PLANNING & ZONING COMMISSION
ON JUNE 8, 2023]**

Division 3 Changes and Amendments

**[THIS SECTION WAS REVIEWED BY PLANNING & ZONING COMMISSION
ON JUNE 8, 2023]**

Division 4 Specific Use Permits

§ 14.02.081 Generally.

- (a) A specific use permit allows uses compatible with other permitted uses, provided the uses meet the specific criteria established by the city under this section.
- (b) The city council may authorize the granting of a specific use permit, by an affirmative vote, after notice to all parties affected and a public hearing, in accordance with state law, and after recommendation from the planning and zoning commission that the use is in general conformance with the comprehensive plan of the city and containing such requirements and safeguards as are necessary to protect adjoining property.
- (c) Specific use permits shall not be used to legalize nonconforming structures or uses, and shall not be used when a variance, deviation, waiver or minor modification could be used to

achieve the same result.

- (d) A development plan shall be submitted concurrently with the application for a specific use permit. However, development plans will not be approved until the specific use permit is approved by the city council. Approval of the specific use permit does not constitute approval of a development plan.
- (e) Uses permitted by a specific use permit shall not be enlarged or substantially modified, structurally altered, or otherwise significantly changed without an amendment to the specific use permit. Amendment to a specific use permit requires the same processes and procedures as an original specific use permit application, specifically, public notice and hearing. Minor changes or alterations or changes that do not alter the basic relationship of the proposed development to adjacent property or expand the use into other portions of the building or property and may be approved by the development services director. Changes or alterations that change the uses permitted, increase the density, building height, coverage of the site, off-street parking ratio, or area regulations are not minor changes and must be considered through the amendment process.
- (f) All recommendations made by the city planning and zoning commission to the city council shall be considered advisory in nature and shall not be binding upon the governing body; the city council shall have the sole and final authority to grant or deny any request for specific use permits.
- (g) The board of adjustment does not have authority to hear an appeal or act on an application for a specific use permit.
- (h) A specific use permit may be granted for those uses indicated by “S” in the schedule of uses chart in section **14.03.801(e)**.
- (i) Refer to article **14.04**, division 8, accessory buildings, structures and uses for additional regulations.

(Ordinance 2022-05-00950 adopted 5/5/22)

§ 14.02.082 Application and processing.

- (a) Any individual, partnership, corporation, or group of persons having a proprietary interest in any property, upon proof of such, may file an application with the planning and zoning commission for a specific use permit.
- (b) The application for a specific use permit shall be accompanied by a development plan and sign plan, as applicable. The city shall make available application forms specifying application requirements. The application shall include:
 - (1) A site plan that includes the dimensions, bearings, and street frontage of the property;
 - (2) The location of buildings, structures, and uses;
 - (3) The method of ingress and egress;

- (4) Off-street parking and loading requirements, as applicable;
 - (5) Screening, lighting, and landscaping, as applicable;
 - (6) A traffic impact analysis if the development services director determines that the analysis is necessary;
 - (7) Any other information the development services director, planning and zoning commission or city council determines necessary for a complete review of the proposed development which may include, but is not limited to additional information or drawings, operating data, expert evaluation, or testimony concerning the location, function, or characteristics of any building or proposed use.
- (c) The planning and zoning commission shall provide notice and hold a public hearing in accordance with section **14.02.063**.
 - (d) Following the public hearing by the planning and zoning commission, the commission shall make a recommendation for the city council at the properly noticed public hearing, where the council shall consider the granting or denial of the specific use permit.
 - (e) In recommending that a specific use permit be granted, the planning and zoning commission and city council shall determine that such uses are compatible with the building structures and uses of abutting property and other property in the vicinity of the premises under consideration and shall make recommendations for conditions and requirements to be included in the specific use permit. In approving the requested specific use permit, the planning and zoning commission and city council may consider the following:
 - (1) Whether the use is compatible with surrounding existing uses or proposed uses;
 - (2) Whether the use requests by the applicant are normally associated with the permitted uses in the base district;
 - (3) Whether the nature of the use is reasonable;
 - (4) Whether any negative impact on the surrounding area has been mitigated;
 - (5) Any additional conditions specified ensure that the intent of the district purposes is being upheld.
 - (f) The conditions and requirements approved by the council shall be set forth in the ordinance granting the specific use permit, including, but not limited to, attached site plan drawings and other depictions of design and use elements.

(Ordinance 2022-05-00950 adopted 5/5/22)

§ 14.02.083 Zoning amendment and limitations.

- (a) Each specific use permit granted under the provisions of this chapter shall be considered as an amendment to the comprehensive zoning regulations applicable to such property. When

the city council authorizes granting of a specific use permit, the zoning map shall be amended according to its legend to indicate that the affected area has conditional and limited uses, said amendment to indicate the specific use by an “S” designation.

- (b) In granting any specific use permit, the city council may impose conditions and requirements as necessary and which shall be complied with by the grantee before any building permit is issued and as an ongoing requirement to retain a certificate of occupancy.
- (c) A building permit shall be obtained from the city not later than six (6) months after the effective date of the ordinance granting the specific use permit if new construction is required to comply with the specific use permit, provided however, the director of development services may authorize one extension not to exceed six (6) months.
- (d) If the planning and zoning commission denies an application for a specific use permit, the application will not be considered by the city council unless the applicant requests the application be forwarded to the city council within ten (10) days of the planning and zoning commission denial of the application. If the applicant timely requests the application for specific use permit be forwarded to the city council, approval of the specific use permit by the city council shall require the affirmative vote of seventy-five percent (75%) of the city council.
- (e) Following the denial of a specific use permit, no new application for the same or a substantially similar request shall be accepted within one year of the date of denial unless it is determined by the development services director there has been a substantial change in the area or in the request in which the specific use permit has been requested.

(Ordinance 2022-05-00950 adopted 5/5/22)

§ 14.02.084 Expiration, termination, revocation.

- (a) A specific use permit shall expire if a required building permit has not been issued within the time required in this section, or if a building permit has been issued but has subsequently expired. If a building permit is not required, the specific use permit shall expire six (6) months after the effective date of the ordinance granting the specific use permit if a certificate of occupancy is not obtained. If the specific use permit expires in accordance with this section, the property shall conform to the regulations of the original zoning district of such property.
- (b) A specific use permit shall terminate if the property for which the specific use permit was issued is vacant, or the building or property, though still occupied, is not being used for the purpose for which the specific use permit was granted for a period of six (6) months. The development services director may grant one six (6) month extension upon written request by the owner of the property. Such written request shall be filed with the development services director no later than 150 days after the onset of the vacancy. If the specific use permit terminates in accordance with this section, the property shall conform to the regulations of the original zoning district of such property.
- (c) A specific use permit may be revoked if the owner fails to meet the conditions and

requirements set out in the ordinance granting the specific use permit. Revocation of a specific use permit may be recommended by the planning and zoning commission to the city council after proper notice and public hearing. After proper notice and public hearing, the city council may consider the planning and zoning commission's recommendation for revocation of a specific use permit. If the specific use permit is revoked in accordance with this section, the property shall conform to the regulations of the original zoning district of such property.

(Ordinance 2022-05-00950 adopted 5/5/22)

§ 14.02.085 through § 14.02.110. (Reserved)

Division 5
Final Plans Approval

**[THIS SECTION WAS REVIEWED BY PLANNING & ZONING COMMISSION
ON JUNE 8, 2023]**

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	14.03.472	Building regulations.	
	14.03.473	Height regulations	
	14.03.474	Area regulations	
	14.03.475	Site plan approval	
	14.03.476	Landscaping plan approval	
	14.03.477	Off-street loading and parking	
	14.03.478-.530	Reserved	
Div. 10	ED		last amended 2015
	14.03.531	Purpose	
	14.03.532	Use regulations.	
	14.03.533	Height, lot, and yard requirements	
	14.03.534	Area requirements	
	14.03.535	Parking regulations	
	14.03.536	Special conditions	
	14.03.537-.650	Reserved	
Div. 11	RESERVED		
	14.03.591 – 14.03.650		
Div. 12	MHD		last amended 2015
	14.03.651	Purpose	
	14.03.652	Manufactured home district (MHD)	

- 14.03.653 Use regulations.
- 14.03.654 Height, lot, and yard requirements
- 14.03.655 Parking regulations
- 14.03.536 Supports, tiedowns and skirting
- 14.03.657-.710 Reserved

Div. 13 OS

last amended 2015

- 14.03.711 Purpose
- 14.03.712 Use regulations.
- 14.03.713 Building regulations
- 14.03.714 Height regulations
- 14.03.715 Area regulations
- 14.03.716 Site plan approval
- 14.03.717 Landscape plan approval
- 14.03.718 Architectural plan approval
- 14.03.719 Off-street loading and parking
- 14.03.720-.770 Reserved

Div. 14 Reserved

Div. 15 Schedule of Uses

- 14.03.801 Use Designations

adopted 2008, last amended 12/2020

14.04 Supplementary Regulations

Div. 1 Generally

last amended 2015

- 14.04.001 Community Homes
- 14.04.002 Equestrian boarding
- 14.04.003-.030 Reserved

Div. 2 Off-street parking and loading

last amended 2020

- 14.04.031 Vehicle parking regulations
- 14.04.032 Off-street residential parking
- 14.04.033 Off-street nonresidential parking
- 14.04.034 Special off-street parking regulations
- 14.04.035 Parking requirements for new and unlisted uses
- 14.04.036 Minimum distance for off-street parking
- 14.04.037 Off-street loading space
- 14.04.038 Driveways
- 14.04.039 Off-site parking requirements
- 14.04.040-.070 Reserved

Div. 3	Performance Standards	adopted 1995, not amended
	14.04.071	Applicability
	14.04.072	Noise
	14.04.073	Smoke and particulate matter
	14.04.074	Odorous matter
	14.04.075	Fire and explosive hazard material
	14.04.076	Toxic and noxious matter
	14.04.077	Vibration
	14.04.078	Glare
	14.04.079	Waste materials
	14.04.080-.120	Reserved
Div. 4	Height and Area Exceptions and Modifications	last amended 2015
	14.04.121	Height
	14.04.122	Front Yards
	14.04.123	Side yards
	14.04.124	Mailbox location
	14.04.125-.170	Reserved
Div. 5	Nonconforming Uses	adopted 1995, not amended
	14.04.171	Existing land
	14.04.172	Existing buildings
	14.04.173	Voluntary discontinued use of a building for one year
	14.04.174	Existing residence
	14.04.175	Repairs
	14.04.176	Nonconforming use not to be extended or rebuilt
	14.04.077-.210	Reserved
Div. 6	Exploration for Production of Oil, Gas and Other Minerals	last amended 2015
	14.04.211	Prohibition against exploration and production in residential, commercial and village center districts
	14.04.212-.250	Reserved
Div. 7	Lighting	last amended 2015
	14.04.251	Purpose and intent
	14.04.252	Definition
	14.04.253	General provisions
	14.04.254	Special provisions
	14.04.255	Nonresidential provisions
	14.04.256	Site plan standards
	14.04.257	Temporary lighting exemption
	14.04.258	Nonconforming lighting
	14.04.259	Administration
	14.04.260	Penalty
	14.04.261	Variances

14.04.262-.300 Reserved

Div. 8 Accessory Buildings, Structures and Uses Amended May 2023

- 14.04.301 Purpose
- 14.04.302 Accessory Buildings, structures, and uses permitted
- 14.04.303 Exemptions
- 14.04.304 General accessory buildings and structures regulations
- 14.04.305-.340 Reserved

Div. 9 Telecommunication Antennas last amended 2010

- 14.04.341 Purpose
- 14.04.342 Applicability
- 14.04.343 Definition
- 14.04.344 General requirements
- 14.04.345 Collocation
- 14.04.346 Support buildings and equipment storage
- 14.04.347 Requirements for the placement of support structures and antennas
- 14.04.348 Antennas on city-owned property
- 14.04.349 Aesthetic and alternative design requirements
- 14.04.350 Appeals
- 14.04.351-.385 Reserved

Div. 10 Licensed Amateur Communications Antennas last amended 2011

- 14.04.386 Purpose
- 14.04.387 Definition
- 14.04.388 Maximum number of antennas and antenna support structures in residential districts
- 14.04.389 Height
- 14.04.390 Antenna and antenna support structure standards
- 14.04.391 License requirements
- 14.04.392-.430 Reserved

Div. 11 Wind Energy Conversion Systems adopted 2011, not amended

- 14.04.431 Purpose
- 14.04.432 Definition
- 14.04.433 Applicability
- 14.04.434 Requirements
- 14.04.435 Uses, lot size allowances, heights, setbacks, and required permits
- 14.04.436 Prohibitions and nuisance abatement
- 14.04.437 Agency cooperation, review, and compliance
- 14.04.438 Decommissioning
- 14.04.439 Application requirements
- 14.04.440 Review standards
- 14.04.441-.450 Reserved

Div. 12 Residential Broadband Antenna Support Structures **adopted 2020, not amended**

- 14.04.451 Purpose
- 14.04.452 Definitions
- 14.04.453 General requirements
- 14.04.454 Height
- 14.04.455 Broadband antennas and broadband antenna support structure standards



City of Lucas

Planning and Zoning Commission Request

August 10, 2023

Requester: Chairman Tommy Tolson

Agenda Item Request

Discuss Planning and Zoning Commission meeting logistics and attendance.

Background Information

During the July 13, 2023 Planning and Zoning Commission meeting, Chairman Tommy Tolson brought up concerns with meeting attendance and logistics. He requested that a discussion be placed on the agenda for the August 10, 2023, Planning and Zoning Commission meeting to address these topics:

1. Discuss the current scheduled time and day for the Planning and Zoning Commission meeting to see if it maximizes the attendances of all Commissioners.
2. Discuss the Planning and Zoning Commission meeting agenda structure to see if any adjustments can be made to ensure efficiency of the meeting.

Attachments/Supporting Documentation

NA

Budget/Financial Impact

NA

Recommendation

NA

Motion

NA



City of Lucas
Planning and Zoning Agenda Request
August 10, 2023

Item No. 06

Requester: Planning and Zoning Commission

Agenda Item Request

Consider approval of the minutes of the July 13, 2023 Planning and Zoning Commission meeting.

Background Information

NA

Attachments/Supporting Documentation

1. July 13, 2023 Planning and Zoning Commission Minutes

Budget/Financial Impact

NA

Recommendation

NA

Motion

I make a motion to approve the minutes of the July 13, 2023 Planning and Zoning Commission meeting as presented.



PLANNING AND ZONING COMMISSION MEETING

July 13, 2023 | 6:30 PM

Council Chambers

City Hall | 665 Country Club Road, Lucas, Texas

Commissioners Present:

Chairman Tommy Tolson
Commissioner Peggy Rusterholtz
Alternate Commissioner Chris Bierman
Alternate Commissioner Frank Hise

Staff Present:

Assistant City Manager Kent Souriyasak
Development Services Director Joe Hilbourn
City Attorney Courtney Morris
Management Analyst Joshua Menhennett

Commissioners Absent:

Vice-Chairman Joe Williams
Commissioner James Foster
Commissioner Adam Sussman

City Council Liaison Absent:

Mayor Jim Olk

Call to Order

The meeting was called to order at 6:30 pm and the Pledge of Allegiance was recited.

Regular Agenda

1. **Consider the request by Jason Blakely to approve the Savino minor plat on a tract of land being 23.691 acres of land located in the Peter F. Lucas survey, abstract number 537, town of Lucas, Collin County, Texas, being all of the Jason Blakely and Jessica Blakely tract, more commonly known as 355 Winningkoff Road.**

Development Services Director Joe Hilbourn presented this item. Alternate Commissioner Hise asked Mr. Hilbourn about lot size requirements in Lucas. There was no other discussion.

MOTION: A motion was made by Commissioner Rusterholtz, seconded by Alternate Commissioner Bierman to approve the request by Jason Blakely to approve the Savino minor plat on a tract of land being 23.691 acres of land located in the Peter F. Lucas survey, abstract number 537, town of Lucas, Collin County, Texas, being all of the Jason Blakely and Jessica Blakely tract, more commonly known as 355 Winningkoff Road. The motion passed unanimously by a 4 to 0 vote.

2. **Discuss updating the City of Lucas Code of Ordinances, Chapter 14 titled “Zoning”.**

Chairman Tolson read the directive of the City Council to the Planning and Zoning Commission as it relates to revisions in Chapter 14.

Development Services Director Joe Hilbourn asked if the Commission had any questions regarding the changes presented at the June 8, 2023 meeting. City Attorney Courtney Morris advised that “Nuisance” was not changed as to avoid possible confusion with a section in Chapter 14. Mr. Hilbourn advised that staff recommends adding it instead to Chapter 8. Ms. Morris advised that she had made more adjustments to Section 14.02.036 making references to decisions made by the Board of Adjustment. Ms. Morris advised that Chapter 14 is in line with statutory language when it comes to decisions by the Board of Adjustment.

Commissioner Rusterholtz stepped out of the meeting at 6:41 pm.

Ms. Morris advised that the Building Official's designated office would in fact be the City Secretary's office in regard to decisions by the Board of Adjustment.

Commissioner Peggy Rusterholtz returned to the meeting at 6:43 pm.

Ms. Morris advised that a period after "appellate" in the last chapter of the aforementioned section should be added and the subsequent text be removed. This concluded the review of the changes made in the previous Planning and Zoning Commission meeting.

Chairman Tolson advised the Commission to move on to the review of the planned section. The following changes were suggested and will be brought before the Planning and Zoning Commission on August 10, 2023:

- Delete Section 14.03.292, Article 3 to avoid conflicts with definition of major retail development.
- Provide clarification on whether entities must approve and which City entity should approve Site, Landscape and Architectural Plans.
- Section 14.03.293, Article C should remove the second instance of "75%."
- Section 14.03.295, Article A should correct a typo in the final wording.
- Section 14.03.295, Article H add the word "existing" after the word "All."
- Section 14.03.296, Section 14.03.297 and Section 14.03.298, add the option for electronic submittal of documents to appropriate offices of the City.
- Section 14.03.297, Article A, rewrite to correct verbiage and flow.
- Section 14.03.297, Article A, Subsection 6, replace "zone" with "zoning district."
- Section 14.03.413, Article B, in the last sentence, delete the first instance of the word "granting."
- Section 14.03.413, Article B should be rewritten to improve flow and readability.
- Section 14.03.413, Article C, in the second sentence, remove "of detail."
- In Section 14.03.532, insert a description of an Estate Development District (ED) that is not unlike current residential zoning descriptions, that specifies and limits the average lot size of the lots in the district.
- In Section 14.03.801, change instances of "director of planning" to "development services director."
- In Section 14.03.801, Article D, Subsection 1, Article A, Subsection 4, delete "Anticipated" and capitalize "employment."
- In Section 14.03.801, Article D, Subsection 3, end the sentence at the word "permitted".
- In the Schedule of Uses chart, change the words "Therapeutic message" to "Therapeutic massage." "Accessory buildings with habitable space" was also suggested to be changed to "Accessory dwelling units."
- Upon the changes suggested to Section 14.03.532 regarding ED's, the Schedule of Uses chart should be changed to reflect the same uses by right as Residential 1.5-acre zoning.
- In the Schedule of Uses chart, remove the use of "Adult, child care or day care center" from the "ED" section.
- In the Schedule of Uses chart, add a row named "Athletic training facilities" under Retail Uses with a Specific Use Permit (S).

- In the Schedule of Uses chart, change the use of “Vehicle wash” in Light Industrial (LI) by Specific Use Permit (S).

There was no motion needed for this item.

3. Consider approval of the minutes of the June 8, 2023 Planning and Zoning Commission Meeting.

MOTION: A motion was made by Alternate Commissioner Bierman, seconded by Commissioner Rusterholtz to approve the minutes from the June 8, 2023 Planning and Zoning Commission Meeting. This motion was passed unanimously with a 4 to 0 vote.

Chairman Tolson asked that the August agenda of the Planning and Zoning Commission have an agenda item that allows for discussion of meeting logistics.

4. Adjournment.

MOTION: A motion was made by Alternate Commissioner Bierman, seconded by Commissioner Rusterholtz at 8:01 pm. The motion passed unanimously by a 4 to 0 vote.

Tommy Tolson, Chairman

Joshua Menhennett, Management Analyst