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1.100 Official Name (Title)

The official title of this document is the *Development Code of the City of Huntsville, Texas*. For convenience it is referred to throughout this document simply as the "Development Code."

1.200 Authority

The Huntsville City Council adopts this Development Code pursuant to the powers granted in the City Charter and the Texas Local Government Code, including Chapters 211 and 212.

1.300 Effective Date

The provisions of this Development Code become effective on August 31, 2015, except as otherwise expressly stated.

1.400 Applicability and Jurisdiction

The provisions of this Development Code apply to all public and private development within the corporate limits of the City of Huntsville, except as provided by state or federal law or as otherwise expressly stated in this Development Code.

1.500 Purposes

This Development Code is adopted for the purposes of:

- 1.501 Protecting and promoting the public health, safety and general welfare; and
- 1.502 Implementing the policies and goals contained in the City of Huntsville's Comprehensive Plan and other adopted plans of the City.

1.600 Commentaries

Commentaries are sometimes included in this Development Code as a means of clarifying provisions or providing supplemental information for code users. Text marked as "commentary" has no regulatory effect. It is intended solely as a guide for administrative officials and the public.

Commentary: Commentaries will have this appearance.

1.700 Minimum Requirements

- 1.701 The provisions of this Development Code are the minimum requirements deemed necessary to carry out the Development Code’s stated purpose and intent.
- 1.702 In addition to the requirements of this Development Code, all uses and development and construction activities must comply with all other applicable ordinances, laws, regulations and standards, including but not limited to:
 - 1.702.A Municipal code [Chapter 12](#) (Buildings and Building Regulations);
 - 1.702.B Construction Specifications for Public Improvements; and
 - 1.702.C Standard Drawings for Public Improvements.
- 1.703 Compliance with this Development Code is a precondition for the issuance of any permits or approval of plats, public improvements or private improvements within the City or its extraterritorial jurisdiction.
- 1.704 All references in the Development Code to other governmental regulations are for informational purposes only and do not constitute a complete list of such regulations. These references do not imply any responsibility for the City to enforce regulations imposed by other government authorities.

1.800 Interpretation

In the interpretation and application of this Development Code, all provisions must be:

- 1.801 Liberally construed in favor of the City; and
- 1.802 Deemed neither to limit nor repeal any other powers granted to the City under state statutes.

1.900 Compliance Required

Except as otherwise expressly stated in this Development Code:

- 1.901 Land may not be used for any purpose other than one that is allowed in the subject development district.
- 1.902 A building or structure may not be erected, moved, reconstructed, extended or structurally altered for any purpose other than one that is allowed in the subject development district.
- 1.903 Buildings, structures and land may be used and occupied only in compliance with the requirements specified in this Development Code.
- 1.904 All lots created or modified must comply with all applicable regulations of the subject development district.

1.1000 Conflicting Provisions

- 1.1001 **Conflict with State or Federal Regulations**
If the provisions of this Development Code are inconsistent with those of the state or federal government, the more restrictive provision governs, to the extent allowed by law. The more restrictive provision is the one that imposes more stringent controls.

1.1002 Conflict with Other City Regulations

If the provisions of this Development Code are inconsistent with one another or if they conflict with provisions found in other adopted ordinances or regulations of the City, the more restrictive provision governs unless otherwise expressly stated. The more restrictive provision is the one that imposes more stringent controls.

1.1003 Conflict with Private Agreements and Covenants

This Development Code is not intended to interfere with, abrogate, or annul any easement, covenant, deed restriction, or other agreement between private parties. If the provisions of this Development Code impose a greater restriction than imposed by an agreement or covenant among private parties, the provisions of this Development Code govern. The City is not responsible for monitoring or enforcing agreements or covenants among private parties.

1.1100 Transitional Provisions

The provisions of this section address the transition from the previous Development Code (the one in effect before the effective date specified in Sec. [1.300](#)) to this Development Code.

1.1101 Applications, Permits and Approvals

1.1101.A Any building, development, or structure for which a building permit was issued or a complete permit application had been accepted for processing before the effective date specified in Sec. [1.300](#) may be completed in conformance with the issued building permit and other applicable permits and conditions, even if such building, development or structure does not comply with provisions of this Development Code.

1.1101.B Applications for development approvals that were submitted in complete form and are pending approval on the effective date specified in Sec. [1.300](#) must be reviewed wholly under the terms of the Development Code in effect immediately before the effective date specified in Sec. [1.300](#). Building permits may be issued for construction or development approved under this paragraph ([§1.1101.B](#)), even if such building, development or structure does not fully comply with provisions of this Development Code.

1.1102 Violations Continue

1.1102.A Any violation of the previous Development Code will continue to be a violation under this Development Code and be subject to penalties and enforcement under [Article 14](#).

1.1102.B If the use, development, construction or other activity that was a violation under the previous Development Code complies with the express terms of this Development Code, enforcement action will cease, except to the extent of collecting penalties for violations that occurred before the effective date specified in Sec. [1.300](#).

1.1102.C The adoption of this Development Code does not affect any pending or future prosecution of, or action to abate, violations of the previous

Development Code that occurred before the effective date specified in Sec. [1.300](#).

1.1200 Severability

If any portion of this Development Code is held to be invalid or unconstitutional by a court of competent jurisdiction, that portion is to be deemed severed from the Development Code and in no way affects or diminishes the validity of the remainder of the Development Code.

Article 2 Development Districts

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2.100 The Districts

The City's development districts are listed in [Table 2-1](#).

Table 2-1: Development Districts

Map Symbol	District Name
NC	Neighborhood Conservation
D	Downtown
M	Management
PD	Planned Development

2.200 Development District Map

2.201 Establishment

The location and boundaries of the development districts are shown on a geographic coverage layer that is maintained as part of the City's geographic information system (GIS). This geographic coverage layer constitutes the City's official development district map. The official development district map, including all notations, references, data and other information shown on it, is adopted and incorporated into this Development Code. It is as much a part of this Development Code as it would be if it were actually depicted within its pages.

2.202 Maintenance, Updates and Publishing

The City Planner is responsible for directing revisions to the development district map to reflect its amendment as soon as possible after the effective date of any development district map amendment. No unauthorized person may alter or modify the official development district map.

2.203 Map Interpretations

Where any uncertainty exists about a development district boundary, the City Planner is authorized to refer the matter to the Board of Adjustment for a determination or make an administrative interpretation using the following rules of interpretation:

- 2.203.A A boundary shown on the development district map as approximately following lot lines will be construed as following those lot lines.
- 2.203.B A boundary shown on the development district map as approximately following a street, alley or railroad line will be construed as following the centerline of the street, alley or railroad right-of-way.
- 2.203.C A boundary shown on the development district map as approximately following the shoreline or centerline of a river, stream, lake or other

water body will be construed as following the actual shoreline or centerline of that water body.

2.203.D A boundary shown on the development district map as approximately parallel to, or as an apparent extension of, a feature described above will be construed as being actually parallel to, or an extension of, the feature.

2.203.E If a boundary shown on the development district map is inconsistent with a description included within an amending ordinance, the amending ordinance governs.

2.204 Classification of Annexed Land

Territory annexed to the City will be classified in the Management (M) development district unless otherwise provided by the annexation plan adopted by City Council.

2.300 District Descriptions

2.301 Neighborhood Conservation District

The Neighborhood Conservation (NC) district is intended to help protect property values by conserving the overall character and function of single-family (detached house) residential areas of the City. It is intended for application in stable single-family (detached house) neighborhoods.

2.302 Downtown District

The Downtown (D) district is intended for application in the downtown area. The D district regulations accommodate a wide range of uses and development intensities, capitalizing on existing infrastructure and service capabilities.

2.303 Management District

The Management (M) district is the most widely applied development district classification. All land not specifically classified in another development district is included in the M district. The M district allows all land uses, subject to compliance with all other applicable regulations of this development Code.

2.304 Planned Development District

The Planned Development (PD) district is intended to accommodate single- or mixed-use projects, in accordance with an approved development plan, which may authorize deviations from the regulations that apply in other development districts. The PD district is further intended to encourage flexible and creative planning to ensure the compatibility of land uses, to allow for the adjustment of changing demands to meet the current needs of the community, and to provide for a development that is superior to what could be accomplished in other development districts by providing one or more of the following:

2.304.A Superior design of lots or buildings;

2.304.B Increased recreation or open space opportunities for residents of the development or for the general public;

2.304.C Amenities or features that are of special benefit to property owners within the development or to the community as a whole;

2.304.D Conservation of natural amenities and environmental resources, such as trees, creeks, ponds, floodplains, and steep slopes; or

2.304.E Preservation of existing historical buildings, structures, features or places.

2.400 Lot and Setback Regulations

Principal uses and structures in NC, D and M development districts are subject to the lot and setback regulations of [Article 5](#).

2.500 Supplemental District Regulations

2.501 PD District Minimum Area

Each PD district established must have a minimum contiguous area of at least 5 acres.

Article 3 Overlay Districts

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3.100 General

3.101 Purpose and Application

Overlay districts are tools for dealing with special situations or accomplishing area-specific planning goals. As the name implies, overlay districts are “over-laid” on development district classifications to alter some or all of the regulations that apply in the underlying development district.

3.102 Interpretation

3.102.A Overlay district regulations apply in combination with underlying (base) development district regulations and all other applicable regulations of this Development Code. Overlay districts impose additional regulations or modify regulations of the underlying development district.

3.102.B Unless otherwise expressly stated, all applicable regulations of the underlying development district apply to property in an overlay district.

3.102.C When overlay district regulations conflict with regulations that apply in the underlying development district, the regulations of the overlay district govern.

3.200 Veteran’s Memorial Parkway Overlay District

3.201 Description

The Veteran’s Memorial Parkway Overlay (VMPO) district is an area bounded by the right-of-way of Veteran’s Memorial Parkway beginning at its most southern end at the intersection of the west feeder road of IH-45 and ending at its intersection with Col. Etheredge Blvd.

3.202 Overlay District Regulations

The following development standards apply within the VMPO district:

3.202.A Overhead and Underground Utilities

1. All utility crossings, whether service drops or primary, must be placed underground within the Veteran’s Memorial Parkway right-of-way, except at state highways.
2. When allowed, any overhead utilities must be located within the right-of-way, as far as possible from the travel lanes of the road.
3. Any overhead facilities proposed along the section of Veteran’s Memorial Parkway at the Raven’s Nest Golf Course must be presented to City Council for review and approval, with options and

cost estimates for overhead or underground facilities or re-routing around the perimeter of the golf course.

3.300 Airport Hazard Overlay District

3.301 Purpose

The Airport Hazard Overlay (AHO) district is intended to protect the municipal airport and the surrounding area from the encroachment of incompatible land uses that may present hazards to users of the airport as well as persons living or working in the airport vicinity. The overlay district regulations are further intended to:

- 3.301.A** Prevent or control influences that are adverse to the airport property and to the safe conduct of aircraft in the vicinity of the municipal airport;
- 3.301.B** Prevent creation of conditions hazardous to aircraft operation;
- 3.301.C** Prevent conflict with land development that may result in loss of life and property; and
- 3.301.D** Encourage development that is compatible with airport use characteristics within the intent and purpose of this Development Code.

3.302 Zones Established

The Airport Hazard Overlay district is divided sub-districts (zones). These zones are shown on the City's official Airport Hazard Zoning Map, which is adopted as part of this Development Code. The zones are as follows:

- 3.302.A Nonprecision Instrument Runway Approach Zone (AHO/AN)**
The inner edge of nonprecision instrument runway approach zone (also referred to simply as the "approach zone") coincides with the width of the primary surface and is 500 feet in width. The nonprecision instrument runway approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- 3.302.B Transitional Zones (AHO/T)**
The transitional zones are the areas beneath the transitional surfaces. These surfaces extend outward and upward at 90-degree angles to the runway centerline, and the runway centerline extends at a slope of 7 feet horizontally for each one foot vertically from the sides of the primary approach surfaces to the point that they intersect the horizontal surface.
- 3.302.C Horizontal Zone (AHO/H)**
The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

3.302.D Conical Zone (AHO/C)

The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward from the periphery for a horizontal distance of 4,000 feet.

3.303 Height Limitations

Except as otherwise provided, no person may erect, alter, allow to grow or maintain any structure or tree in any zone within the airport hazard overlay created to a height more than the applicable height limit established for such zone. If more than one height limitation covers an area, the more restrictive height limit governs.

3.303.A Nonprecision Instrument Runway Approach Zone (AHO/AN)

The nonprecision instrument runway approach zone slopes upward one foot vertically for each 34 feet of horizontal distance beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

3.303.B Transitional Zones (AHO/T)

The transitional zone slopes upward and outward one foot vertically for each 7 feet of horizontal distance beginning at the sides of and at the same elevation as the primary surface and the approach zones, and extending to a height of 150 feet above the airport elevation, which is 363 feet above mean sea level. Additionally, there are established height limits sloping upward and outward one foot vertically for each 7 feet of horizontal distance beginning at the side of and at the same elevation as the approach zones, and extending to where they intersect the horizontal or conical surface.

3.303.C Horizontal Zone (AHO/H)

The horizontal zone extends 150 feet above the airport elevation or a height of 513 feet above mean sea level.

3.303.D Conical Zone (AHO/C)

The conical zone slopes upward and outward 20 feet horizontally for each foot vertically beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

3.304 Use Restrictions

Notwithstanding any other provisions of this section, no one may use land or water within any airport hazard zone in a way that creates electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and other lights, result in glare in the eyes of pilots using the airport, impair visibility near the airport, or otherwise in any way create a hazard or endanger the landing, takeoff or maneuvering of aircraft intending to use the airport.

3.305 Nonconforming Uses

3.305.A Regulations not Retroactive

The airport hazard overlay regulations do not require the removal, lowering or other changes or alterations of any nonconforming structure or tree in existence on October 15, 1976.

3.305.B Marking and Lighting

The owner of any existing nonconforming structure or tree must install, operate and maintain any markers and lights that the City Council deems necessary to indicate to the operators of aircraft near the airport the presence of such airport hazards.

3.306 AHO Permits

3.306.A Future Uses

No person is allowed to make any material change in the use of the land, and no person can erect, alter, plant or otherwise establish a structure or tree in any airport hazard district zone unless the person applies for and receives an AHO permit from the City Planner.

1. No AHO permit is required for a tree or structure of less than 75 feet of vertical height above the ground in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of 4,200 feet from each end of the runway unless such tree or structure, because of the terrain, land contour or topographic feature, would extend above the height limit prescribed for the respective zone.
2. An applicant for an AHO permit must indicate the purpose of the permit with sufficient information to determine whether the resulting use, structure or tree would conform to the airport hazard overlay regulations. If such determination is in the affirmative, the permit will be granted. No AHO permit may be granted for activities that are inconsistent with the AHO district regulations unless a variance has been approved by the Board of Adjustment.

3.307 Existing Uses

No AHO permit may be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure or tree to become a greater hazard to air navigation than it was on October 15, 1976.

3.308 Hazard Marking and Lighting

Any AHO permit granted must, if such action is deemed advisable in light of the purposes of the airport hazard overlay zone and reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate and maintain a signal to indicate to pilots the presence of an airport hazard.

3.400 Historic Preservation Overlay

3.401 Purposes

The City Council has declared that as a matter of public policy the protection, enhancement, and perpetuation of landmarks or districts of historical, architectural, and cultural importance and significance are necessary to promote the economic, cultural, educational, and general welfare of the public. It is recognized that Huntsville represents a unique community that shaped the identity of generations of citizens, collectively and individually, and produced significant historic, architectural, and cultural resources that constitutes their heritage. To that end, the Historic Preservation (HP) Overlay district and other historic preservation-related provisions of this Development Code are intended to:

- 3.401.A Protect and enhance the landmarks and districts which represent distinctive elements of Huntsville's historic, architectural, and cultural heritage;
- 3.401.B Foster civic pride in the accomplishments of the past;
- 3.401.C Protect and enhance Huntsville's attractiveness to visitors and the support and stimulus to the economy thereby provided;
- 3.401.D Promote economic prosperity and welfare of the community by encouraging the most appropriate use of such property within the City;
- 3.401.E Encourage stabilization, restoration, and improvement of such properties to protect their value.

3.402 Establishment

- 3.402.A HP Overlays may be established for a single landmark property or for a larger area covering multiple properties that make up a cohesive district. HP Overlays, whether for individual landmark properties or multiple properties, must be established in accordance with HP Overlay map amendment procedures of Sec. [12.500](#).
- 3.402.B Upon initiation of the process to establish an HP Overlay, no permit application may be accepted to place, construct, alter, demolish, or remove any structure on the subject property if the proposed work would alter the site or the exterior of a structure on the site. Permits for such work may be accepted on the earliest of the following dates:
 1. If the proposed designation is approved, the effective date of the ordinance establishing the HP Overlay;
 2. If the proposed HP Overlay designation is denied, the day after the City Council makes its final decision; or,
 3. The 120th day after initiation of a request for designation as an HP Overlay district.

3.403 Administration

A Historic Preservation Commission and Historic Preservation Officer have been appointed to help in administering the HP Overlay district regulations and other

historic preservation-related provisions of this Development Code. See Sec. [13.400](#) and Sec. [13.500](#).

3.404 Allowed Uses

The use regulations of the underlying development district apply in HP Overlay districts.

3.405 Lot and Setback Regulations

The lot and setback regulations of the underlying development district apply in HP Overlay districts.

3.406 Certificates of Appropriateness

3.406.A A Certificate of Appropriateness must be obtained in accordance with the procedures of Sec. [12.600](#) before performing any construction, reconstruction, alteration, restoration, rehabilitation, or relocation of any historic landmark or any property within a historic district. A Certificate of Appropriateness is also required before making any material change in light fixtures, signs, fences, steps, or other exterior elements that are visible from a public right-of-way and that affect the appearance and cohesiveness of any historic landmark or any property within a historic district.

3.406.B A Certificate of Appropriateness must be obtained in accordance with the procedures of Sec. [12.600](#) before demolishing any building or structure within an HP Overlay, and the Building Official may not issue a permit for the demolition of a building or structure within an HP Overlay until a Certificate of Appropriateness is obtained.

3.406.C Certificates of Appropriateness are not required for ordinary maintenance and repair of any exterior architectural feature that does not involve a change in design, material, or outward appearance. In-kind replacement or repair is included in this definition of ordinary maintenance.

3.406.D All work performed pursuant to an approved Certificate of Appropriateness must conform to any requirements and conditions of the approved Certificate of Appropriateness. The City is responsible for periodic inspections of any work to ensure ongoing compliance. If the work is not being performed in accordance with the Certificate of Appropriateness, or upon notification of such fact by the Historic Preservation Commission and verification by the Historic Preservation Officer, the Building Official must issue a stop work order and all work must immediately cease. No further work may be undertaken on the project while a stop work order is in effect.

3.407 Maintenance Requirements

3.407.A No owner or person with an interest in real property included in an HP Overlay may allow the property to fall into a serious state of disrepair that results in the significant deterioration of any exterior architectural feature that would, in the judgment of the Historic Preservation

Commission, create a detrimental effect upon the historic character of the HP Overlay.

3.407.B Examples of serious disrepair or significant deterioration include but are not limited to:

1. Deterioration of exterior walls, foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling;
2. Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling;
3. Deterioration or crumbling of exterior plaster finishes, surfaces or mortars;
4. Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors;
5. Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering;
6. Rotting, holes, and other forms of material decay;
7. Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, wall facings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling;
8. Deterioration that has a detrimental effect upon the special character of the district as a whole or the unique attributes and character of the contributing structure; or
9. Deterioration of any exterior feature which would create or permit the creation of any hazardous or unsafe conditions to life, health, or other property.

3.407.C A violation of this section shall be subject to penalty and enforcement provisions of [Article 14](#).

Article 4 Use Regulations

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4.100 Allowed Uses

4.101 Use Table

4.101.A Neighborhood Conservation, Downtown and Management Districts
Principal uses are allowed in NC, D and M development districts in accordance with [Table 4-1](#).

4.101.B Planned Development Districts
The uses to be allowed in PD districts must be established at the time of development plan approval and identified in the ordinance establishing the subject PD district. The City Council is authorized to approve any use or combination of uses within a PD district.

4.102 Understanding the Use Table

4.102.A Uses
Uses are listed and defined in the first columns of [Table 4-1](#).

4.102.B Permitted and Conditional Uses

1. Uses identified with a "P" are permitted as-of-right in the subject development district.
2. Uses identified with a "C" are allowed only if approved in accordance with the conditional use approval procedures of Sec. [12.800](#).

4.102.C Prohibited Uses
Uses identified with an "X" are expressly prohibited. Uses that are not listed in [Table 4-1](#) and that cannot reasonably be interpreted to fall within one of the use categories or subcategories described in the table are also prohibited.

4.102.D Supplemental Regulations and Specific Limitations
The "supplemental regulations" (final) column of the [Table 4-1](#) identifies additional regulations that apply to listed uses. Compliance with supplemental regulations is required for both permitted and conditional uses unless otherwise expressly stated.

Table 4-1: Use Table

USE CATEGORY Subcategory Specific use	Definition/Description	Districts			Supplemental Regulations
		NC	D	M	
P = Permitted by right C = Conditional use approval required (Sec. 12.800) X = Prohibited					

Article 4: Use Regulations

4.100: Allowed Uses

USE CATEGORY Subcategory Specific use	Definition/Description	Districts			Supplemental Regulations
		NC	D	M	
P = Permitted by right C = Conditional use approval required (Sec. 12.800) X = Prohibited					
RESIDENTIAL	Uses that provide living accommodations for one or more persons.				
Household Living	Residential occupancy of a dwelling unit by a household. When dwelling units are rented, tenancy is arranged on a month-to-month or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential; they are considered a form of lodging.				
Detached house	A single dwelling unit on a single lot, with private yards on all sides.	P	P	P	
Townhouse	A single dwelling unit on a single lot that shares at least one common or abutting wall with another attached house located on a separate lot.	X	C	P	
Two-unit house	Two dwelling units within the same principal building, located on a single lot. The 2 dwelling units are attached and may be located on separate floors or side-by-side. Also known as "duplexes."	X	P	P	
Apartment/condo	One or more residential buildings occupied by 3 or more dwelling units that share common walls and/or common floors/ceilings.	X	P	P	
Mobile/Manufactured dwelling unit (outside of MH park)	Two or fewer mobile homes or manufactured dwelling units located on a single lot outside of a mobile/manufactured home park. See also the definition in Sec. 15.200 .	X	X	P	4.203
Mobile/Manufactured home park/Subdivision	A lot upon which more than two manufactured housing units are available for lease or upon which multiple spaces intended for occupancy by manufactured housing units are available for lease. Mobile/manufactured home parks have an internal street network, park management buildings and common areas for residents.	X	X	C	
Recreational Vehicle (outside of RV park)	One or more recreational vehicles located on a single lot outside of a recreational vehicle park. See also the definition in Sec. 15.200 .	X	X	X	
Group Living	Residential occupancy of a building or any portion of a building by a group other than a household. Group living uses typically provide communal kitchen/dining facilities.				
Community home	A community-based residential home occupied by no more than 8 disabled persons and 2 nonresident supervisory personnel and that otherwise complies with the <i>Community Homes for Disabled Persons Location Act</i> , Chapter 123.001, Texas Human Resources Code.	P	P	P	
Nursing home	An institution providing meals and resident care and services for persons who are generally admitted for periods of time exceeding 30 days. Such service includes custodial or attendant care, and may or may not provide for routine and regular medical and skilled nursing services. Nursing homes include homes for the aged, and convalescent and rest homes.	X	P	P	
All Other Group Living Uses		X	C	C	
PUBLIC, CIVIC AND INSTITUTIONAL	Public, quasi-public and private uses that provide unique services that are of benefit to the public at-large.				
Aircraft Landing Area	Facilities where fixed-wing aircraft or helicopters take off and land, including customary accessory uses and structures.	X	X	C	
College or University	Institutions of higher learning (beyond senior high school) that offer courses of general or specialized study and are authorized to grant academic degrees.	X	P	P	
Community Center	A building and its surrounding premises owned, leased or otherwise controlled by a unit of local government or a school district and that contains rooms or other facilities limited to use for purposes of meetings, gatherings or other functions or activities carried on or performed by or under the supervision of a unit of local government, a school district or a civic, educational, religious or charitable organization.	C	P	P	
Governmental Facility	Uses (not otherwise classified) that are related to the administration of local, state or federal government services or functions.	C	P	P	

Article 4: Use Regulations

4.100: Allowed Uses

USE CATEGORY Subcategory Specific use	Definition/Description	Districts			Supplemental Regulations
		NC	D	M	
P = Permitted by right C = Conditional use approval required (Sec. 12.800) X = Prohibited					
Fraternal Organization	The use of a building or lot by a not-for-profit organization that restricts access to its facility to bona fide, annual dues-paying members and their occasional guests and where the primary activity is a service not carried on as a business enterprise.	X	P	P/C [1]	[1]"C" within 200 feet of NC district; otherwise "P"
Hospital	Uses providing medical or surgical care to patients and offering inpatient (overnight) care.	X	P	P	
Library	Collections of books, manuscripts and similar materials for free public lending, study and reading.	C	P	P	
Museum or Cultural Facility	Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibitions of works of art and similar institutions.	X	P	P	
Natural Resource Preservation	Undeveloped land left in a natural state for specific use as visual open space or environmental purposes. Typical uses include wildlife or nature preserves, arboretums, flood management projects and reservoirs.	P	P	P	
Parks and Recreation	Recreational, social or multi-purpose uses associated with public parks and open spaces, including playgrounds, playfields, play courts, community centers and other facilities typically associated with public park and open space areas. Also includes public and private golf courses.	P	P	P	
Religious Assembly	Religious services involving public assembly that customarily occur in churches, synagogues, temples and other places of worship.	C	P	P	
Safety Service	Establishments that provide fire, police or life protection, together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations, police stations, ambulance services and storm or civil defense shelters.	C	P	P	
School	Public and private schools at the primary, elementary, junior high or high school level that provide basic, state-compulsory education.	C	P	P	
Utilities and Public Service Facility					
Minor	Infrastructure services that need to be located in or close to the area where the service is provided. Minor utilities and public service facilities generally do not have regular employees at the site and typically have few if any impacts on surrounding areas. Typical uses include water and sewer pump stations; gas regulating stations; underground electric distribution substations; electric transformers; water conveyance systems; stormwater facilities and conveyance systems; telephone switching equipment and emergency communication warning/broadcast facilities	P	P	P	
Major	Infrastructure services that typically have substantial visual or operational impacts on nearby areas. Typical uses include but are not limited to water and wastewater treatment facilities, high-voltage electric substations, utility-scale power generation facilities (including wind, solar and other renewable and nonrenewable energy sources), sanitary landfills and utility-scale water storage facilities, such as water towers and reservoirs.	C	C	P	
Wireless Communications	Towers, antennas, equipment, equipment buildings and other facilities used in the provision of wireless communication services. The following are wireless communication facility specific use types:				
Freestanding tower	A structure intended to support equipment that is used to transmit and/or receive telecommunications signals including monopoles and guyed and lattice construction steel structures.	X	X	P	Sec. 4.206
Building or tower-mounted antenna	The physical device that is attached to a freestanding tower, building or other structure, through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received.	P	P	P	

Article 4: Use Regulations

4.100: Allowed Uses

USE CATEGORY Subcategory Specific use	Definition/Description	Districts			Supplemental Regulations
		NC	D	M	
P = Permitted by right C = Conditional use approval required (Sec. 12.800) X = Prohibited					
COMMERCIAL	Uses that provide a business service or involve the selling, leasing or renting of merchandise to the general public. The commercial use subcategories are as follows.				
Animal Service	Uses that provide goods and services for the care of animals, including grooming shops, boarding kennels, shelters, training facilities and veterinary clinics.	X	P	P/C [1]	[1]"C" within 200 feet of NC district; otherwise" P"
Assembly and Entertainment	Uses that provide gathering places for participant or spectator recreation, entertainment or other assembly activities. Assembly and entertainment uses may provide incidental food or beverage service. Typical uses include gun clubs, shooting ranges, riding stables and academies, bowling centers, cinemas, go-cart tracks, miniature golf courses, stadiums, arenas, video arcades, race tracks, fairgrounds, rodeo grounds, water parks, amusement parks and live theater.	X	P	P/C [1]	[1]"C" within 200 feet of NC district; otherwise" P"
Commercial Service	Uses that provide for consumer or business services and for the repair and maintenance of a wide variety of products.				
Building Service	Uses that provide maintenance and repair services for all structural and mechanical elements of structures and their surroundings. Typical uses include janitorial, landscape maintenance, extermination, plumbing, electrical, HVAC, window cleaning and similar services.	X	P	P	
Business Support Service	Uses that provide personnel services, printing, copying, photographic services or communication services to businesses or consumers. Typical uses include employment agencies, day labor hiring services, armored car services, copy and print shops, caterers, telephone answering services and photo developing labs.	X	P	P	
Consumer Maintenance and Repair Service	Uses that provide maintenance, cleaning and repair services for consumer goods on a site other than that of the customer (i.e., customers bring goods to the site of the repair/maintenance business). Typical uses include laundry and dry cleaning pick-up shops, tailors, taxidermists, dressmakers, shoe repair, picture framing shops, gunsmiths, locksmiths, vacuum repair shops, electronics repair shops and similar establishments. Business that offer repair and maintenance service technicians who visit customers' homes or places of business are classified as a "building service."	X	P	P	
Personal Improvement Service	Uses that provide a variety of services associated with personal grooming, instruction and maintenance of fitness, health and well-being. Typical uses include barbers, hair and nail salons, day spas, health clubs and yoga and martial arts studios.	X	P	P	
Research Service	Uses engaged in scientific research and testing services leading to the development of new products and processes. Such uses resemble office buildings or campuses and do not involve the mass production, distribution or sale of products.	X	P	P	
All Other Commercial Service Uses	Commercial service uses other than those more specifically identified above	X	P	P	
Day Care	Uses providing care, protection and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day.	X	P	P	
Eating Establishment	Uses that prepare and serve food and beverages for on- or off-premise consumption as their principal business. Typical uses include cafés, restaurants, cafeterias, ice cream/yogurt shops, coffee shops and similar establishments.	X	P	P	
Financial Service	Uses engaged in the exchange, lending, borrowing and safe-keeping of money. Typical examples are banks, credit unions, and consumer lending establishments.	X	P	P	

Article 4: Use Regulations

4.100: Allowed Uses

USE CATEGORY Subcategory Specific use	Definition/Description	Districts			Supplemental Regulations
		NC	D	M	
P = Permitted by right C = Conditional use approval required (Sec. 12.800) X = Prohibited					
Funeral or Mortuary Service	Uses that provide services related to the death of a human, including funeral homes, mortuaries, crematoriums and similar uses. Also includes crematoriums for pets and domestic animals.	X	P	P	
Lodging	Uses that provide temporary overnight guest accommodations.	X	P	P	
Recreational Vehicle Park	An establishment that provides temporary, short-term overnight accommodations for camping in campers, trailers and similar recreational vehicles.	X	P	P	4.205
All other Lodging Uses	Lodging uses other than those more specifically identified above.				
Office	Uses in an enclosed building, customarily performed in an office, that focus on providing executive, management, administrative, professional or medical services.	X	P	P	
Retail Sales	Uses (other than those more specifically defined herein) involving the sale, lease or rental of new or used goods to the ultimate consumer.	X	P	P	
Self-service Storage Facility	Uses that provide separate, small-scale, self-service storage facilities leased or rented to individuals or small businesses.	X	P	P/C [1]	[1]"C" within 200 feet of NC district; otherwise "P"
Trade School	Uses that focus on teaching the skills needed to perform a particular job. Examples include schools of cosmetology, modeling academies, computer training facilities, vocational schools, administrative business training facilities and similar uses.	X	P	P	
Vehicle Sales and Service	Uses that provide for the sale, rental, maintenance or repair of new or used vehicles and vehicular equipment. Typical uses included within the vehicle sales and service subcategory include vehicle sales and rental businesses, vehicle repair and maintenance shops, fueling stations and car washes.	X	P	P/C [1]	[1]"C" within 200 feet of NC district; otherwise "P"
INDUSTRIAL					
Uses that produce goods from extracted and raw materials or from recyclable or previously prepared materials, including the design, storage and handling of these products and the materials from which they are produced.					
Mining/Extraction	The extraction of oil, gas, minerals, top soil or aggregate resources from the ground, whether conducted below grade or at ground-level. Examples include oil and gas extraction; quarrying or dredging for sand, gravel or other aggregate materials; mining and top soil extraction. Also includes crushing, washing and grading minerals, top soil or aggregate resources; manufacture of Portland cement, concrete or asphaltic concrete, at the source of supply of crushed rock, sand, or gravel.				
Underground	Mining or extraction that occurs completely underground		P	P	P
Surface or above-ground	Mining or extraction that occurs above ground, whether in whole or in part	X	X	P/C [1]	[1]"C" within 200 feet of NC district; otherwise "P"
Recycling Facility	Uses that collect, store or process recyclable material for the purpose of marketing or reusing the material in the manufacturing of new, reused or reconstituted products.				
Recyclable Material Drop-off Facility	An establishment that accepts consumer recyclable commodities directly from the consuming party and stores them temporarily before transferring them to recyclable material processing facilities.	X	P	P	
Recyclable Material Processing Facility	Establishments that receive and process consumer recyclable commodities for subsequent use in the secondary market.	X	X	P/C [1]	[1]"C" within 200 feet of NC district; otherwise "P"

USE CATEGORY Subcategory Specific use	Definition/Description	Districts			Supplemental Regulations
		NC	D	M	
P = Permitted by right C = Conditional use approval required (Sec. 12.800) X = Prohibited					
Wholesale, Distribution & Storage	Uses that provide and distribute goods in large quantities, principally to retail sales, commercial services or industrial establishments. Long-term and short-term storage of supplies, equipment, commercial goods and personal items is included.				
Wholesale, Distribution and Storage (Indoor)	Wholesale, distribution and storage uses conducted within a completely enclosed building.	X	P	P	
All Other Wholesale, Distribution and Storage	Wholesale, distribution and storage uses other than those more specifically identified above.	X	C	P/C [1]	[1]"C" within 200 feet of NC district; otherwise" P"
All Other Industrial Uses	Industrial uses other than those more specifically identified above.	X	C	P/C [1]	[1]"C" within 200 feet of NC district; otherwise" P"
AGRICULTURE	Uses such as gardens, farms and orchards that involve the raising and harvesting of food and non-food crops and the raising of farm animals				
Farming/General Agriculture	An area managed and maintained by an individual or group of individuals to grow and harvest crops or animals for sale or distribution,	X	X	P	
Community Garden	An area managed and maintained by a group of individuals to grow and harvest food crops or non-food crops (e.g., flowers) for personal or group consumption, for donation or for sale that is incidental in nature.	P	P	P	

4.200 Supplemental Use Regulations

4.201 Accessory Uses and Structures

Accessory uses and structures are permitted in connection with lawfully established principal uses in accordance with the regulations of this subsection.

4.201.A Allowed Uses and Structures

1. The following accessory uses and structures are allowed in all development districts:
 - (a) Attached and detached private garages;
 - (b) Storage sheds;
 - (c) Children's play equipment and playhouses;
 - (d) Vegetable or flower gardens;
 - (e) Private greenhouses;
 - (f) Private tennis courts;
 - (g) Private swimming pools;
 - (h) Gazebos, decks, fountains and other landscape features;
 - (i) Solar collectors, geothermal heat pumps and electric vehicle charging equipment;
 - (j) Television (receiving) antennas;
 - (k) Amateur ("Ham") radio service antennas; and

- (l) Guest houses or rooms for non-paying guests within an accessory building, provided that such facilities:
 - (1) are used only for the occasional and gratuitous housing of guests of the occupant of the principal building;
 - (2) do not contain separate utility meter equipment;
 - (3) do not include a stove or oven; and
 - (4) are not used for permanent occupancy as a dwelling unit.
- 2. The City Planner is authorized to permit other accessory uses and structures based on a determination that the proposed use or structure:
 - (a) Is customarily found in conjunction with the subject principal use or principal structure;
 - (b) Is subordinate and clearly incidental to the principal use; and
 - (c) Provides a necessary function for or contributes to the comfort, safety or convenience of occupants of the principal use.

4.201.B Time of Construction and Establishment

Accessory buildings must be established in conjunction with or after the principal building. They may not be established before the principal building is in place.

4.201.C Location

Accessory uses and structures must be located on the same lot as the principal use to which they are accessory, except as otherwise expressly stated in this Development Code.

4.201.D Setbacks

- 1. Accessory buildings and structures are prohibited in street setbacks except as expressly allowed by the setback encroachment provisions of [§5.705.B](#).
- 2. Accessory building and structures over 5 feet in height must be set back at least 5 feet from all interior side and rear property lines except as expressly allowed by the setback encroachment provisions of [§5.705.B](#). Such buildings and structures may not be located in utility easements.

4.202 Home Occupations

4.202.A Intent

The home occupation regulations of this section are intended to allow Huntsville residents to engage in customary home-based work activities while also helping to ensure that such “home occupations” will not adversely affect the character and livability of surrounding residential neighborhoods. The regulations are also intended to ensure

that home occupations remain subordinate to the principal residential use of the property, and to ensure the residential viability of the dwelling is maintained. The regulations recognize that many types of work can be done in a home with little or no noticeable effect or adverse impact.

4.202.B Where Allowed

Home occupations are allowed as an accessory use to an allowed residential use, subject to all applicable regulations of this section.

4.202.C Regulations

1. The home occupation must be clearly incidental to the use of the dwelling as a residence.
2. There may be no visible evidence of the conduct of a home occupation when viewed from the street or right-of-way or from an adjacent lot. There may be no change in the exterior appearance of the dwelling unit that houses a home occupation or site upon which it is conducted that will make the dwelling appear less residential in nature or function. Examples of such prohibited alterations include parking lots, or adding commercial-like exterior lighting.
3. No equipment or process may be used in a home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process may be used that creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
4. Only passenger automobiles, passenger vans and passenger trucks may be used in the conduct of a home occupation. No other types of motor vehicles may be parked or stored on the premises.
5. The provisions of paragraph 4 (above) are not intended to prohibit deliveries and pickups by common carrier delivery vehicles (e.g., postal service, united parcel service, FedEx, et al.) of the type typically used in residential neighborhoods.
6. No persons other than immediate family members who reside in the dwelling unit may be employed or involved in the home occupation.
7. If there is more than one home occupation within the dwelling, the regulations of this section apply to the sum total of the activity related to such home occupations.

4.202.D Prohibited Home Occupations

Any use that does not comply with the regulations of [§4.202.C](#) is prohibited as a home occupation.

4.203 Mobile Homes and Manufactured Housing Units

- 4.203.A** The installation of any mobile home or manufactured housing unit for use as a dwelling unit is prohibited except as expressly stated in this section.
- 4.203.B** A lawfully existing mobile home may be replaced with a (HUD-code) manufactured housing unit.
- 4.203.C** A lawfully existing mobile home may not be relocated within the city limits. The owner of a mobile home or manufactured housing unit may remove the home or housing unit from its location and install a replacement manufactured housing unit on the same property if the replacement is a newer model manufactured housing unit and it contains at least as much living space (floor area) as the mobile home or manufactured housing unit that was removed.
- 4.203.D** It is unlawful for a person to place a manufactured housing unit within the City unless the manufactured housing unit is equipped with permanently affixed skirting that effectively hides the underside of the manufactured housing unit or mobile home from view. The owner and occupant will have 30 days from the date of the electrical inspection to install the required skirting. All skirting must be constructed of rock, brick, plastic, metal, treated wood, concrete masonry materials or other materials approved by the Building Official, and must be installed so there is no visible gap between the finished floor of the manufactured housing unit and the ground. Cloth of any type, or shrubbery, is not acceptable material for skirting. Existing manufactured housing units or mobile homes with existing skirting that is in good condition may be allowed until replacement is needed.
- 4.203.E** The skirting used on a particular manufactured housing unit or mobile home must be consistent in material, orientation and color, must be of such design as to not permit the passage of a sphere 4 inches or greater in diameter and must present a continuous and complete surface.
- 4.203.F** The skirting requirements of [§4.203.D](#) and [§4.203.E](#) also apply to all other building types utilizing pier and beam or post and beam construction.
- 4.203.G** No more than 2 manufactured housing units may be placed on or occupy a single lot except within a mobile home/manufacturing housing park. Mobile home/manufacturing housing parks are allowed only in those development districts indicated in [Table 4-1](#) and are subject to the supplemental use regulations of [Sec. 4.204](#).
- 4.203.H** Any new manufactured housing unit placed inside the city limits shall be less than 20 years old on the date of application.

4.204 Mobile Home/Manufactured Housing Parks/Subdivisions

Mobile home/manufactured housing parks/subdivisions are subject to all applicable city regulations including the subdivision plat standards of §12.700 and the infrastructure and public improvement standards of Article 10.

4.205 Recreational Vehicle Parks

Recreational vehicle parks are subject to all of the following regulations.

4.205.A The maximum number of RV or camping spaces may not exceed 25 units per acre.

4.205.B Each RV or camping space must have a minimum area of 1,200 square feet.

4.205.C At least 5% of the overall RV park area must be set aside and improved as a common recreation area for RV park guests.

4.205.D Infrastructure and public improvements must be provided in accordance with [Article 10](#).

4.205.E The maximum rental and occupancy period per unit per space may not exceed 90 days.

4.205.F All recreational vehicles must be separated from other RVs and other buildings by a distance of at least 10 feet.

4.206 Wireless Communications Towers

Wireless communications towers are subject to all of the following regulations.

4.206.A Prohibited Locations

Freestanding towers are prohibited in the following areas:

1. Within 7,000 feet of the Sam Houston Statue-Huntsville Visitor Center; and
2. Within the D development district.

4.206.B Setbacks

1. Guy wire anchors must be set back at least 10 feet from abutting lots and at least 25 feet from public property or streets.
2. The base of all freestanding towers must be set back from abutting lots and public property and streets by a distance equal to at least 40% of the tower's overall height or the distance between the tower's base and any guy wire anchors, whichever results in the greater setback distance.

4.206.C Landscape Buffers

A landscape buffer must be provided around the perimeter of all sites occupied by freestanding towers in accordance with the buffer regulations of Sec. [7.500](#).

Article 5 Lot and Setback Regulations

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5.100 Lot Design, Arrangement and Layout Generally

All lots to be created must comply with the following regulations:

- 5.101 Each lot must have sufficient size and shape to allow the construction of a residential or nonresidential building (as designated by the plat or development district map) that complies with all applicable lot and setback regulations and with all applicable development, building, housing and health codes.
- 5.102 Each lot must have sufficient size and shape to accommodate easements for all public and private utilities.
- 5.103 Lots must be designed with side lot lines at right angles or radial to any adjacent street right-of-way line.
- 5.104 Minimum lot dimensions, building setback lines and lot areas must conform to applicable development district requirements.
- 5.105 Depth and width of lots reserved or laid out for nonresidential use must be adequate to provide for the off-street service and parking facilities required by the type of use and development proposed.

5.200 Lot Size and Building Setback Regulations

Except as otherwise expressly stated in this Development Code, the lot and building setback regulations of [Table 5-1](#) apply to all residential and nonresidential development.

Table 5-1: Lot and Building Setback Regulations

See Sec. 5.700 for measurement rules	Residential						Manufactured Home	Nonresidential
	Rural Residential	Urban Residential	Patio Home	Town-house	Two-Unit	Apartment/Condo		
Minimum Lot Size								
Lot Area (sq. ft.)	26,136	6,000	5,000	2,400	6,000	7,500	3,500	7,500
Lot Area per Unit (sq. ft.)	26,136	6,000	5,000	2,400	3,000	1,500	3,500	1,500
Lot Width (feet) [1]	150	50	45	24	50	75	35	75
Minimum Building Setbacks								
Street (feet)[2]	25	25	25	25	25	25	25	25
Side (% of lot width)	10[3]	10[3]	10[3]	10[3][4]	10[3][4]	10[3]	10 [6]	10[3][5]
Rear (feet)	10	10	10	10	10	10	10	10

[1] The width must be at least 33% of the lot's depth, but not more than 2 times the lot's depth.

[2] No minimum street setbacks apply in D district. The sight triangle requirements of [§10.407.D](#) do apply.

[3] Or a minimum 10 feet between principal buildings on abutting lots, whichever results in the least required setback.

[4] Applies only to end units. No setback required between units with attached/abutting walls.

[5] Side setback only required when abutting lots occupied by residential uses.

[6] Or minimum 20 feet, between housing units.

5.300 Agriculture Tracts

Agricultural tracts created by land division within the ETJ of the City must be laid out and arranged in a way that allows the opening of future streets and resubdivisions.

5.400 Residential Lots

5.401 Rural Residential

Rural residential lots are subject to compliance with rural residential lot and building setback regulations of [Table 5-1](#). In addition, each plat containing rural residential lots must include a statement prohibiting more than one dwelling unit per lot and prohibiting the division of rural residential lots into lots smaller than 26,136 square feet.

5.402 Urban Residential

Urban residential lots are subject to compliance with the urban residential lot and building setback regulations of [Table 5-1](#). Except as otherwise expressly stated in this Development Code, urban residential lots that comply with the minimum lot area per unit requirements of [Table 5-1](#) may be occupied by more than one principal residential building. Multiple principal residential buildings on a single lot are prohibited in the NC district. See also the mobile home and manufactured housing regulations of Sec. [4.203](#).

5.403 Patio Home

A patio home is a detached house that is placed against one of the interior side lot lines rather than centered on the lot, with setbacks on each side. Patio home lots are subject to compliance with the patio home lot and building setback regulations of [Table 5-1](#). In addition, patio home lots are subject to the following regulations:

5.403.A A patio home development must consist of at least 3 contiguous lots with frontage on the same street.

5.403.B The interior side setback on one side of the lot containing a patio home may be reduced to as little as zero. The zero- or reduced setback side of a patio home may not abut a street and may not abut a lot that is not part of the patio home development. On the "non-zero" side, a setback must be provided in accordance with the minimum side setback requirement of [Table 5-1](#).

5.403.C Eaves on the side of a patio home with a reduced setback may not project over the property line.

5.403.D When the patio home's exterior wall or eaves are set back less than 2 feet from the abutting property line, a perpetual maintenance easement at least 5 feet in width must be provided on the lot abutting the zero lot line property line, which, with the exception of walls and/or fences, must be kept clear of structures. The easement must be shown on the plat and incorporated into each deed transferring title to the property. This provision is intended to ensure the ability to conduct maintenance on the patio home.

5.403.E Windows, doors or other openings that allow for visibility into the side yard of the lot abutting the reduced or zero setback side of the patio home are prohibited. Windows that do not allow visibility into the side yard of the parcel abutting the zero or reduced setback side, such as clerestory windows or translucent windows, are allowed, subject to compliance with the building code.

5.403.F Individual utility connections must be provided to each patio house dwelling unit.

5.403.G All utilities must be placed underground.

5.404 Townhouse

Townhouses are subject to compliance with the townhouse lot and building setback regulations of [Table 5-1](#). In addition, townhouse lots are subject to all of the following regulations.

5.404.A Individual utility connections must be provided to each townhouse dwelling unit.

5.404.B All utilities must be placed underground.

5.404.C A single building may not contain more than 12 townhouse units.

5.404.D Each townhouse building or series of townhouses must be separated by a minimum distance of 20 feet.

5.405 Two-Unit House

Two-unit houses are subject to compliance with the two-unit house lot and building setback regulations of [Table 5-1](#).

5.406 Apartment/Condo

Apartment/condo buildings are subject to compliance with the apartment/condo lot and building setback regulations of [Table 5-1](#).

5.407 Manufactured Home

Manufactured home lots may only be located within a Manufactured Home Park/Subdivision and are subject to compliance with the manufactured home lot and building setback regulations of [Table 5-1](#). Only manufactured homes can be placed on lots developed to the manufactured home lot standard.

5.500 Nonresidential Lots

Commercial, office, industrial, public, civic and institutional and other nonresidential uses are subject to compliance with the nonresidential lot and building setback regulations of [Table 5-1](#).

5.600 Flag Lots

Flag lot configurations are allowed for rural residential, urban residential and nonresidential lots. Flag lots must comply with the minimum lot area, lot area per unit, lot width and building setback regulations of [Table 5-1](#) and the additional flag lot regulations of [Table 5-2](#).

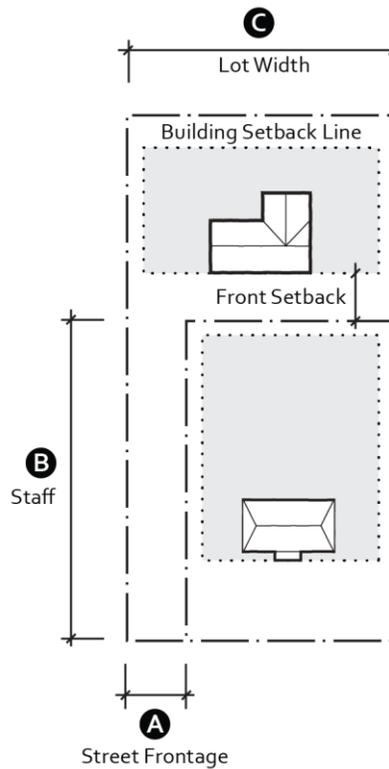
Table 5-2: Flag Lots

	See Figure 5-1	Rural & Urban Residential	Nonresidential
A	Minimum Street Frontage (feet)	25	50

B	Maximum Length of Staff (feet)[1]	200	100
C	Minimum Lot Width (feet)	As required by Table 5-1	

[1] The staff or “panhandle” portion of a flag lot must be restricted solely for access to the developable portion of the lot (the flag). Such restrictions must be shown on the face of the plat.

Figure 5-1: Flag Lot Measurements



5.700 Measurements

5.701 Lot Area

Lot area is measured as the total ground-level surface area contained within the property boundaries of a lot.

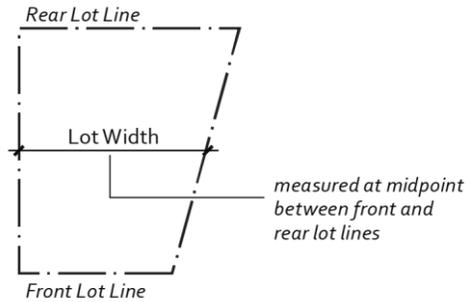
5.702 Lot Area per Dwelling Unit

Lot area per dwelling unit is a measure of residential density. It governs the amount of lot area required for each dwelling unit on the subject lot. To determine the number of dwelling units allowed on a lot, divide the lot area of the subject lot by the minimum lot-area-per-unit requirement of [Table 5-1](#), and round any fractional result down to a whole number. If, for example, a minimum lot-area-per-unit requirement of 1,750 feet is applied to a 10,000 square foot lot, a maximum of 5 units would be allowed on that lot (5.71 rounded down to 5).

5.703 Lot Width

Lot width is measured as the horizontal distance between the side lot lines of a lot measured at the midpoint between the front and rear lot lines.

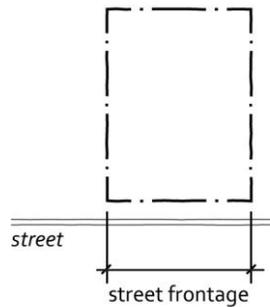
Figure 5-2: Lot Width Measurement



5.704 Street Frontage

Street frontage is measured between side lot lines of a lot along the lot line that abuts the street. See [Figure 5-3](#). On lots that abut the bulb of a cul-de-sac or similarly curved street, frontage may be measured along the actual building setback line.

Figure 5-3: Street Frontage Measurement



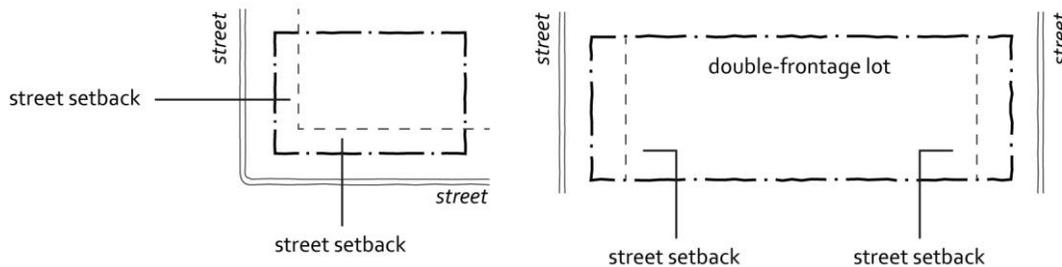
5.705 Setbacks

5.705.A Measurement

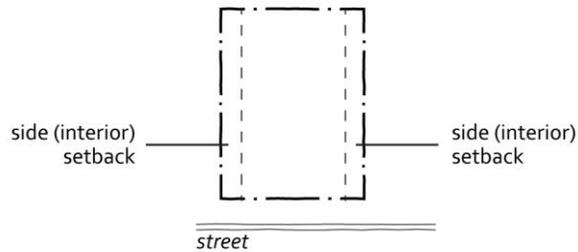
Setbacks are measured from the referenced lot line to the closest point of the building or structure.

1. Street setbacks are measured from all lot lines that abut a street. See [Figure 5-4](#). On corner lots, street setbacks apply along both streets.

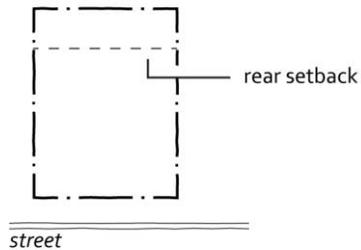
Figure 5-4: Street Setback Measurement



2. Side (interior) setbacks are measured from all side lot lines that do not abut a street. See [Figure 5-5](#). Interior side setbacks do not apply to attached or abutting walls in a townhouse project.

Figure 5-5: Side (interior) Setback Measurement

3. Rear setbacks are measured from the rear lot line. See [Figure 5-6](#).

Figure 5-6: Rear Setback Measurement**5.705.B****Allowed Setback Encroachments**

Required setbacks must be unobstructed and unoccupied from the ground to the sky except that the following are exempt from setback requirements, as indicated:

1. Eave and roof extensions may encroach into any required setback for a distance of up to 24 inches.
2. Ordinary projections of windowsills, belt courses, cornices, and other architectural features may encroach into any required setback for a distance not to exceed 12 inches.
3. Driveways, walks, steps for negotiating ground slopes, retaining walls, hedges and natural growth, fences, paved patios and other paved structures used ornamentally, for gardening, or for private recreation purposes may encroach into any required setback. Such features are, however, subject to the intersection sight distance requirements of [§10.407.D](#).
4. Open porches, exterior steps to building entrances, and open fire escapes may encroach into required setbacks, provided that such structures or features are open on at least 3 sides and set back at least 10 feet from street property lines and 5 feet from all interior property lines.

5.800**Access to Lots**

Perpetual legal access to lots must come from an established public street or by a perpetual access easement or right-of-way adequate to serve the subject lot. Each perpetual access easement or right-of-way must allow construction and perpetual maintenance of a

driveway across the property and allow vehicular travel on the driveway. Perpetual access easements must be of record and filed in the office of the Walker County clerk.

Article 6 Parking and Driveway Access

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6.100 General

6.101 Purpose

The regulations of this article are intended to help ensure off-street motor vehicle parking facilities are provided in rough proportion to the generalized demands of different land uses. By requiring parking, it is the intent of this article to help avoid the negative impacts associated with spillover parking into adjacent areas, while at the same time avoiding the negative environmental and visual impacts that can result from unnecessarily large parking and vehicular use areas.

6.102 Applicability

6.102.A General

Unless otherwise expressly stated, the regulations of this article apply in all development districts.

6.102.B New Uses and Development

Unless otherwise expressly stated, the parking regulations of this article apply to all new buildings constructed and all new uses established.

6.102.C Enlargements and Expansions

1. Unless otherwise expressly stated, the parking regulations of this article apply whenever an existing building or use is enlarged or expanded to include additional dwelling units, floor area, seating capacity, employees or other units of measurement used for establishing off-street parking requirements.
2. In the case of enlargements or expansions that trigger requirements for additional parking, additional spaces are required only to serve the enlarged or expanded area, not the entire building or use. There is no requirement to address a lawful, existing parking deficit.

6.102.D Change of Use

When the use or occupancy of property changes, additional off-street parking and loading facilities must be provided to serve the new use or

occupancy only when the number of parking or loading spaces required for the new use or occupancy exceeds the number of spaces required for the use that most recently occupied the building, based on the standards of this Development Code. Credit is given to the most recent lawful use of the property for the number of parking spaces that would be required under this Development Code, regardless of whether such spaces are actually provided. A new use is not required to address a lawful, existing parking deficit.

6.102.E Existing

Existing off-street parking and loading areas may not be eliminated, reduced or modified below the minimum requirements established in this article.

6.200 Minimum Parking Ratios

Except as otherwise expressly stated, off-street motor vehicle parking spaces must be provided in accordance with [Table 6-1](#).

Table 6-1: Minimum Motor Vehicle Parking Ratios

USE CATEGORY	Minimum Motor Vehicle Parking Requirement
Subcategory Specific use	
RESIDENTIAL	
Household Living	
Apartment/condo	1.0 spaces per bedroom
All other household living	2 spaces per dwelling unit
Group Living	1 space per 2 beds
PUBLIC, CIVIC AND INSTITUTIONAL	
Aircraft Landing Area	Established in accordance with Sec. 6.307 .
College or University	Established in accordance with Sec. 6.307 .
Community Center	1 space per 300 square feet
Governmental Facility	Established in accordance with Sec. 6.307 .
Fraternal Organization	1 space per 200 square feet
Hospital	1 space per 2 beds
Library	1 space per 300 square feet
Museum or Cultural Facility	1 space per 300 square feet
Natural Resource Preservation	Established in accordance with Sec. 6.307 .
Parks and Recreation	Established in accordance with Sec. 6.307 .
Religious Assembly	0.25 spaces per seat in main assembly area
Safety Service	Established in accordance with Sec. 6.307 .
School	
Elementary and Junior High	2 spaces per classroom
Senior High	10 spaces per classroom
Utilities and Public Service Facility	
Minor	None
Major	Established in accordance with Sec. 6.307 .
Wireless Communications	
Freestanding tower	None
Building or tower-mounted antenna	None
COMMERCIAL	
Animal Service	1 space per 250 square feet
Assembly and Entertainment	1 space per 4 seats
Commercial Service	
Personal Service	1 space per 250 square feet
All other commercial service uses	1 space per 300 square feet

USE CATEGORY	Minimum Motor Vehicle Parking Requirement
Subcategory Specific use	
Day Care	1 space per employee + 1 drop-off/pick-up space per 1,000 square feet, with no more than 10 spaces required
Eating Establishment	1 space per 150 square feet
Financial Service	1 space per 250 square feet
Funeral or Mortuary Service	1 space per 4 seats
Lodging	
Recreational Vehicle Park	1 space per camping or RV space
All other Lodging Uses	1 space per room
Office	
Medical	1 space per 250 square feet
All other office uses	1 space per 300 square feet
Retail Sales	1 space per 250 square feet
Self-service Storage Facility	1 space per 10 storage spaces
Trade School	1 space per 300 square feet
Vehicle Sales and Service	2 spaces per fuel pump + 4 spaces per service bay
INDUSTRIAL	
Mining/Extraction	1 space per employee
Recycling Facility	
Recyclable Material Drop-off Facility	3 spaces
Recyclable Material Processing Facility	1 space per 1,000 square feet
Wholesale, Distribution & Storage	
Wholesale, Distribution and Storage (Indoor)	1 space per 1,000 square feet
All Other Wholesale, Distribution and Storage	1 space per 1,000 square feet
All Other Industrial Uses	1 space per 1,000 square feet
AGRICULTURE	
Farming/General Agriculture	None
Community Garden	None

6.300 Calculation of Required Parking

The following rules apply when calculating the required number of off-street parking spaces:

6.301 Multiple Uses

Unless otherwise expressly allowed in accordance with the shared parking regulations of Sec. 6.402, lots containing more than one principal use must provide parking in an amount equal to the total of the requirements for all principal uses on the lot.

6.302 Fractions

When measurements of the number of required spaces result in a fractional number, any fraction of less than one-half (0.5) is rounded down to the next lower whole number, and any fraction of one-half (0.5) or more is rounded up to the next higher whole number.

6.303 Area Measurements

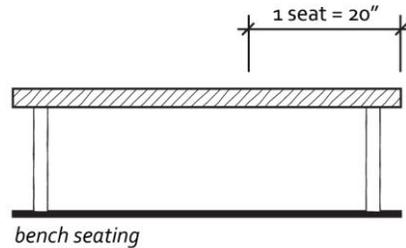
Unless otherwise expressly stated, all area-based (square footage) parking standards must be computed based on the sum of the gross horizontal areas of a building devoted to a use requiring off-street parking. The following areas are not counted as floor area for the purpose of calculating off-street parking and loading requirements: floor space devoted primarily to the housing of mechanical or electrical equipment, elevator shafts, stairwells, storage (except as otherwise noted), commercial kitchen areas, ramps, aisles, and maneuvering space devoted to off-

street parking or loading facilities, or basement floor space unless the basement area is devoted to merchandising activities, the production or processing of goods, business or professional offices or residential dwelling units.

6.304 Bench Seating

Each 20 inches of seating area in bleachers, pews or similar bench-seating arrangement counts as one seat for the purpose of calculating seating-based parking requirements. See [Figure 6-1](#).

Figure 6-1: Bench Seating Measurement



6.305 Occupancy- or Capacity-based Standards

For the purpose of computing parking requirements based on employees, students, members, residents or occupants, calculations must be based on occupancy standards established by the building code.

6.306 Unlisted Uses

Upon receiving a development application for a use not specifically listed in an off-street parking schedule, the Building Official is authorized to apply the off-street parking ratio specified for the listed use that is deemed most similar to the proposed use or establish a minimum off-street parking requirement for the proposed use in accordance with [Sec. 6.307](#).

6.307 Establishment of Other Parking Ratios

The Building Official is authorized to establish required minimum off-street parking ratios for unlisted uses and in those instances where authority to establish a requirement is expressly granted. Such ratios may be established on the basis of a similar use/parking determination (as described in [Sec. 6.306](#)), on parking data provided by the applicant or information otherwise available to the Building Official. Parking data and studies must include estimates of parking demand based on reliable data collected from comparable uses or on external data from credible research organizations (e.g., Institute of Transportation Engineers (ITE) or American Planning Association [APA]). Comparability will be determined by density, scale, bulk, area, type of activity and location. Parking studies must document the source of all data used to develop recommended requirements.

6.400 Parking Exemptions and Reductions

6.401 Downtown District

Off-street parking is not required for buildings that were in existence in the D development district on or before January 1, 1978. After January 1, 1978, new buildings and building expansions in the D district must provide off-street parking as required by [Sec. 6.200](#) unless the minimum number of off-street parking spaces

required to serve the new building or building expansion is 10 or fewer spaces, in which case no off-street parking is required.

6.402 Shared Parking

6.402.A Purpose

Sharing parking among different users can result in overall reductions in the amount of motor vehicle parking required. Shared parking is encouraged as a means of conserving scarce land resources, reducing stormwater runoff, reducing the heat island effect caused by large paved areas and improving community appearance.

6.402.B Applicability

Shared parking facilities are allowed for mixed-use projects and for multiple uses with different periods of peak parking demand, subject to approval by the Building Official. Required residential parking and accessible parking spaces (for persons with disabilities) may not be shared and must be located on site.

6.402.C Methodology

The number of parking spaces required under a shared parking arrangement must be determined in accordance with the following:

1. Multiply the minimum parking required for each individual use, as set forth in [Table 6-1](#) by the percentage identified for each of the 6 designated time periods in [Table 6-2](#).
2. Add the resulting sums for each of the 6 columns.
3. The minimum shared parking requirement is the highest sum among the 6 columns resulting from the above calculations.
4. Select the time period with the highest total parking requirement and use that total as the shared parking requirement.

Table 6-2: Shared Parking Calculations

Land Use	Weekday			Weekend		
	Midnight–7:00 a.m.	7:00 a.m. – 6:00 p.m.	6 p.m. – Midnight	Midnight–7:00 a.m.	7:00 a.m.–6:00 p.m.	6 p.m. – Midnight
Office and Industrial	5%	100%	10%	0%	60%	5%
Lodging	100%	60%	90%	100%	65%	80%
Eating and Drinking	50%	70%	100%	45%	70%	100%
Religious Assembly	0%	10%	30%	0%	100%	30%
Assembly & Entertain.	10%	50%	100%	5%	80%	100%
Retail & Comm. Service	5%	70%	90%	0%	100%	60%

6.402.D Other uses

If one or more of the land uses proposing to make use of shared parking arrangement do not conform to the land use classifications in [Table 6-2](#), as determined by the Building Official, then the applicant must submit sufficient data to indicate the principal operating hours of the uses. Based upon this information, the Building Official is authorized to determine the appropriate shared parking requirement, if any, for such uses.

6.402.E Alternative Methodology

As an alternative to the shared parking methodology established in [§6.402.C](#), the Building Official is authorized to approve shared parking calculations based on the latest edition of the Urban Land Institute's or the Institute of Transportation Engineer's shared parking model or based on studies prepared by professional transportation Planner or traffic engineer. The shared parking analysis must demonstrate that the peak parking demands of the subject uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses.

6.402.F Location

Shared parking may be located on-site or off-site. Off-site parking is subject to the regulations of Sec. [6.602](#).

6.402.G Shared Parking Agreement

The owners of uses proposing to make use of shared parking areas to satisfy minimum parking requirements must submit a shared parking agreement, in a form approved by the City Attorney, guaranteeing the long-term availability of the shared parking, commensurate with the use served by the parking. Shared parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. If an off-site parking agreement lapses or is no longer valid, then parking must be provided as otherwise required by this article. Shared parking agreements must be recorded in the Walker County's clerk's office.

6.403 Motorcycle Parking

In parking lots containing over 20 motor vehicle parking spaces, motorcycle or scooter parking may be substituted for up to 5 automobile parking spaces or 5% of required motor vehicle parking, whichever is less. For every 4 motorcycle or scooter parking spaces provided, the motor vehicle parking requirement is reduced by one space. Each motorcycle and scooter space must have minimum dimensions of 4 feet by 8 feet.

6.500 Use of Parking Areas

6.501 Required off-street parking facilities may be used only for the temporary parking of licensed passenger motor vehicles by residents, tenants, patrons, employees, or guests of the principal use. Off-street parking spaces required by this Development Code must be maintained for the life of the principal use.

6.502 Off-street parking facilities may not be used for the parking of vehicles for the purpose of displaying the same for sale unless the principal use of the property on which the parking facility is located is the business of selling or leasing used or new vehicles. This provision is not intended to prohibit an owner or occupant of residential dwelling unit from selling a personal vehicle.

6.503 No vehicle repair or service of any kind shall be permitted in conjunction with off-street parking facilities in an NC district, except for minor repairs or service on vehicles owned by an occupant or resident of the premises.

6.600 Location

6.601 General

Except as otherwise expressly stated in this Development Code, required off-street parking spaces must be located on the same lot and under the same control as the building or use they are required to serve.

6.602 Off-Site Parking

6.602.A When Allowed

All or a portion of required off-street parking for nonresidential use may be provided off-site, in accordance with the regulations of this section.

1. Required accessible parking spaces and parking required for residential uses may not be located off site.
2. No more than 50% percent of the off-street parking spaces required for theaters, bowling alleys, dance halls, nightclubs, restaurants, or similar uses may be located off site.
3. No more than 80% of the off-street parking spaces required for a church, school auditorium or similar use may be located off-site.

6.602.B Location

Off-site parking areas must be located within a 500-foot radius of the use served by such parking, measured between the main entrance of the use to be served and the outer perimeter of the furthest parking space within the off-site parking lot. Off-site parking lots are allowed only in development districts that permit the principal use to be served by the off-site parking spaces.

6.602.C Design

Off-site parking areas must comply with all applicable parking area design and landscape regulations of this Development Code.

6.602.D Control of Off-Site Parking Area

The off-site parking area may be under separate ownership from the use to be served by the parking only if an agreement is provided, in a form approved by the City Attorney, guaranteeing the long-term availability of the parking, commensurate with the use served by the parking. Off-site parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. If an off-site parking agreement lapses or is no longer valid, then parking must be provided as otherwise required by this article. Off-site parking agreements must be recorded in the Walker County's clerk's office.

6.700 Design

6.701 Surfacing

All required outdoor parking spaces must be properly designed and improved with a compacted stone base and surfaced with asphalt, concrete, or other comparable all-weather, dust-free material approved by the City Planner.

6.702 Wheel Stops

In all parking lots containing 5 or more parking spaces, wheel stops must be installed where necessary to prohibit vehicle overhang onto adjacent pedestrian ways or landscape areas.

6.703 Driveway Access

See Sec. [6.1100](#).

6.704 Landscaping

See [Article 7](#).

6.705 Stall Sizes and Parking Lot Geometrics

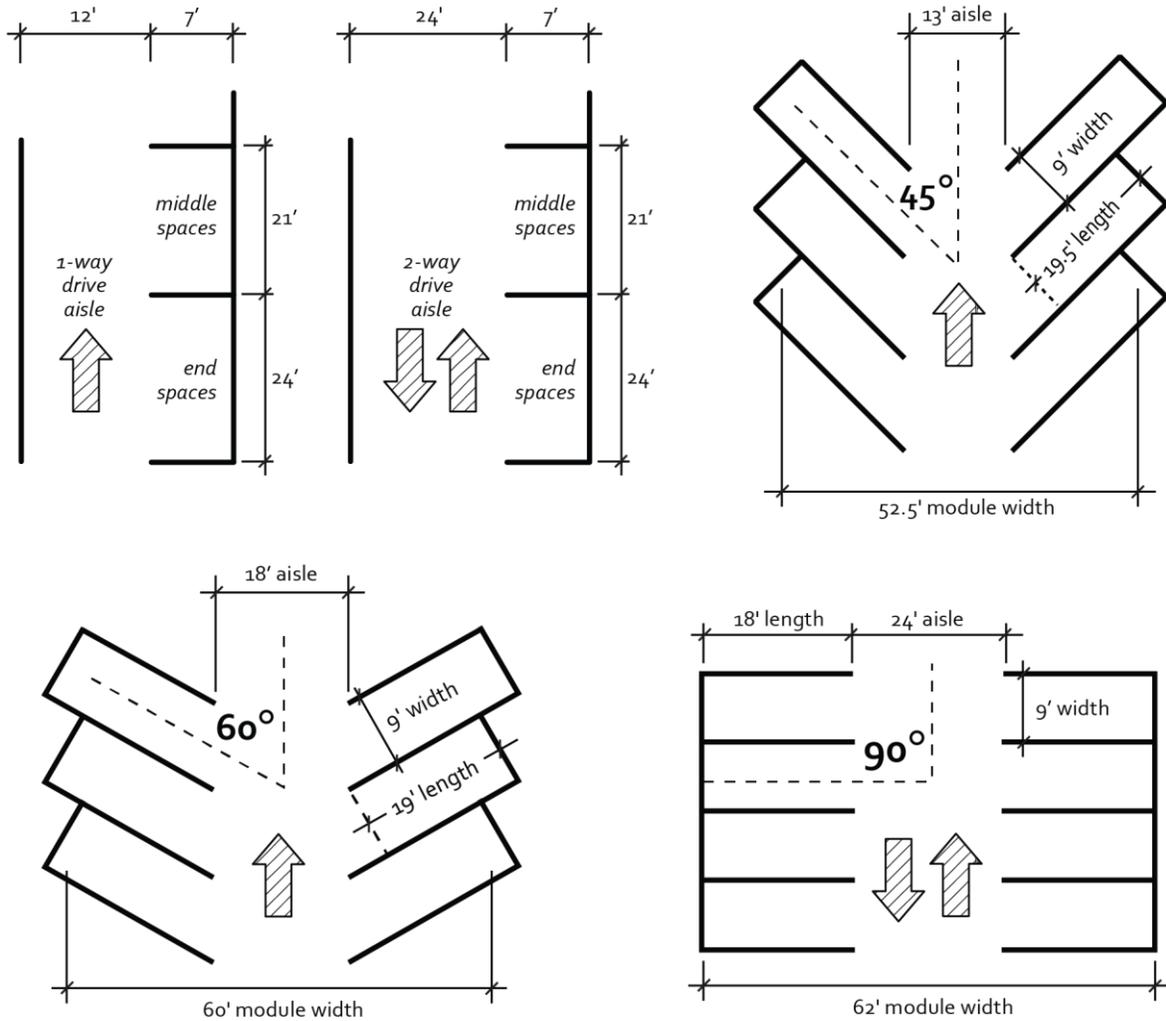
Off-street parking areas must be designed to allow all vehicle maneuvers such as backing, parking and vehicle turning to take place on the lot. The dimensions of parking stalls and drive aisles must comply with the regulations of [Table 6-3](#). Accessible parking spaces (for people with disabilities) are subject to the regulations of Sec. [6.900](#).

Table 6-3: Parking Area Dimensions

	Angle of Paring			
	0° (Parallel)	45°	60°	90°
Stall Width (feet)	7	9	9	9
Stall Length (feet)	21 (middle), 24 (ends)	19.5	19	18
Aisle Width (feet)	12 (one-way), 24 (two-way)	13	18	24
Module Width (feet)	NA	52.5	60	62

Note: Dimensions are measured from the centerline of the stripe delineating the space.

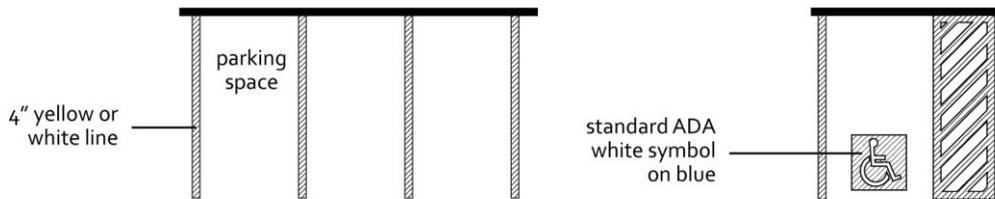
Figure 6-2: Parking Area Layout/Dimensions



6.706 Striping

In all parking lots containing 5 or more parking spaces, striping consisting of parallel lines, 4 inches in width must be provided for each parking space. Striping must be yellow or white. Accessible parking spaces must be painted in accordance with the [Texas Accessibility Standards](#). See [Figure 6-3](#).

Figure 6-3: Parking Lot Markings



6.707 Fire Lane Markings

Fire lanes must be marked in accordance with the fire code.

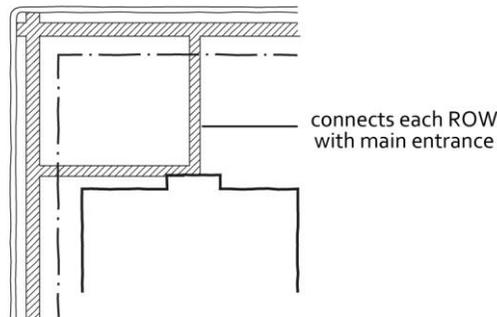
6.800 Pedestrian Circulation

An on-site circulation system for pedestrian and non-motorized travel must be provided in accordance with the requirements of this section. These pedestrian circulation requirements do not apply to lots occupied by detached houses, two-unit houses or attached houses.

6.801 Connection to the Street

The on-site pedestrian circulation system must connect all adjacent public rights-of-way to the main building entrance. The connection must follow a direct route and not involve significant out-of-direction travel for system users. See [Figure 6-4](#).

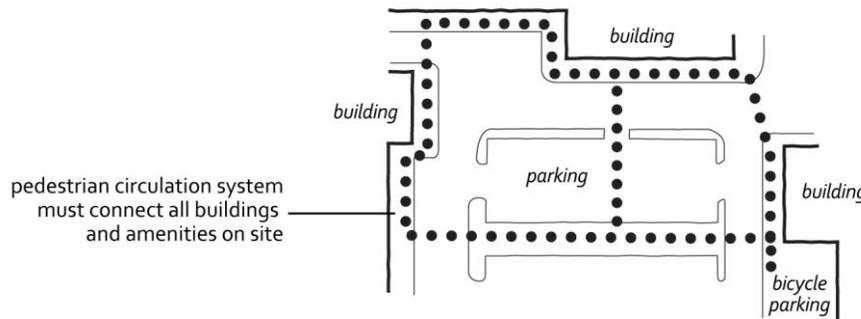
Figure 6-4: Connecting Building Entrances to Street



6.802 Internal Connections

The on-site pedestrian circulation system must connect all buildings on the site and provide connections to other areas of the site likely to be used by pedestrians and non-motorized travel, such as parking areas, bicycle parking, recreation areas, plazas and similar amenity features. See [Figure 6-5](#).

Figure 6-5: Internal Site Connections



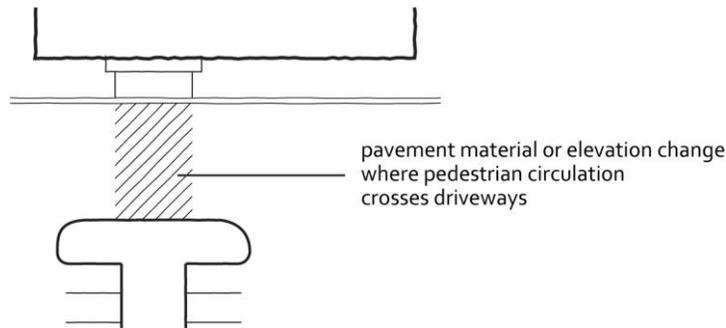
6.803 Design

Required on-site pedestrian circulation facilities must be designed and constructed in accordance with the following requirements:

- 6.803.A The on-site pedestrian circulation system must be hard-surfaced, with a dust-free material and be at least 5 feet in width.
- 6.803.B When the on-site pedestrian circulation system crosses driveways, parking areas or loading areas, it must be clearly differentiated through the use of elevation changes, a different paving material or other

equally effective methods. Striping does not meet this requirement. See [Figure 6-6](#).

Figure 6-6: Driveway Crossing



- 6.803.C When the on-site pedestrian circulation system is parallel and adjacent to a motor vehicle travel lane, it must be a raised path at least 6 inches above the vehicle travel lane surface or be separated from the vehicle travel lane by a raised curb, bollards, landscaping or another physical barrier. If a raised path is used, the ends of the raised portions must be equipped with accessible curb ramps.
- 6.803.D The on-site pedestrian circulation system must be illuminated to ensure that it can be used safely at night by employees, residents, and customers. Lighting must be at a height appropriate for a pedestrian pathway system.

6.900 Accessible Parking for People with Disabilities

- 6.901 The number, location and design of accessible parking spaces for people with disabilities must be provided in accordance with this section and the [Texas Accessibility Standards](#).
- 6.902 Accessible spaces must be provided in accordance with [Table 6-4](#).

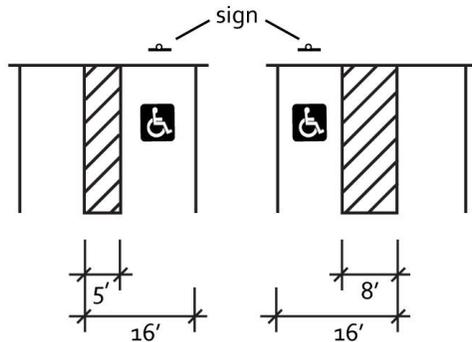
Table 6-4: Minimum Accessible Parking Space Ratios

Total Off-Street Parking Spaces Provided	Accessible Parking Spaces Required
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
over 1,000	20 plus 1 for each 100 over 1,000

- 6.903 Accessible parking spaces count towards the total number of parking spaces required.
- 6.904 Each accessible parking space, except on-street spaces, must be at least 16 feet in width, with either an 8-foot or 5-foot wide diagonally striped access aisle. The access aisle may be located on either side of the vehicle portion of the accessible

space. Abutting accessible parking spaces may not share a common access aisle. See [Figure 6-7](#).

Figure 6-7: Accessible Parking Spaces



6.905 Accessible parking spaces and accessible passenger loading zones that serve a particular building must be the spaces or zones located closest to the nearest accessible entrance on an accessible route. In separate parking structures or lots that do not serve a particular building, parking spaces for disabled persons must be located on the shortest possible circulation route to an accessible pedestrian entrance of the parking facility.

6.906 The regulations of this section apply to required spaces and to spaces that are voluntarily designated for accessible parking.

6.1000 Drive-through Facilities

6.1001 Purpose

These regulations of this section are intended to help ensure that

- 6.1001.A** There is adequate on-site maneuvering and circulation area for vehicles and pedestrians;
- 6.1001.B** Vehicles awaiting service do not impede traffic on abutting streets; and
- 6.1001.C** Impacts on surrounding uses are minimized.

6.1002 Applicability

The regulations apply to new developments, the addition of drive-through facilities to existing developments and the relocation of existing drive-through facilities.

6.1003 Stacking Spaces Required

Stacking lanes must be provided in accordance with the minimum requirements of [Table 6-5](#).

Table 6-5: Stacking Space Requirements

Use	Minimum Number of Stacking Spaces Required
Bank/financial institution	4 spaces per drive-through lane
Car wash	2 spaces per approach lane, plus 2 drying spaces at end of bay
Vehicle repair/maintenance	2 per service bay
Gasoline pump	2 spaces per pump per side
Restaurant	6 total spaces, with at least 3 spaces between order and pick-up station
Other	3 spaces per lane, ordering station or machine

6.1004 Stacking Lane Dimensions, Design and Layout

6.1004.A Stacking lanes must be designed so that they do not interfere with parking movements or safe pedestrian circulation. Stacking lanes must have a minimum width of 9 feet.

6.1004.B All stacking lanes must be clearly identified, through such means as striping, landscaping, pavement design, curbing and/or signs.

6.1005 Setbacks

Stacking lanes must be set back at least 50 feet from any abutting NC districts.

6.1006 Noise

Sound attenuation walls, landscaping or other mitigation measures must be provided to ensure that drive-through facilities will not have adverse noise-related impacts on nearby residential uses.

6.1100 Driveways

6.1101 Applicability

All new, expanded, upgraded and reconstructed driveways are subject to the regulations of this section.

6.1102 Street Access

Driveways are allowed to take access only to streets where full street improvements exist and are maintained as public streets by the City, provided that low-volume (residential) driveways may take access to public lanes, alleys or other accepted public access facilities in existence before June 10, 1986.

6.1103 Permits Required

No driveway may be constructed, expanded, upgraded and reconstructed until a driveway permit is obtained from the Building Official.

6.1104 Driveway Location

The location of driveways is based on many factors, including the location of individual property lines and available street frontage, requirements of internal site design, the number of vehicles expected to use the driveways, and traffic safety. Generally, the farther from an intersection that a driveway can be located, the less it will affect traffic safety, through traffic and the less delay it will cause to vehicles using the driveway.

6.1104.A All driveways must be located so as not to interfere with pedestrian crosswalks and to safely accommodate non-motorized traffic.

6.1104.B Low-volume (residential) driveway approaches must be located entirely within the frontage of the lot and set back at least 5 feet from any side property line, except as allowed by [§6.1105.B](#).

6.1104.C High-volume driveway approaches must be located entirely within the frontage of the lot and set back at least 10 feet from any side property line. This location restriction does not apply to joint-access driveways governed by a permanent joint-access agreement among the respective property owners either through platting or a mutual access easement.

- 6.1104.D The location of other driveways on the opposite side of the street must be taken into consideration when locating a proposed driveway. Whenever possible, driveways on opposite sides of the street must be aligned to reduce adverse effects on through traffic and to optimize efficiencies of the driveway. Driveways directly opposite each other are preferable to staggered driveways. Where it is not possible to place driveways directly opposite each other, a driveway must be placed so that adequate left-turn storage capacity is provided ahead of each driveway to avoid the overlap of left-turn movements.
- 6.1104.E Driveways must be set back at least 3 feet from any obstruction, such as a street light or utility pole, fire hydrant, traffic signal controller, telephone junction box, etc.

6.1105 Number of Driveways per Lot

- 6.1105.A The maximum number of driveways per lot may not exceed the limits established in [Table 6-6](#), except as stated in [§6.1105.B](#).

Table 6-6: Maximum Number of Driveways per Lot

Street Type	Street Frontage (feet)	Permitted Driveways
Local	< 100	1
	101-200	2
	Over 200	1 per additional 100 feet
Collector	< 100	1
	100-250	2
	Over 250	1 per additional 200 feet
Arterial	< 100	1
	100-300	2
	Over 300	1 per additional 300 feet

- 6.1105.B When the owners of abutting lots agree to permanently combine driveway access points, the total street frontage required will be reduced by 15% for each lot. In addition, if the agreement also includes a shared parking agreement, the required number of parking spaces may be reduced by 15% for each development.

6.1106 Driveway Design and Construction

6.1106.A Width

Driveway entrance widths must be designed and constructed to accommodate all vehicle types that will be entering the lot, including delivery vehicles. Minimum and maximum driveways widths are established in [Table 6-7](#).

Table 6-7: Driveway Widths

	Low-Volume Driveways	High-Volume Driveways		
		1-way Entrance	1-way Exit	2-way entrance/exit
Minimum Width (feet)	12	20	20	25
Maximum Width (feet)	24	24	24	32

Figure 6-8: Low-volume Driveway Width

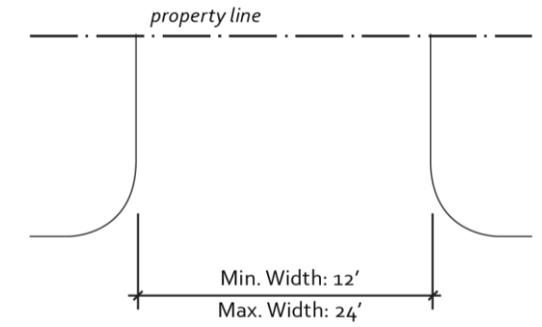
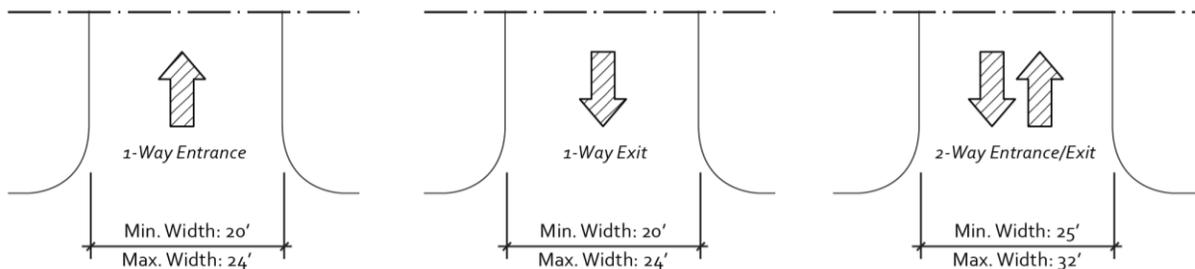


Figure 6-9: High-volume Driveway Width



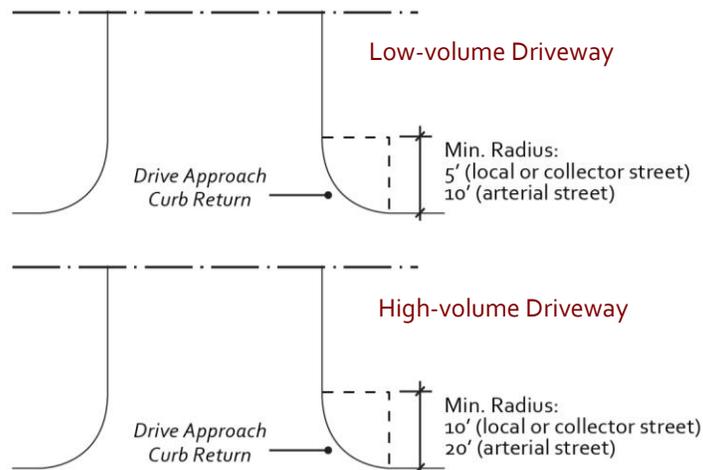
6.1106.B Curb Return Radii

Driveway curb return radii must be designed and constructed according to the type of driveway and the classification of street, as established in [Table 6-8](#).

Table 6-8: Driveway Curb Return Radii

Street Classification	Low-Volume Driveway (feet)	High-Volume Driveway (feet)
Local	5	10
Collector	5	10
Arterial	10	20

Figure 6-10: Driveway Curb Returns



6.1106.C Deceleration Lanes

Tapered or channelized deceleration lanes for vehicles turning right into high-volume or intersection type driveways may be required on arterial streets. Where such lanes are deemed necessary by the City Engineer, additional right-of-way may also be required.

6.1106.D One-Way Driveways Encouraged

The use of one-way driveways, supported by an appropriate internal circulation system, is encouraged so that entrances and exits can be separate driveways. This will promote smoother traffic flow into and out of the driveways and reduce traffic congestion in through lanes on the street.

6.1106.E Special Designs

When deemed necessary for the safe and efficient movement of traffic, the City Engineer is authorized to require that special design techniques be employed to restrict or limit turning movements into or out of a driveway.

Figure 6-11: Right-in, Right-out Driveway Design

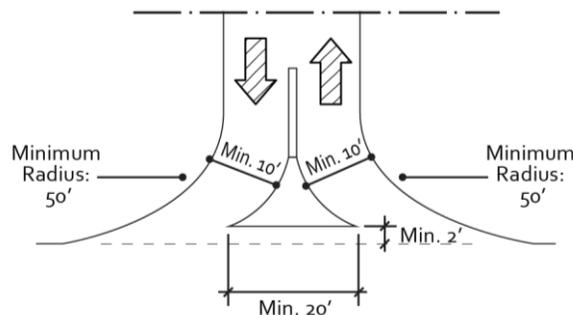


Figure 6-12: Right-in, Right-out, Left-in Driveway Design

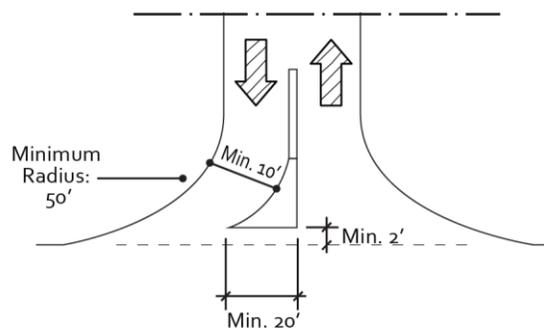
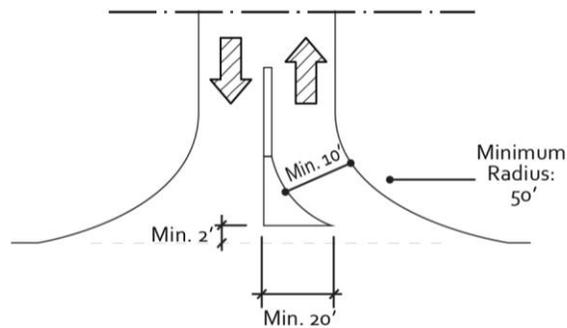


Figure 6-13: Right-in, Right-out, Left-out Driveway Design

**6.1106.F Fueling Stations**

Sites that include fuel pumps parallel to the street are subject to the following additional regulations:

1. A minimum corner clearance of 35 feet is required, as measured from the point of intersecting right-of-way lines to the point of tangency of the curb return radii leading to the driveway approach. The point of tangency of the curblines corner radius and that of the curb return radius of the driveway approach is not compounded.
2. The spacing between driveway approaches within the same property lines must be at least 25 feet of tangent curb length.
3. A distance between the fuel pump, island and the right-of-way or property line must be at least 25 feet.

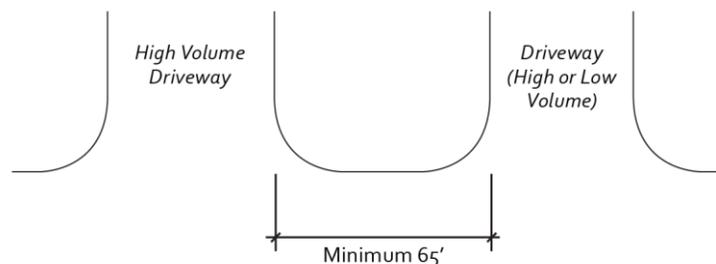
6.1107 Spacing of High-Volume Driveways

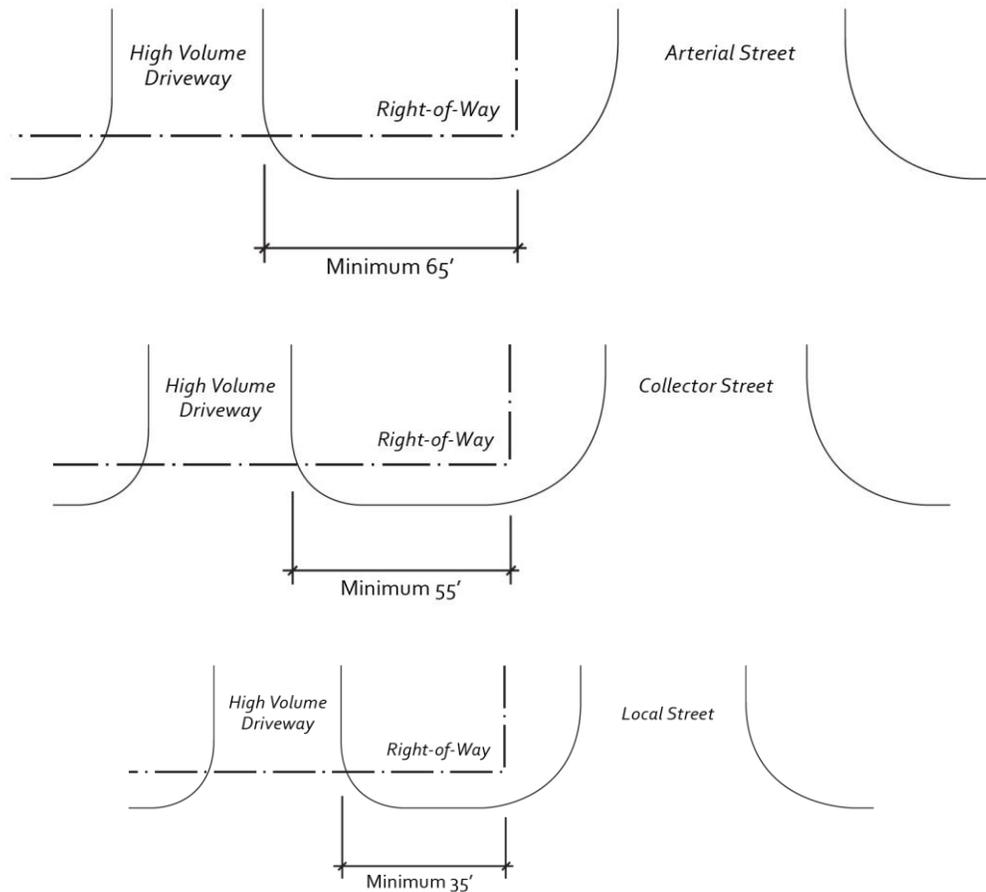
6.1107.A High-volume driveways must be separated from other (high-volume and low-volume) driveways by a minimum distance of 20 feet.

6.1107.B High-volume driveways must be separated from intersecting street rights-of-way in accordance with the following minimum requirements:

1. Driveway spacing from intersecting arterial street ROW: 65 feet
2. Driveway spacing from intersecting collector street ROW: 55 feet
3. Driveway spacing from intersecting local street ROW: 35 feet

Figure 6-14: Required Spacing of High-volume Driveways





6.1108 Sight Distance Requirements

Driveways must comply with the intersection sight distance requirements of [§10.407.D](#).

6.1109 Additional Safety-related Access Restrictions

The City Engineer is authorized to restrict or prohibit access to public streets when any of the conditions described below compromise the safety or mobility of motorized or nonmotorized travelers.

6.1109.A Backing Maneuvers

Access may be denied for parking or loading areas that require backing maneuvers in a public street right-of-way except for detached houses or two-unit houses on local streets.

6.1109.B Signalized Intersections

Access drives within the area of intersection of public streets where traffic signals are installed, or are anticipated to be installed in the future are prohibited.

6.1109.C Provision of Access

If a lot has frontage on more than one street, access will be allowed only on those street frontages where driveway regulations can be met. If a lot cannot be served by any access point meeting these regulations, the City Engineer is authorized to designate an allowed access based on

traffic safety, operational needs and conformance to as many of the applicable driveway requirements as possible.

6.1109.D State Highway Access

Driveway openings on to state highways require approval of the Texas Department of Transportation.

6.1110 Driveway Construction

The portion of the driveway approach within the street right-of-way must be paved with concrete or asphalt, as follows:

6.1110.A Apartment/Condo, Commercial, or Industrial

All pavement must be concrete.

6.1110.B Residential (other than Apartment/Condo)

All driveway pavement abutting curb and gutter streets must be concrete. Driveway pavement abutting on non-curb and guttered streets may be concrete or asphalt or may be addressed as follows:

6.1110.C Property owners developing apartment/condo, commercial or industrial driveways located on non-curbed and guttered streets are responsible for all culvert installations.

6.1110.D Residential driveways taking access to non-curbed and guttered streets within the City limits will be provided culverts by the City. The City will charge the property owner its actual material and installation costs.

6.1111 Maintenance of Driveway Approaches

For driveway approaches and associated appurtenances used for ingress and/or egress to the property abutting, it is the duty of the subject property owner to maintain the driveway approach and associated appurtenances in accordance with City standards and specifications.

6.1200 Loading

Any use that regularly receives or distributes materials or merchandise by truck must provide off-street loading spaces in accordance with the regulations of this section.

6.1201 Minimum Ratios

Off-street loading spaces must be provided in accordance with [Table 6-9](#).

Table 6-9: Off-street Loading Requirements

Use Type	Minimum Loading Spaces Required
Public, Civic, Institutional, Commercial and Industrial	
Under 25,000 square feet	None
25,000–49,999 square feet	1 space
50,000+	1 space per 50,000 square

6.1202 Design and Location

6.1202.A Off-street loading spaces must be at least 12 feet in width and 35 feet in length unless off-street loading will involve the use of vehicles in excess of 35 feet in length, in which case the minimum size of a loading space is 12 feet by 55 feet. All loading spaces must have a minimum vertical clearance of 14 feet.

- 6.1202.B** All loading spaces must include sufficient maneuvering space to prevent interference with pedestrian or vehicular circulation on the subject site and on public streets and sidewalks, as determined by the City Engineer.
- 6.1202.C** All loading spaces must be located on the subject lot, provided that the City Planner is authorized to approve central off-street loading spaces for a group of contiguous lots as a substitute for loading berths on individual lots if the following conditions are met:
1. Each lot served must have direct access to the central loading area without at-grade crossings streets or alleys; and
 2. No lot served may be more than 500 feet from the central loading area.
- 6.1202.D** All loading spaces for semi-tractor trailer combinations must be set back at least 50 feet from all NC districts. Loading spaces may be located within 50 feet of an NC district if completely enclosed by a solid wall at least 6 feet in height.
- 6.1202.E** All off-street loading areas must be properly designed and improved with a compacted stone base and an all-weather, dust-free surface, generally asphalt or concrete.
- 6.1202.F** Plans for the location, design and construction of all loading areas are subject to approval by the City Planner.
- 6.1202.G** Loading spaces may not be used to satisfy off-street parking requirements or for the conduct of vehicle repair or service work of any kind.

Article 7 Landscaping and Buffers

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7.100 General

7.101 Purpose

The landscaping and buffer regulations of this article establish minimum requirements for landscaping and screening. The regulations are intended to advance the general purposes of this Development Code and to help:

- 7.101.A Maintain and enhance the City's appearance;
- 7.101.B Mitigate possible adverse impacts of higher intensity land uses that are established near lower intensity land uses;
- 7.101.C Reduce the impacts of noise and glare.
- 7.101.D Maintain and improve air quality;
- 7.101.E Protect water quality and reduce the negative impacts of stormwater runoff by reducing impervious surface area and providing vegetated areas that filter and retain greater amounts of stormwater on site;
- 7.101.F Moderate heat by providing shade;
- 7.101.G Ensure wise use of water resources; and
- 7.101.H Encourage preservation of existing trees and landscaping.

7.102 General Exemption

The following are exempt from the landscaping and screening regulations of this article:

- 7.102.A Agricultural uses;
- 7.102.B Public parks and open spaces;
- 7.102.C Detached houses and duplexes; and
- 7.102.D Lots within the Downtown (D) development district.

7.200 Minimum Landscaping

7.201 New Buildings and Developments

Minimum landscaping requirements for new buildings and developments are as follows:

- 7.201.A At least 10% percent of the total lot area must be devoted to landscape development.

7.201.B At least 18 diameter inches of canopy trees must be provided per acre of total lot area.

Commentary: The size of existing (planted) trees is measured as "diameter at breast height (DBH)". "Caliper" size is used to measure trees to be planted.

7.201.C Non-canopy trees and shrubs must be provided in at least 10% of the required landscape development.

7.202 Additions to Existing Buildings and Developments

7.202.A When an existing building or development is expanded to include additional floor area, landscaping must be provided in proportion to the amount of expansion, as follows:

$\frac{\text{(gross floor area new)}}{\text{(gross floor area new + existing)}} \times \text{landscaping required for new buildings and developments per Sec. 7.201}$	=	$\text{landscaping required for expansion of existing building/development}$
---	---	--

7.202.B Nothing in this article is to be construed as requiring an owner that expands an existing building to landscape more than 10% percent of the site.

7.300 Distribution of Required Landscaping

Landscaping required under Sec. 7.200 must be distributed in accordance with the requirements of this section.

7.301 Adjacent to Building

7.301.A The minimum amount of landscape development that must be provided adjacent to buildings is calculated as follows:

$\frac{\text{Building area (sq. ft.)}}{\text{Lot area (sq. ft.)}} \times 10\% \text{ of lot area}$	=	$\text{Minimum landscape development adjacent to building}$
--	---	---

7.301.B Landscaping required adjacent to buildings must be located between the street-facing building façade and the abutting street right-of-way and within 50 feet of the street-facing building façade.

7.302 Parking Lots (Perimeter and Interior)

The minimum amount of landscape development that must be provided within (interior) and around (perimeter) off-street parking lot is calculated as follows:

$\frac{\text{Parking lot area (sq. ft.)}}{\text{Lot area (sq. ft.)}} \times 20\% \text{ of lot area}$	=	$\text{Minimum required landscape development interior to parking area}$
---	---	--

7.303 Other Areas

After satisfying the minimum requirements for areas adjacent to buildings and within and around parking lots, the remaining landscaping requirements must be dispersed in remaining areas of development.

7.304 Waivers for Tree Preservation

In order to preserve existing trees, the City Planner is authorized to waive the landscape development distribution requirements for up to 50% of the canopy trees required by §7.201.B, provided that the planting and tree protection areas comply with Sec. 7.402.

7.400 Credits and Incentives

7.401 Landscape Development within Setbacks

Landscape development provided within street setback areas are given double credit towards meeting the minimum landscaping requirements of Sec. [7.200](#).

7.402 Preservation of Existing Trees

The City Planner is authorized to reduce the minimum landscaping requirements of Sec. [7.200](#) to 7.5% in accordance with the following tree preservation and credit provisions:

7.402.A Existing trees are given credit against minimum landscaping requirements, as follows:

1. For preservation of existing trees with a diameter at breast height of 12 inches or more, each diameter inch of preserved tree may be credited as 20 square feet of landscaped development.
2. For preservation of existing trees with a diameter at breast height of more than 3 inches but less than 12 inches, each diameter inch of preserved tree may be credited as 10 square feet of landscaped development.
3. Trees with a diameter at breast height of 3 inches or less may be counted towards satisfying tree planting requirements but are not given additional credit towards satisfying landscaped development requirements.

7.402.B The tree preservation credits of this section are in addition to the planting area in which the tree is contained, provided that:

1. No tree may be given credit unless it is in a planting area whose least dimension is the radius of the crown spread of the tree measured from the trunk center, unless a landscape architect or arborist certifies in writing that the proposed planting area is sufficient to ensure the tree's long-term health.
2. Any tree credits given must be revoked and disallowed if, during development and construction, the owner, contractor or any of their agents or employees, place solvent, materials, construction machinery, or temporary soil deposits within 6 feet, or the radius of the subject tree's crown spread, whichever is greater.

7.403 Landscaping in Lieu of Off-Street Parking

7.403.A The City Planner is authorized to reduce minimum off-street parking requirements by up to 10% or 1 space, whichever is greater, in order to accommodate minimum parking lot landscaping requirements.

7.403.B The City Planner is also authorized to reduce minimum off-street parking requirements by up to 10% or 1 space, whichever is greater, for developments that exceed minimum landscaping requirements, provided that at least one additional 3-inch caliper tree is provided for every parking space eliminated.

7.500 Buffers

7.501 Purpose

Buffers are intended to mitigate the possible adverse effects (e.g., noise, lighting, and other site-related and operational impacts) that can occur when higher intensity development occurs abutting low-density, detached house residential areas.

7.502 Applicability

7.502.A Buffers are required when any nonresidential development occurs on parcels that abut NC development districts or lots occupied by detached houses.

7.502.B Buffers are required when any apartment/condo or group living use is developed on lots that abut an NC district or a lot occupied by detached houses.

7.502.C The buffer requirements of this section are triggered when new development occurs or when existing uses or buildings are expanded by more than 10% of their existing gross floor area.

7.503 Standards

7.503.A Location

Buffers must be provided along the entire property line that abuts the NC district or lot occupied by a detached house. Buffers may not be located on any existing, dedicated, or reserved public or private street or right-of-way.

7.503.B Options

Either of the following options may be used to satisfy the buffer requirements of this section:

1. Landscape Buffer

Provide a landscape development area at least 8 feet in width with at least 3 evergreen shrubs per 10 linear feet of buffer area, plus at least one tree per 30 linear feet of buffer area. Required shrubs must be at least 18 inches in height upon planting and at least 4 feet in height at maturity. Required trees must be at least 10 feet in height at maturity.

2. Fence or Wall

Provide a 6-foot solid wall or fence along the property line and at least one tree per 30 linear feet of fence or wall. Required trees and landscaping must be placed inside the fence or wall.

7.504 Use of Buffers

7.504.A Required buffers may be used for nonmotorized trails and passive recreation uses, provided that:

1. No plant material is eliminated
2. The total width of the buffer is maintained.

3. All other regulations of the Code are met.

7.504.B With written permission of the City, a required buffer may include a stormwater detention area.

7.504.C Buffers may not be used for any of the following: playfields, stables, swimming pools, tennis courts, or similar active recreation uses.

7.600 Garbage and Recycling Dumpsters

Garbage and recycling dumpsters must be placed on concrete pads and be screened from view of streets and all abutting parcels with a solid fence or wall at least 6 feet in height. Dumpster locations and designs must comply with all applicable Solid Waste Services Division requirements and be indicated on required site plans.

7.700 Landscape Planting Areas and Maintenance Requirements

The planting area and maintenance requirements of this section apply to all required buffers and landscape areas.

7.701 Required trees must be located in a planting area sufficient for growth, maintenance and irrigation.

7.702 All trees within or near parking areas and driveways must be protected from damage by vehicles by a curb, wheel stop or other City-approved barrier.

7.703 Required landscaping must be irrigated by an irrigation or sprinkler system or be located within 150 feet of a hose connection.

7.704 The developer must maintain and protect landscaped areas and must replace any diseased, dying or dead landscaping within 45 days after receiving notification from the City. Extensions of this replacement period may be allowed based upon seasonal considerations. Replacement plantings must equal or exceed the size and quality of plantings being replaced.

7.800 Trees in Public Rights-of-way

A person commits an offense if he removes or destroys a tree in the street right-of-way or in any public place without first obtaining a permit from the City Manager.

Article 8 Signs

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8.100 General

8.101 Purpose

The sign regulations of this article seek to balance the public interest in promoting a safe, well-maintained, and attractive City with the interests of businesses, organizations, and individuals who rely on signs as a means to identify and advertise products, services, and ideas. The regulations have the following specific objectives:

- 8.101.A To encourage the effective use of signs as a means of identification and communication for businesses, organizations and individuals in the City;
- 8.101.B To provide a means of way-finding in the community, thus reducing traffic confusion and congestion;
- 8.101.C To ensure maintenance of signs;
- 8.101.D To prohibit signs of such excessive size and number that they obscure one another to the detriment of the economic and social well-being of the City;
- 8.101.E To protect the safety and welfare of the public by minimizing sign-related hazards to pedestrian and vehicular traffic;
- 8.101.F To promote the reasonable, orderly and effective display of signs by minimizing visual clutter; and
- 8.101.G To minimize the possible adverse effects of signs on nearby public and private property, in particular on residential uses and districts.

8.102 Scope and Applicability

All signs are subject to the regulations of this article and all other provisions of this Development Code unless otherwise expressly stated. It is unlawful for any person to construct, maintain, display or alter or cause to be constructed, maintained, displayed or altered, any sign within the City, except in conformance with this Development Code.

8.103 Substitution of Messages

The sign regulations of this article are not intended to favor commercial speech over constitutionally protected political or noncommercial speech. Any sign allowed under this article may contain, in lieu of any other message or copy, any lawful noncommercial message as long as the sign complies with all regulations governing sign size, height and location and with all other applicable requirements of this Development Code.

8.104 Compliance with Other Codes and Regulations

In addition to the sign regulations of this article, all signs must comply with the building code and all other applicable regulations.

8.200 Prohibited Signs

The following signs and sign characteristics are prohibited except as otherwise expressly stated:

- 8.201 Signs for which no required permit has been issued;
- 8.202 Signs that obstruct any fire escape, required exit, window or door opening used as a means of egress;
- 8.203 Signs that interfere with an opening required for ventilation;
- 8.204 Signs that obstruct, impair, obscure, interfere with the view of, or that may be confused with, any authorized traffic control sign, signal, or device;
- 8.205 Signs that violate the intersection sight visibility regulations of [§10.407.D](#);
- 8.206 Signs located in, or that project into, the right-of-way or planned right-of-way of a public street, except as expressly allowed by Sec. [8.400](#) (this prohibition does not apply to public safety (e.g., "stop," "yield," "school zone") signs placed by or by order of an authorized governmental agency);
- 8.207 Strobe lights; beacons; flashing, moving, blinking, or chasing lights; or other effects that create the appearance of movement or shape changes;
- 8.208 Signs affixed by any means to a tree, utility pole or traffic control device;
- 8.209 Sign displays with a brightness of such intensity or brilliance that they impair the vision or endanger the safety and welfare of any pedestrian, cyclist, or person operating a motor vehicle;
- 8.210 Signs attached to or painted on an inoperable or unlicensed vehicle (motorized or non-motorized) visible from the right-of-way;
- 8.211 Signs attached to or painted on a licensed motor vehicle if the sign: (1) directs attention to a business, service, commodity, or activity offered or sold on the premises and (2) if the vehicle is parked closer to the street than the nearest building wall (does not apply to vehicles parked for the purpose of immediate loading and unloading);
- 8.212 Roof signs; and
- 8.213 Portable signs, whether existing or new.

8.300 Exempt Signs

The following signs are exempt signs, which means that they are not counted as signs for purposes of determining the number of signs or amount of signage on a lot. These exempt signs do not require a

sign permit unless they are illuminated, in which case they do require a sign permit and review for compliance with applicable codes.

8.301 Directional Signs

8.301.A One directional sign may be installed at each vehicle entrance and exit. Such signs may be illuminated, but they may not exceed 4 square feet in area or 5 feet in height. Commercial messages may not comprise more than 50% of the area of a directional sign.

8.301.B Off-street parking areas with a capacity of more than 4 vehicles may display signs that do not exceed 12 square feet in area or 10 feet in height. Such signs are allowed for the purposes of informing patrons and visitors about parking rates and rules, the location of stairways and elevators, pedestrian routes, restrooms, and other on-site facilities. Such signs may not be illuminated and may not contain any commercial message.

8.302 Menu Board Signs

Menu board signs that are accessory to allowed drive-through uses are permitted in addition to other allowed signs, as follows:

8.302.A Number and Dimensions

One primary menu board not to exceed 36 square feet in area or 8 feet in height is allowed per order station up to a maximum of 2 primary menu boards. One secondary menu board not to exceed 15 square feet in area or 6 feet in height is allowed.

8.302.B Residential Separation

Menu board signs must be set back at least 50 feet from NC districts.

8.302.C Visibility

Menu board signs are intended to convey information to motorists within the boundaries of the development and therefore may not be located or oriented to be visible from off site.

8.303 Newspaper Vending Boxes

Vending boxes offering newspapers, brochures or other printed material (whether for sale or free) are not regulated as signs. Such boxes may be placed on sidewalks, provided they do not impede motorized or nonmotorized traffic.

8.304 Temporary Signs

8.304.A Real Estate Signs

One "For Sale," "For Rent" or similar real estate sign is allowed per street frontage. Such signs are limited to a maximum of 32 square feet in area and 16 feet in height except in NC districts, where they are limited to 8 square feet in area and 8 feet in height.

8.304.B Construction Signs

Up to 3 construction signs are allowed per street frontage during the time that construction or development activity is occurring on the subject lot. Such signs may not exceed 32 square feet in area or 16 feet

in height. Construction signs must be removed within 2 weeks of completion of the construction or development.

8.304.C Campaign Signs

Temporary campaign signs are allowed only on private property and only with the consent of the subject property owner. In NC districts campaign signs may not exceed 8 square feet in area.

8.304.D Nameplates

Nameplates attached to the wall of a building are exempt signs, provided they do not exceed 4 square feet in area.

8.304.E Window Signs

Window signs are exempt signs, provided they do not cover more than 50% of the area of the window to which they are affixed.

8.305 Other Exempt Signs

The following additional signs are exempt signs:

8.305.A Signs established by, or by order or authorization of, any governmental agency;

8.305.B Flags, emblems or insignia of any nation or political subdivision;

8.305.C Commemorative wall plaques and memorial wall signs;

8.305.D Signs that are not legible from any public right-of-way or from beyond the boundaries of the lot or parcel;

8.305.E Signs within completely enclosed buildings and that are located more than 12 inches from any window;

8.305.F Holiday displays containing no commercial message;

8.305.G Labels and notices on accessory equipment or structures, provided the label or notice does not exceed 15 square inches in area;

8.305.H Address and street number signs;

8.305.I Signs within a stadium or ball field designed to be viewed solely by spectators within facility;

8.305.J "No trespassing," "no dumping" and similar warning/security signs that do not to exceed 8 square feet in area; and

8.305.K Non-illuminated awnings with no more than 6 square feet of sign (copy) area on the border of the awning.

8.400 Signs in the Right-of-Way

8.401 General Prohibition

With the exception of signs lawfully permitted or erected before June 16, 1981 or as otherwise expressly stated in this article, signs are prohibited on a public street, public sidewalk, public right-of-way, public curb or other public property without the express consent of the City Council.

8.402 Temporary Signs in the Public Right-of-Way

The City Planner is authorized to allow the placement of temporary signs in public rights-of-way when all of the conditions of this subsection are met.

8.402.A Permit Required

Any person or entity desiring to place a temporary sign in the public right-of-way must obtain a permit to do so from the City Planner.

8.402.B Size, Type and Number

1. A temporary sign placed in the public right-of-way must be freestanding and may not exceed 6 square feet in area.
2. No more than 2 signs may be permitted per intersection, and no more than one sign is allowed per block.
3. A maximum of 50 signs may be located within the right-of-way within the City limits at any one time.

8.402.C Duration and Location

1. A temporary sign may be placed in the right-of-way for a period of up to 21 days with a limit of 2 permits per year (per individual or organization) with a minimum of 45 days between permit periods. Removal of the temporary signs must be accomplished by the responsible person, as noted on the permit, before the 22nd day from the date the permit was issued.
2. Temporary signs are not allowed on IH-45 or State Highway 19 rights of way.

8.403 Removal of Signs in the Public Right-of-Way

The City Council authorizes the seizure and removal of any unlawful sign found within a public right-of-way. The Building Official, street department employees, and police department employees are authorized to impound any unlawful signs found on a public right-of-way and to store them for up to 30 days, except that any developer, political, real estate, garage sale or other similar stake-type signs constructed of cloth, wood, paper or similar lightweight materials may be disposed of immediately.

8.500 On-Premise Signs

8.501 Applicability

The regulations of this section govern non-exempt on-premise signs directing attention to a business, commodity service, or entertainment conducted, sold, or offered upon the premises where such sign is located or to which it is affixed.

8.502 NC Development Districts and Residential Uses in All Districts

8.502.A Applicability

The regulations of this subsection apply to on-premise signs accessory to residential uses in all development districts and to all nonresidential uses in NC districts. These are in addition to any exempt signs allowed pursuant to Sec. [8.300](#).

8.502.B Development, Neighborhood and Subdivision Identification Signs

1. Residential developments, neighborhoods and subdivisions, including manufactured housing parks, are allowed a single freestanding sign at each street entrance to the development, neighborhood or subdivision.
2. Residential development, neighborhood and subdivision identification signs must be monument signs. They may not exceed 32 square feet in area or 0.20 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area. The maximum sign area calculation must be based on the street frontage to which the sign is oriented.

8.502.C Nonresidential Uses

The following regulations apply to all principal nonresidential uses in NC districts.

1. Wall Signs

Nonresidential uses in NC districts are allowed a maximum of one wall sign per public building entrance. Such signs may not exceed 32 square feet in area.

2. Freestanding Signs

Nonresidential uses in NC districts are allowed a maximum of one freestanding sign per street frontage. Allowed freestanding signs are subject to a maximum height limit of 20 feet and may not exceed 32 square feet in area or 0.20 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area. The maximum sign area calculation must be based on the street frontage to which the sign is oriented.

8.503 Signs in D, M and PD Districts

8.503.A Applicability

The regulations of this subsection apply to on-premise signs accessory to nonresidential uses in all D, M and PD districts. These are in addition to any exempt signs allowed pursuant to Sec. [8.300](#).

8.503.B Historic Preservation Commission Review in Downtown District

All signs constructed in the Downtown (D) district must be presented to the historic preservation commission for review and approval. No sign permit may be issued until the historic preservation commission has approved the sign.

8.503.C Signs Allowed

1. Wall Signs

Wall signs are allowed in all D, M and PD districts. Wall signs may not exceed an aggregate area of more than 3 square feet per linear foot of building wall to which they are attached. Wall signs are not counted against a lot's allowed sign budget, pursuant to [§8.503.D](#).

2. Projecting Signs

- (a) Projecting signs are allowed in all D, M and PD districts. Projecting signs are counted against a lot's allowed sign budget, pursuant to §8.503.D.
- (b) Projecting signs may not exceed 20 feet in height or the height of the principal building on the lot, whichever is less.

3. Freestanding Signs

- (a) Freestanding signs are allowed in all D, M and PD districts. Freestanding signs are counted against a lot's allowed sign budget, pursuant to §8.503.D.
- (b) Freestanding signs may not exceed 20 feet in height except that the maximum height of a freestanding sign within 500 feet of Interstate 45 is 42.5 feet and the maximum height of a freestanding sign within 100 feet of Highway 19 is 30 feet.
- (c) Freestanding signs on lots with frontage on Veterans Memorial Parkway must be monument-style signs that have their sign base directly on the ground or no more than 12 inches above the ground directly beneath the sign.
 - (1) Required monument signs must be constructed of brick, wood, stone, or metal and have a base that is at least 80% of the width of the top of the sign structure.
 - (2) Required monument signs may not exceed 6 feet in overall height above grade, as measured from the base of the sign.
 - (3) The ground area surrounding the base of all required monument signs must be landscaped. The landscape area must be at least as large as the sign area and include shrubs, perennial and/or annual flowers, ornamental grasses, and/or vegetative ground cover.

8.503.D Sign Budget

1. Applicability

The sign budget provisions of this subsection govern the maximum aggregate number and combined area of all projecting and freestanding signs allowed on a lot in D, M and PD districts, except as otherwise expressly stated.

2. Maximum Number

The maximum aggregate number of all projecting and freestanding signs on a lot may not exceed 1 per 100 feet of street frontage or fraction thereof.

3. Maximum Area

- (a) The maximum aggregate sign area of all projecting and freestanding signs allowed on a lot may not exceed 2 square

feet per linear feet of street frontage. A freestanding sign on a lot occupied by a shopping center or office building with 3 or more tenants is allowed a maximum sign area of 3 square feet per linear feet of street frontage if there is only one freestanding sign on the subject lot.

- (b) In addition to the maximum aggregate sign area limits, no individual projecting or freestanding sign may exceed 300 square feet in area.

8.600 Dynamic Displays

The regulations of this section apply to dynamic displays on all signs.

8.601 Where Allowed

Dynamic displays are prohibited in D and NC districts. They are allowed in other development districts, subject to the dynamic display regulations of this section.

8.602 Maximum Dynamic Display Area

The dynamic display portion of any sign may not exceed 75 square feet or the total allowed area of the subject sign, whichever is less, except that the maximum dynamic display area for signs located within 150' of Interstate 45 is 150 square feet. Only one contiguous dynamic display is allowed on a sign face.

8.603 Orientation

Dynamic displays must be oriented away from NC districts and residential uses.

8.604 General Regulations

The general regulations of this subsection (Sec. [8.604](#)) apply to all dynamic displays.

8.604.A Dynamic displays must be equipped with a default mechanism that freezes the display in one position or presents a static or blank display if a malfunction occurs.

8.604.B Dynamic displays may not have a brightness of such intensity or brilliance that they impair the vision or endanger the safety and welfare of any pedestrian, cyclist, or person operating a motor vehicle.

8.604.C Dynamic displays must be equipped with a light detector/photocell that automatically adjusts the display's brightness according to natural ambient light conditions or that can be adjusted to comply with the requirements of Sec. 8.604.D.

8.604.D The maximum brightness level of a dynamic display shall be measured with an illuminance meter set to measure footcandles accurate to at least two decimals. Illuminance shall be measured with the dynamic display off, and again with the sign displaying a white image for a full color-capable sign, or a solid message for a single-color sign. All measurements shall be taken perpendicular to the face of the sign at the distance as calculated using the following formula:

$$\text{Measurement Distance} = \sqrt{\text{Area of Sign Sq. Ft.} \times 100}$$

The difference between the off and solid-message measurements using the calculated measuring criteria shall not exceed 0.3 footcandles.

1. If the measurement is more than the maximum allowed, the brightness level is in violation of this Development Code and must be adjusted downward. Failure to make such adjustments may result in other available enforcement actions to be taken by the City.

8.604.E Regulations governing dynamic displays are subject to ongoing monitoring and future modification in the exercise of the City's police powers. No vested right is ever created in an existing dynamic display. If regulations governing operational aspects of dynamic displays (e.g., dwell time, transitions, illumination/brightness, etc.) are modified by the City, sign owners and operators are required to bring dynamic display advertising signs into compliance with all applicable dynamic display regulations.

8.604.F Light trespass or spillover from any dynamic display may not cause the light level along any NC district property line, as measured at a height of 60 inches above grade in a plane at any angle of inclination, to exceed 0.1 footcandles above ambient light levels at the subject property line.

8.700 Off-Premise Signs

Off-premise signs may not be installed or enlarged after the effective date specified in Sec. [1.300](#) at any location in the City of Huntsville and Extraterritorial Jurisdiction (ETJ) of the City. Off-premise signs lawfully established before the effective date specified in Sec. [1.300](#) are deemed nonconforming signs and may continue to exist in their current location in accordance with the regulations of [§8.900](#).

8.800 Administration and Enforcement

8.801 Sign Permits

8.801.A All freestanding signs and illuminated signs require review, approval and issuance of a sign permit, unless otherwise expressly stated.

8.801.B Any person proposing to erect any sign requiring a sign permit must submit a sign permit application to the City Planner. Application for such permit must be accompanied by detailed plans, including scaled drawings of the proposed sign, a site plan and other information

deemed necessary by the City Planner to determine compliance with applicable regulations.

8.801.C Sign permit fees must be paid prior to the issuance of a sign permit.

8.801.D If the work associated with a sign permit has not been completed within one year of the date of the issuance of the permit, such permit will lapse and become null and void.

8.802 Enforcement

The enforcement provisions of [Article 14](#) apply to signs.

8.900 Nonconforming Signs

8.901 A nonconforming sign is a sign that was lawfully established but no longer complies with the sign regulations of this Development Code. Any nonconforming sign in lawful existence on the effective date specified in Sec. [1.300](#) or any sign that becomes nonconforming upon adoption of any amendment to this Development Code may be continued in accordance with the regulations of this article unless otherwise expressly stated. Such nonconforming signs must be maintained in good repair and visual appearance.

8.902 A nonconforming sign and any sign structure must be removed or otherwise modified to comply with the sign regulations of this article if it is damaged or destroyed and the extent of damage or destruction is more than 60% of the cost of erecting a new equivalent sign in the same location, as evidenced by a certified cost estimate from a bona fide sign company.

8.1000 Sign Maintenance, Abandonment and Removal

8.1001 Sign Maintenance

All signs (including nonconforming signs) must be maintained in safe, presentable, and good structural material condition at all times, including the replacement of defective parts, painting, repainting, cleaning, and other acts required for sound maintenance and appearance of the sign. Any sign that is deemed by the City to be in violation of these maintenance provisions or other applicable regulations of this ordinance may be ordered to be removed by the property/sign owner after notice has been given.

8.1002 Obsolete or Abandoned Signs

In conformance with Section 216.003(e) of the *Texas Local Government Code*, signs and sign structures must be removed within one year of the date the business, person, or activity that the sign or sign structure identifies or advertises ceases to operate on the premises on which the sign or sign structure is located. If the premises containing the sign or sign structure is leased, removal is required within 2 years of the date the most recent tenant ceases to operate on the premises.

8.1002.A

8.1003 Responsibility for Removal

When removal of a sign is required, both the owner of the property on which the sign is located and the owner of the sign, if different, are jointly and severally responsible for removal.

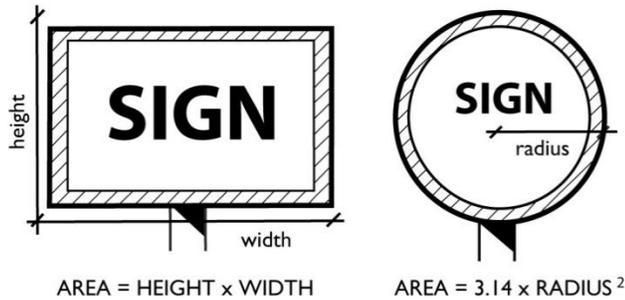
8.1100 Measurements

8.1101 Sign Area

8.1101.A Signs Enclosed in Frames or Cabinets

The area of a sign enclosed in a frame or cabinet is determined based on the outer dimensions of the frame or cabinet surrounding the sign face (see [Figure 8-1](#)).

Figure 8-1: Sign Area Measurement (Signs in Cabinets or Frames)



8.1101.B Channel (individual) Letter Signs

1. The area of a sign comprised of individual letters or elements attached to a building wall is determined by calculating the area of the smallest geometric figure (e.g. square, rectangle, circle, polygon, etc.) that can be drawn around the letters and/or elements (see [Figure 8-2](#)).
2. Signs consisting of individual letters and/or elements will be measured as one sign when the distance between the letters and/or elements is less than the largest dimension of the largest sign letter (see [Figure 8-3](#)).

Figure 8-2: Sign Area Measurement (Individual Letter Signs)

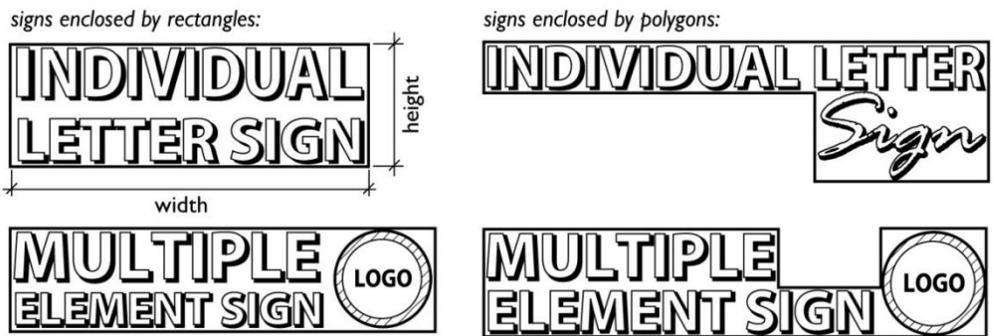
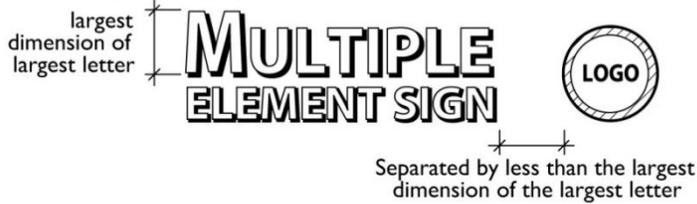
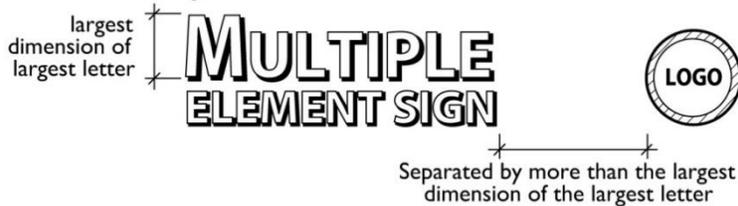


Figure 8-3: Sign Area Measurement (Single vs. Multiple Signs)

maximum separation of sign elements to be considered one sign:



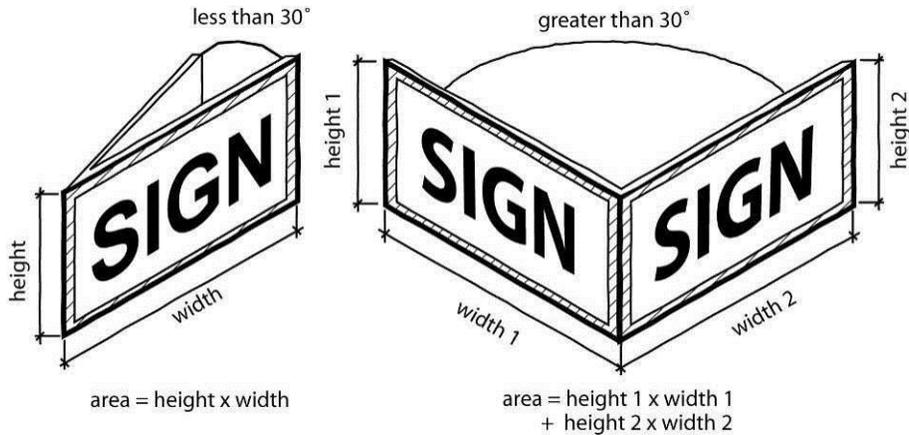
not considered one sign:



8.1101.C Multi-Sided Signs

Unless otherwise expressly stated, when the sign faces of a multi-sided sign are parallel or within 30 degrees of parallel, only one side is counted for those purpose of determining the area and number of signs. If the sign faces are not parallel or within 30 degrees of parallel, all sign faces are counted (see [Figure 8-4](#)).

Figure 8-4: Multi-Sided Signs



8.1102 Sign Height

Sign height is measured from the average ground elevation beneath the sign to the highest point of the sign face.

8.1103 Setback, Spacing and Separation Distances

8.1103.A Required setback, spacing and separation distances between signs must be measured in a straight line from the nearest points on the respective sign structures.

8.1103.B Required separation distances between signs and development districts, areas or lots must be measured in a straight line from the nearest point on the sign structure to the nearest point of the subject district, area or lot.

Article 9 Flood Protection

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9.100 General

9.101 Statutory Authority

The Legislature of the State of Texas has, in the Flood Control Insurance Act, Texas Water Code, Section 16.315, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses.

9.102 Purpose

The flood protection regulations of this article are adopted to protect the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

9.102.A Protect human life and health;

9.102.B Minimize expenditure of public money for costly flood control projects;

9.102.C Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

9.102.D Minimize prolonged business interruptions;

9.102.E Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

9.102.F Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and

9.102.G Ensure that potential buyers are notified that property is in a flood area.

9.103 Warning and Disclaimer of Liability

The degree of flood protection required by the flood protection regulations of this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This Development Code does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Development Code does not create liability on the part of the City or

any official or employee of the City for any flood damages that result from reliance on these regulations of any administrative decision lawfully made pursuant to these regulations.

9.104 Floodplain Administrator

9.104.A Designation

The City Council appoints the City Engineer as the floodplain administrator to administer and implement the provisions of this article and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) on floodplain management.

9.104.B Duties and Responsibilities of the Floodplain Administrator

The duties and responsibilities of the floodplain administrator include, but are not limited to, the following:

1. Maintaining and holding open for public inspection all records concerning the provisions of this section;
2. Reviewing permit applications to determine whether proposed building sites, including the placement of manufactured homes, will be reasonably safe from flooding;
3. Reviewing, approving or denying all applications for development permits required by adoption of this section;
4. Reviewing permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required;
5. Determining the flood hazard boundary line where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears a conflict between a mapped boundary and actual field conditions). In such cases the floodplain administrator will make the necessary interpretation;
6. Notifying, in riverine situations, adjacent communities and the State Coordinating Agency which is the Texas Water Development Board (TWDB), before any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA;
7. Assuring that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained;
8. Obtaining, reviewing and using any base flood elevation data and floodway data available from a federal, state or other source, to administer the provisions of the section when base flood elevation data has not been provided according to Sec. [9.200](#) and
9. Prohibiting new construction, substantial improvements, or other development (including fill) within Zones A1-30 and AE on the City's

FIRM, when a regulatory floodway has not been designated, unless the developer shows that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than 1 foot at any point within the community.

9.200 Special Flood Hazard Areas

Special flood hazard areas are subject to inundation by the base flood (1-percent-annual-chance, previously known as 100-year flood) in the City as identified in a scientific and engineering report entitled, "The Flood Insurance Study for the Walker County and Incorporated Areas" date effective August 16, 2011 and any revisions thereto issued with accompanying Flood Insurance Rate Maps by the Department of Homeland Security's Federal Emergency Management Agency (FEMA).

- 9.201 The Base Flood Elevation (BFE) is the elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1% chance of equaling or exceeding that level in any given year, also referred to as the "base flood."
- 9.202 The City Council adopts the Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) dated August 16, 2011 issued for the City by FEMA effective August 16, 2011 and any revisions thereto. The City Engineer is responsible for maintaining copies of the FIS and FIRM.
- 9.203 A person commits an offense if the person makes any change to improved or unimproved real estate (including but not limited to buildings, structures, dredging, filling, grading, paving or excavation) within the floodplain without a development permit from the City.
- 9.204 If a developer proposes to develop land located in an area not surveyed for Flood Hazard according to the FIRM, then the developer must employ an engineer to determine the flood hazard for the proposed development.

9.300 General Standards for Flood Hazard Reduction

The following provisions apply to all new construction and substantial improvements in special flood hazard areas:

- 9.301 All new construction or substantial improvements must be designed (or modified) to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- 9.302 All new construction and substantial improvements must be constructed using methods and practices that minimize flood damage.
- 9.303 All new construction and substantial improvements must be constructed with materials and equipment resistant to flood damage.
- 9.304 Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities must be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

- 9.305 All new and replacement water supply systems must be designed to minimize or eliminate infiltration of floodwaters into the system.
- 9.306 New and replacement sanitary sewage systems must be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
- 9.307 New or replacement on-site waste disposal systems must be located and designed to avoid impairment to them or contamination from them during flooding.

9.400 **Specific Standards**

The following provisions apply in all areas of special flood hazard where base flood elevation data has been provided as set forth in Sec. [9.201](#); [§9.104.B9](#); and Sec. [9.604](#).

9.401 **Residential Construction**

A registered professional engineer, architect or land surveyor must submit to the City Engineer a signed certification, using the latest edition of the elevation certificate form published by FEMA, that new construction and substantial improvement of any residential structure will have the lowest floor (including basement) elevated to at least 2 feet above the base flood elevation before the City Engineer or Building Official issues a permit for construction or improvement.

9.402 **Nonresidential Construction**

9.402.A **Minimum Building Elevation**

New construction and substantial improvements of any commercial, industrial or other nonresidential structure must either have the lowest floor (including basement) elevated to at least 2 feet above the base flood level or, with attendant utility and sanitary facilities, be designed so that all portions of the structure below a point 2 feet above the base flood elevation are watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

9.402.B **Certification Required**

1. An architect or registered professional engineer must develop and/or review structural design, specifications, and plans for the construction, and must certify that the design and methods of construction are in accordance with accepted standards of practice, as outlined in these regulations. A record of such certification, which includes the specific elevation (in relation to vertical datum used in the Flood Insurance Rate Maps) to which such structures are floodproofed, must be maintained by the City as part of the permanent development permit file.
2. Submittal of the latest edition of the elevation certificate form published by FEMA is also required. This certificate must be duly certified by a registered professional engineer, architect or registered land surveyor.

9.403 Enclosures

New construction and substantial improvements, with fully enclosed areas below the lowest floor that are subject to flooding, must be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by an architect or registered professional engineer or meet or exceed the following minimum criteria:

9.403.A A minimum of 2 openings having a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding must be provided;

9.403.B The bottom of all openings must be no higher than one foot above grade; and

9.403.C Openings may be equipped with screens, louvers, valves, or other coverings or devices if they allow the automatic entry and exit of floodwaters.

9.404 Manufactured Homes

9.404.A All manufactured homes to be placed within Zone A on the Flood Hazard Boundary Map (FHBM) or FIRM, must be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. The floor elevation of the manufactured home must be at least 2 feet above the base flood elevation. Submittal of the latest edition of the elevation certificate form published by FEMA is also required. This certificate must be duly certified by a registered professional engineer, architect or registered land surveyor.

9.404.B Methods of anchoring may include use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

9.404.C All manufactured homes to be placed or substantially improved within Zones A1-30, AH, and AE on the City's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to at least 2 feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

9.404.D Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the City's FIRM that are not subject to the provisions of Sec. [9.600](#) must be elevated so that either:

1. The lowest floor of the manufactured home is at least 2 feet above base flood elevation; or
2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

9.500 Recreational Vehicles

Recreational vehicles placed on sites within Zones A1-30, AH, and AE must either:

- 9.501.A Be on the site for less than 180 consecutive days and be fully licensed and ready for highway use, as evidenced being on its wheels or jacking system, being attached to the site only by quick disconnect type utilities and security devices, and having no permanently attached additions; or
- 9.501.B Comply with the elevation and anchoring requirements for manufactured homes as set forth Sec. 9.404 and obtain a permit from the floodplain administrator.

9.600 Subdivision Standards in Flood Hazard Areas

- 9.601 All subdivision proposals including mobile home/manufactured housing parks and subdivisions are subject to the flood protection regulations of this article.
- 9.602 The developer of subdivisions including manufactured home parks and subdivisions must obtain a floodplain development permit before final platting.
- 9.603 A developer must generate flood elevation data for subdivision proposals and other proposed development, including the placement of mobile home/manufactured housing parks and subdivisions greater than 50 lots or 5 acres.
- 9.604 All subdivision proposals including mobile home/manufactured housing parks and subdivisions must have adequate drainage provided to reduce exposure to flood hazards.
- 9.605 All subdivision proposals including mobile home/manufactured housing parks and subdivisions must have public utilities and facilities (sewer, gas, electrical and water systems) located and constructed to minimize or eliminate flood damage.

9.700 Areas of Shallow Flooding (AO/AH Zones)

Located within the areas of special flood hazard are areas designated as areas of shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may or may not be evident. Such flooding is characterized by ponding or sheet flow. The following regulations apply in such areas.

- 9.701 All new construction and substantial improvements of residential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the City's FIRM (at least 2 feet if no depth number is specified).
- 9.702 All new construction and substantial improvements of nonresidential structures:

9.702.A Must have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the City's FIRM (at least 2 feet if no depth number is specified), or;

9.702.B Together with attendant utility and sanitary facilities be designed so that all portions of such facilities below a point 2 feet above the base flood elevation are watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

9.703 A registered professional engineer or architect must submit to the City Engineer a certification that will become part of the permanent development permit file stating that the standards of this article are satisfied.

9.704 Within Zones AH or AO, the developer must provide adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

9.800 Floodways

Floodways are located within areas of special flood hazard established in Sec. [9.200](#). The floodway is an extremely hazardous area due to the velocity of flood waters that carry debris, potential projectiles and high erosion potential. The following regulations apply in such areas:

9.801 Encroachments are prohibited, including fill, new construction, substantial improvements and other development unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachments will not result in any increase in flood levels within the City during the occurrence of the base flood discharge.

9.802 Where Sec. [9.801](#) is satisfied, all new construction and substantial improvements must comply with all applicable flood hazard reduction provisions of Sec. [9.300](#) and Sec. [9.400](#).

9.900 Appeals

Decisions of the City Engineer may be appealed in accordance with Sec. [12.1000](#). The City Engineer must maintain a record of all actions involving an appeal and report to FEMA upon request.

9.1000 Variances

9.1001 Authorized

The Board of Adjustment is authorized to grant variances to the flood protection regulations of this article, subject to compliance with all applicable regulations of this section.

9.1002 Applicability

Variances may be issued for:

9.1002.A The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not

preclude the structure's continued designation as a historic structure and that the variance is the minimum relief necessary to preserve the historic character and design of the structure;

9.1002.B New construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below a point 2 feet above the base flood level. As the lot size increases beyond one-half acre, the justification required for issuing a variance to the flood protection regulations increases.

9.1003 Prohibited Variances

The Board of Adjustment may not issue a variance within any designated floodway if any increase in flood levels during the base flood discharge would result.

9.1004 Procedures

The variance procedures of Sec. [12.900](#) must be followed for flood protection variances.

9.1005 Variance Prerequisites

Prerequisites for granting variances are:

9.1005.A The Board of Adjustment may approve a variance only upon a determination that the variance is the minimum relief necessary, considering the flood hazard, to afford relief.

9.1005.B The Board of Adjustment may approve a variance only upon:

1. The applicant showing a good and sufficient cause;
2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, creating nuisances, causing fraud on or victimization of the public, or conflict with existing local laws or ordinances.

9.1005.C The Board of Adjustment must give any applicant to whom it grants a variance written notice that the structure will be permitted to be built with the lowest floor elevation below a point at least 2 feet above the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. This notice must be filed in the deed records affecting the property.

9.1005.D The Board of Adjustment may approve a variance for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use if the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

Article 10 Infrastructure and Public Improvements

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10.100 General

10.101 Purpose and Intent

The regulations of this article establish standards governing the development of property within the jurisdiction of the City of Huntsville. These standards are intended to:

- 10.101.A Provide for the protection of the public health, safety and welfare;
- 10.101.B Promote the orderly growth and development of the City and its extraterritorial jurisdiction; and
- 10.101.C Ensure the timely and coordinated provision of required transportation improvements, utilities and other facilities and services to new subdivisions and developments.

10.102 Standards, Specifications and Design Criteria

The City's *Standards, Specifications and Design Criteria* are hereby incorporated by reference as if fully set forth in this Development Code. All infrastructure and improvements constructed or modified must comply with applicable *Standards, Specifications and Design Criteria*.

10.200 Infrastructure and Improvements Required

10.201 Developers are responsible for the construction and installation of the following infrastructure and public improvements, in accordance with the standards of this Development Code.

- 10.201.A Survey monuments;
- 10.201.B Streets within the development and improvements to existing streets that border the development and that are required for safe and adequate access to the development;

- 10.201.C Sidewalks;
 - 10.201.D Water supply and wastewater systems;
 - 10.201.E Surface drainage and storm sewers;
 - 10.201.F Stormwater management facilities;
 - 10.201.G Utilities;
 - 10.201.H Traffic control signs and street signs;
 - 10.201.I Street lights; and
 - 10.201.J Any other on- or off-site infrastructure or public improvements required by this Development Code.
- 10.202 If a developer files a final plat for only a portion of the subdivision for which a preliminary plan was approved, the improvements required to be constructed, installed, and maintained in accordance with that final plat are those improvements that the Planning Commission deems necessary to serve the lots shown on the proposed final plat.
- 10.203 All improvements must be designed and installed to provide for a logical interconnected system of infrastructure and to create continuity of improvements for the development of adjacent properties.
- 10.204 During the course of installation and construction of required infrastructure and improvements, the City Engineer must make periodic inspections of the work to ensure that all improvements comply with all City requirements.
- 10.205 Upon completion of installation and construction of all required improvements, the development may seek acceptance of public improvements by the City by submitting the required number of record plans. In addition, the developer must provide a statement signed by a registered professional engineer that all required improvements have been installed and constructed in accordance with the submitted as-built plans.

10.300 Financial Guarantees

The City is authorized to require financial guarantees to ensure that developers install any improvements allowed to be temporarily deferred and to ensure that improvements are installed in a workmanlike manner, free from defects. Guarantees must be provided in a form approved by the City Attorney. The value of such financial guarantees must be based on an estimate of the actual cost to construct all required infrastructure and public improvements, as determined by the developer's engineer and approved by the City Engineer. Assurances may take the form of performance and payment bonds, cash deposits, certificates of deposit in the name of the City, irrevocable letters of credit or other forms approved by the City Attorney.

10.400 Streets

10.401 General Principles

Streets within developments must conform to the arrangement, width and location indicated on the transportation plan and the Comprehensive Plan. In addition, the street system must be laid out and designed with due regard for topography and drainage and to:

- 10.401.A Create an integrated system of lots, streets, and infrastructure that provides for efficient movement by all lawful modes of transportation, both within the development and to and from adjacent development;
- 10.401.B Provide for the efficient movement of through traffic by providing an interconnected network of streets in order to avoid isolation of development areas and over-reliance on major roads; and
- 10.401.C Be uncomplicated, so that emergency services, public services, and visitors can find their way to their intended destinations.

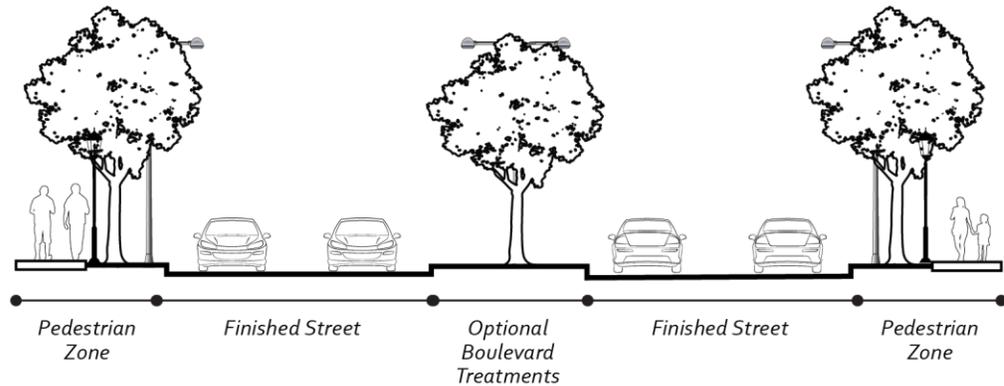
10.402 Rights-of-Way

- 10.402.A Streets must have a right-of-way width that will safely accommodate the transportation (vehicular, pedestrian and bicycle) improvements and street cross-sections needed to provide appropriate, safe and adequate access to the subject development, in accordance with the *City's Standards, Specifications and Design Criteria*.
- 10.402.B When a proposed development has frontage on an existing public street, right-of-way must be dedicated and improved to meet the requirements of this Development Code. For existing streets on which a proposed development has frontage, the applicant must:
 - 1. Dedicate a minimum of 50% of the required right-of-way width as measured from the centerline of the existing street right-of-way;
 - 2. Install all required sidewalks; and
 - 3. Provide a minimum of 50% of the pavement required in Sec. 11.603 and install it to the right-of-way centerline.
- 10.402.C Right-of-way dedication and street widening must extend for the full length of road frontage of the property under development and must conform to the standards of this Development Code.

10.403 Street Cross-sections

10.403.A General

Street cross-sections are comprised of the following 3 major components: (1) finished street; (2) pedestrian zone; and (3) optional boulevard treatment. Varying the design of these components allows for implementation of a context-sensitive street network and enables transportation designs that better relate to differences in environmental conditions and land use/development patterns.

Figure 10-1: Street Cross-Section Example

1. Finished Street

The finished street component of a street cross-section is the portion of the right-of-way made up of the paved street from curb to curb, or edge to edge where curb and gutter is not provided. The finished street includes the following elements:

- (a) Vehicle travel lanes;
- (b) On-street parking, where applicable;
- (c) Turn lanes, where necessary;
- (d) On-street bicycle facilities, where applicable; and
- (e) Finished street edge (e.g., curb/gutter, swale/ditch, shoulder)

2. Pedestrian Zone

The pedestrian zone component of a street cross-section is the portion of the right-of-way that primarily accommodates pedestrian movement and buffers pedestrians and adjacent land uses from moving vehicles on the finished street. The pedestrian zone includes the following elements:

- (a) Pedestrian or multi-use facility (e.g., sidewalk, trail or multi-use path), providing dedicated areas for pedestrian and nonmotorized travel along streets;
- (b) Amenity/buffer area (e.g., tree lawn, vegetated natural buffer, expanded sidewalk), providing separation of non-motorized users from moving vehicle lanes and providing a landscape or streetscape amenity; and
- (c) Off-street bicycle facilities (optional), providing dedicated or shared off-street bicycle facilities along bike routes in areas where on-street facilities would be inappropriate or impractical.

3. Boulevard Treatment

The boulevard treatment is an optional component of a street cross-section that includes a landscaped median as the focal point

of the street, and may include additional design elements such as frontage access lanes, buffer strips and parking.

10.403.B Design and Construction

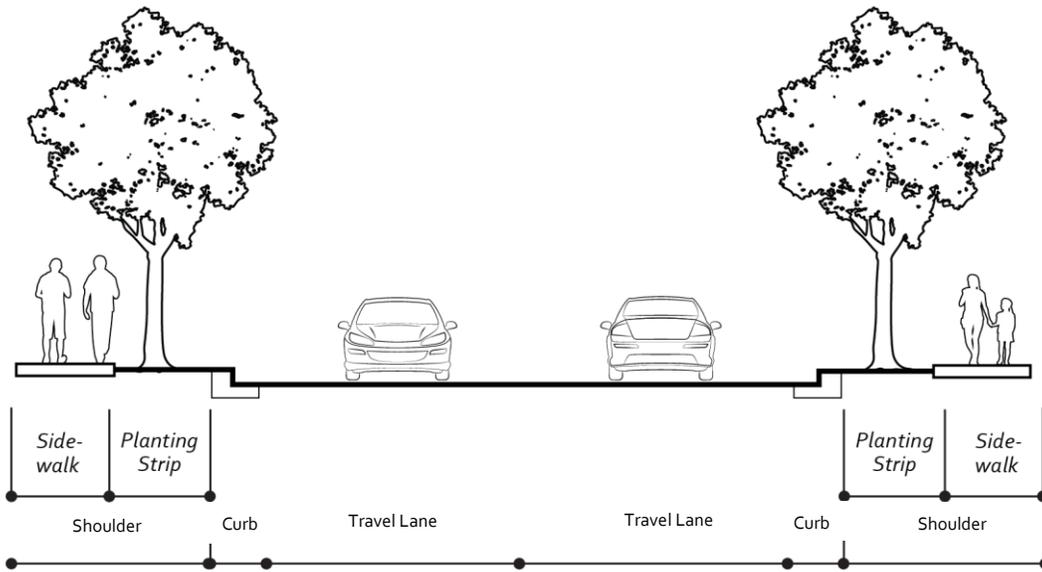
Streets must be designed and constructed in accordance with the regulations of [Table 10-1](#) and the City's *Standards, Specifications and Design Criteria*.

Table 10-1: Street Cross-Sections

Street Classification	Travel Lanes	Volume per Day	Minimum Right-of-Way Width (feet)	Minimum Pavement Width ^[1] (feet)
Arterial				
Primary, A-1	5	10,000+	120	90
Secondary, A-2	5	5,000+	90	61
Collector				
Standard, C-1	2	5,000 - 10,000	70	41
Local				
Local, L-1	2	>1,000	50	32
Low-Volume, L2	2	1,000	50	28

[1] Back of curb to back of curb or edge to edge. Reduced pavement widths may be approved by the City. IN such cases, increased driveway and intersection radii may be required by the City to accommodate large vehicle turning movements.

Figure 10-2: Typical Local Street Cross-Section



10.404 Connections to Abutting Property

10.404.A A network of interconnected streets is intended to:

1. Provide safe, convenient, and efficient means of access to lots;
2. Promote orderly development patterns;
3. Facilitate the effective and efficient provision of emergency and public services; and
4. Avoid degradation of traffic carrying capacity on the major street network.

- 10.404.B Streets in new developments must connect with public streets in adjacent subdivisions and provide for future extension of streets into adjacent areas that are likely to be developed in the future. Waivers to street connection requirements may be approved in accordance with Sec. [12.711](#) if topography, sensitive natural resources or other physical constraints make such connections undesirable or impractical.
- 10.404.C Streets proposed for future extension (“stub streets”) must be terminated with temporary turnarounds when the stub street extends 150 feet or more from the nearest intersecting street right-of-way or when more than one lot will have access solely from the stub street. Stub streets are subject to the maximum cul-de-sac length standard of Sec. [10.406](#). The Planning Commission is authorized to waive requirements for temporary turnarounds for nonresidential developments if they determine that adequate alternatives are available for vehicles to turn around.
- 10.404.D Temporary turnarounds must be constructed in accordance with the *City’s Standards, Specifications and Design Criteria*.
- 10.404.E The developer must post a sign at the terminus of all stub streets indicating that the stub street is intended to be opened to through traffic when the adjacent property is developed. The sign must state “FUTURE THROUGH STREET. TO BE CONNECTED WHEN ABUTTING PROPERTY DEVELOPS.” The City will provide specifications for required signs.

10.405 Blocks

- 10.405.A The length, width and shape of blocks must be suited for the planned use of the land, and need for convenient access, control and safety of street traffic and the limitations and opportunities relating to the terrain and natural environment.
- 10.405.B Blocks may not exceed 600 feet in length in residential subdivisions with a gross density of 4 or more dwelling units per acre. In nonresidential subdivisions and lower density residential subdivisions, blocks may not exceed 1,200 feet in length. The Planning Commission is authorized to allow longer block lengths if topography, sensitive natural resources or other physical constraints make shorter block lengths undesirable or impractical. In such cases, the Planning Commission is authorized to require the provision of emergency vehicle access routes, pedestrian connections (easements), crosswalks and other pedestrian access features that provide safe and adequate vehicle access and pedestrian connections to schools, playgrounds, shopping areas, transportation and other community facilities in the area.

10.406 Cul-de-Sacs

- 10.406.A Cul-de-sacs streets may not exceed 600 feet in length unless otherwise expressly approved by the Planning Commission. In no event may a cul-de-sac street be approved that exceeds 1,000 feet in length or that

serves more than 15 dwelling units. The length of a cul-de-sac street is measured from the center point of its turnaround, along the centerline of its right-of-way to the nearest edge of the right-of-way of the nearest intersecting street.

- 10.406.B** Turnarounds at the end of cul-de-sac streets must be constructed in accordance with the City's *Standards, Specifications and Design Criteria*.
- 10.406.C** If a cul-de-sac is longer than 600 feet, the Planning Commission is authorized to require the provision of a pedestrian access easement to provide safe and convenient pedestrian access between the terminus of the cul-de-sac and any adjacent areas. Such pedestrian access easements must have a minimum width of 12 feet.

10.407 Intersections

10.407.A General

Streets must intersect each other at right angles unless otherwise dictated by pedestrian and vehicle safety, topography or other factors of environmentally sensitive site design.

10.407.B Radii

Intersection radii must comply with the City's *Standards, Specifications and Design Criteria*, provided that the City Engineer is authorized to require a greater or reduced radius when anticipated traffic or roadway and intersection improvements warrant.

10.407.C Off-sets

Where it is necessary to stagger or offset street intersections, the streets must offset by at least 200 feet (centerline to centerline).

10.407.D Intersection Sight Triangles

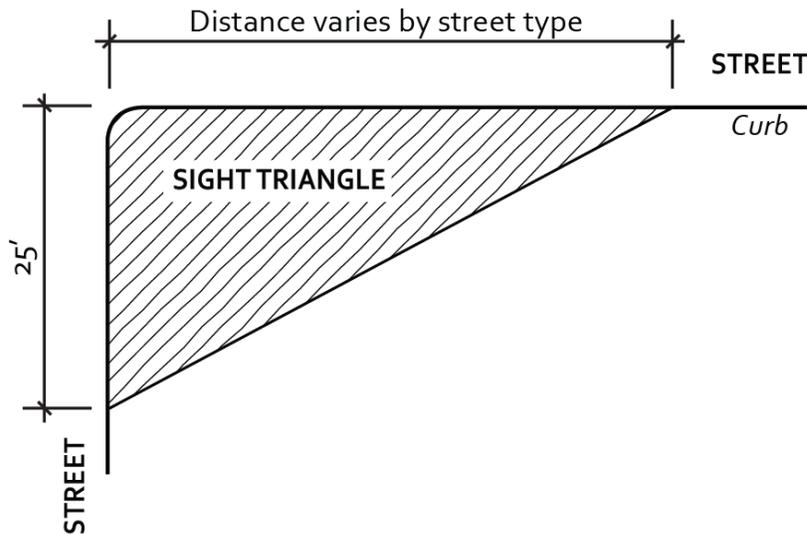
1. Sight triangles are required in order to help ensure an adequate area of clear vision for motorists at street intersections.
2. The triangular area shall be formed by a point on each street right-of-way line located the minimum required distance from the intersection of the street right-of-way lines and connected to the intersection point of the 25-foot setback lines (see [Figure 10-3](#)). The minimum required distance is based on street classification, as shown in [Table 10-2](#).

Table 10-2: Required Sight Triangle Distances

Street Type	Minimum Distance from Intersection of ROW Lines (feet)
Local	50
Collector	75
Arterial	100

3. On any portion of a lot that lies within the required sight triangle area, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height

Figure 10-3: Intersection Sight Triangle



of 3 feet and 8 feet above grade at the 2 street right-of-way lines.

10.408 Grades

Street grades must provide safe and convenient traffic conditions while avoiding excessive grading and unnecessary removal of ground cover and tree growth. Street grades must comply with the City's *Standards, Specifications and Design Criteria*.

10.409 Vertical Curvature

All changes in street grade must be connected by vertical curves and be designed for safe stopping sight distances and safe sight distance at the entrance to subdivisions, in accordance with the City's *Standards, Specifications and Design Criteria*. The City Engineer is authorized to require that applicants submit a sight distance analysis at the time of preliminary subdivision plat review.

10.410 Horizontal Curvature

The required centerline radius of horizontal curves must be based on engineering considerations of topography, length of street, number of curves and other factors, as determined by the City Engineer. Horizontal curves on arterial streets must be designed in accordance with the City's *Standards, Specifications and Design Criteria*.

10.411 Alleys

Alleys and service lanes are permitted within new developments. Alleys, whether public or private, must comply with the City's *Standards, Specifications and Design Criteria*. Dead-end alleys are prohibited.

10.412 Reserve Strips

Reserve strips that separate developed or undeveloped land from necessary access to streets are prohibited except when such access is controlled by the City.

10.413 Private Streets

10.413.A When Allowed

Private streets are allowed only when approved by the City in planned developments or recreational vehicle parks.

10.413.B Layout

Private streets must be designed to:

1. Provide adequate vehicular access to all buildings and facilities within the boundaries of the development;
2. Provide safe and adequate traffic circulation and access to all lots and buildings by emergency personnel and equipment; and
3. Provide direct access to the existing public street system outside the subject tract's boundaries.

10.413.C Access

1. Private street systems within a development must have at least one point of access to a public street adjacent to the development, provided that developments containing more than 150 dwelling units must have at least 2 points of access to adjacent public streets.
2. Private streets may provide access only to land within the subject development. Private streets may not be extended into adjacent tracts under a different ownership or a different property owners association.

10.413.D Intersections of Private and Public Streets

1. Private streets may not be direct (straight line) projections of any public street. Private streets must offset a minimum distance of 200 feet center-line to center-line from any public street intersection.
2. Intersections of all private streets with public streets must be at right angles or with acute angle variations not to exceed 15 degrees.
3. Right angle intersections of private streets must have a 20-foot radii for the pavement edge at all corners. Acute angle intersections must have 25-foot radii for the pavement edge at the acute corner on both public and private streets.
4. Developers are responsible for designing and constructing that portion of a private street within a public street right-of-way in accordance with the driveway standards of Sec. [6.1100](#).

10.413.E Design and Construction Standards

1. Design and Construction

Private streets are subject to the same geometric design and construction standards as public streets.

2. Pavement Width

The minimum unobstructed pavement width of any private street must be at least 28 feet.

3. Easement Width

Private streets must be located within access easements of sufficient width to accommodate the private streets and related construction and maintenance activities.

10.413.F Maintenance

Maintenance of private streets and private street signs is the sole responsibility of property owners within the development, in accordance with Sec. [10.1600](#).

10.500 Sidewalks

10.501 When Required

10.501.A Arterial and Collector Streets

Sidewalks are required to be installed by the owner of the subject property whenever development occurs on a lot with frontage on an arterial street or on a collector street.

10.501.B Local Streets

Sidewalks are required to be installed by the owner of the subject property whenever development occurs on a lot with frontage on a local street, provided that sidewalks are not required for construction of a detached house or two-unit house unless one or more of the adjacent properties have an existing sidewalk.

10.501.C Other Areas

The Planning Commission is authorized to require installation of sidewalks in other locations recommended by the City's adopted sidewalk master plan.

10.502 Location

10.502.A Required sidewalks must extend across the entire frontage of the subject lot, and along all frontages of corner or multi-frontage lots.

10.502.B Required sidewalks must be constructed within the street right-of-way or in an approved easement.

10.502.C Existing sidewalks may not be removed except for purposes of reconstruction or replacement.

10.503 Timing of Construction

Sidewalks must be constructed at the time of building permit and completed before a certificate of occupancy is issued. Developers must construct sidewalks in

common areas and throughout the subdivision as part of the required subdivision improvements.

10.504 Design

10.504.A Width

Sidewalks must have a minimum width of 5 feet. The City Engineer is authorized to allow exceptions to this minimum width requirement in cases where inadequate space or other factors prevent installation of a full-width sidewalk. The City Engineer is also authorized to establish the minimum width of shared use paths and trails depending on expected use and traffic volumes.

10.504.B Materials and Construction

Sidewalks and trails must be designed and constructed in compliance with the City's *Standards, Specifications and Design Criteria*, the Americans with Disabilities Act (ADA) and other applicable standards and specifications.

10.600 Water

10.601 City Water Service

10.601.A Except as otherwise expressly allowed under this section, developers are responsible for providing domestic water service from a public water system to properly serve each lot within a development and for ensuring that existing or new water system facilities meet required demand for domestic water use and fire protection at the required pressure.

10.601.B The water distribution system required under this section includes all pumping station facilities, elevated storage tanks, fire hydrants and other appurtenances required to adequately serve the area being developed.

10.601.C The required system improvements include the extension of (off-site) water mains to the development, the installation of water mains (including fire hydrants) to serve all lots within the development and the extension of water mains to the perimeter of the development (to allow for future system extensions into adjacent areas).

10.602 Alternative Water Supply

10.602.A The Planning Commission is authorized to allow the use of individual private wells or community water systems meeting the design requirements of the Texas Commission on Environmental Quality when the Planning Commission determines that connection to the City water system is not feasible.

10.602.B In approving alternative water supply systems, the Planning Commission is authorized to require the provision of permanent utility easements and temporary construction easements for the future extension City water system improvements.

10.603 Design and Construction

All water systems must be designed and constructed in accordance with the City's *Standards, Specifications and Design Criteria* and applicable design criteria of the Texas Commission on Environmental Quality (See [Title 30](#) of the *Texas Administrative Code*).

10.604 Irrigation Wells

Irrigation water supply wells are prohibited in the city limits.

10.700 Wastewater

10.701 City Wastewater Service

10.701.A Except as otherwise expressly allowed under this section, developers are responsible for providing City wastewater (sanitary sewer) service to properly serve each lot within a development and for ensuring that existing or new wastewater system facilities meet required demand for wastewater service.

10.701.B The wastewater collection system required under this section includes all lift stations, force mains and appurtenances required to adequately serve the area being developed.

10.701.C The required system improvements include the extension of (off-site) sewer mains to the development, the installation of sewer mains to serve all lots within the development and the extension of sewer mains to the perimeter of the development (to allow for future system extensions into adjacent areas).

10.702 Individual Service Connections

10.702.A The developer must install individual service connections ("taps") for each principal building in a development at the time of construction of required wastewater improvements. Buildings containing 2 or more dwelling units must have individual service connections for each dwelling unit, provided that buildings containing 3 or more dwelling units may provide a common connection system from the building.

10.702.B Each wastewater service connection may serve only one building; no sharing or common use of service connections is allowed by multiple buildings.

10.703 Alternative Facilities

10.703.A If the City wastewater system is not within a distance of 1,000 feet of the development, temporary alternative sewage treatment systems may be approved. Such systems must meet the design requirements of the Texas Commission on Environmental Quality.

10.703.B When temporary alternative sewage treatment systems are to be used, plans must be prepared and submitted to the City for installation of City wastewater service to serve each lot. Permanent utility easements and temporary construction easements for the future extension of City wastewater system improvements must be provided., and those parts

of the future City wastewater system that will lie in streets must be installed (and capped) before the street is paved.

10.704 Design and Construction

All wastewater systems must be designed and constructed in accordance with the City's *Standards, Specifications and Design Criteria* and applicable design criteria of the Texas Commission on Environmental Quality (See [Title 30](#) of the *Texas Administrative Code*).

10.800 Drainage and Stormwater Management

Developers are responsible for designing and installing drainage and stormwater management facilities in accordance with the *Standards, Specifications and Design Criteria*.

10.900 Parks and Open Space

10.901 Land Dedication

The developer of residential lots must dedicate land for neighborhood parks, open spaces or recreation areas at locations designated in the Comprehensive Plan or other City-approved locations at a rate of one acre per 100 dwelling units or 10% of the development's land area (as shown on the preliminary plan), whichever is less. The developer may dedicate the area in stages if the development contains 2 or more phases. The developer shall identify the area marked on the final subdivision plat as "DEDICATED FOR NEIGHBORHOOD PARK, OPEN SPACE OR RECREATION AREA PURPOSES."

Commentary: *Park and open space areas identified on the Parks Master Plan are generally appropriate for dedication. Private park, recreation and open space areas should be shown on the plat and maintained privately by a property owners association.*

10.902 Quality of Park Site

Any land proposed to be dedicated must be a size, character and location suitable for a neighborhood park, open space or recreation area, as approved by the City.

10.903 Open Space

A maximum of 50% of the land dedication required in Sec. [10.901](#) may be open space. Such open space must conserve land or other natural resources or be used for historic or scenic preservation purposes and be privately owned and maintained by a property owners association. Areas dedicated for open space uses may include, but not be limited to, sites that:

- 10.903.A** Present existing or potential hazards such as earth slippage or subsidence or other geological hazards;
- 10.903.B** Are used for drainage purposes or that may be in danger of flooding from stormwater runoff;
- 10.903.C** Preserve or protect scenic sites;
- 10.903.D** Provide a buffer between incompatible land uses (only land areas provided in excess of the minimum land use buffer requirements of Sec. [7.500](#) may be credited); or
- 10.903.E** Contain woodlands, wetlands or other natural resources.

10.904 Credit for Private Parks and Recreation Areas

The planning commission may allow private parks, open spaces and recreation areas to satisfy the land dedication requirements of Sec. [10.901](#), provided that:

- 10.904.A** Setbacks and open spaces required by this Development Code are not credited toward meeting land dedication requirements;
- 10.904.B** Private ownership and maintenance is adequately provided for by a property owners association or by other means approved by the City;
- 10.904.C** The area is of a character and location suitable for safe and convenient use as a playground, playfield or other recreation amenity; and
- 10.904.D** The area has direct access to a street to allow for maintenance by motorized equipment.

10.1000 Street Lights

The City Engineer is authorized to require the installation of street lights at the time of development. The location and type will be determined during the development review process based on City's *Standards, Specifications and Design Criteria* and guidelines established in the *American National Standard Practice for Roadway Lighting* (ANSI/IESNA RP-8-00).

10.1100 Traffic Control Signs and Street Signs

- 10.1101** All traffic control and street signs must be provided and installed by the developer.
- 10.1102** Traffic control signs must comply with the *Texas [Manual on Uniform Traffic Control Devices](#)*.
- 10.1103** Street signs must comply with the City's adopted *Standards, Specifications and Design Criteria*.

10.1200 Street Names

10.1201 Public Streets

Public streets must comply with the following street name regulations:

- 10.1201.A** If a new street is a direct or logical extension of an existing street, the existing street name must be used.
- 10.1201.B** Names of new streets that are not extensions of existing streets may not duplicate any existing street name in the City or county.
- 10.1201.C** Street name suffixes such as place, court, circle and loop must be used on streets that are cul-de-sac or loop streets.
- 10.1201.D** Suffixes such as highway, freeway or expressway may be used only on designated highways or freeways falling under the jurisdiction of the Texas Department of Transportation.
- 10.1201.E** Street name prefixes such as North, South, East and West may be used to clarify the general location of the street, provided that such prefixes must be consistent with the existing and established street naming and address numbering system of the general area in which the street is located.

- 10.1201.F Alphabetical and numerical street names may not be used for new streets unless the street is a direct extension of an existing street with that name.

10.1202 Private Streets

Private street names are subject to the same regulations that apply to public streets and the following additional regulations:

- 10.1202.A The developer must provide signs for all private streets; the signs must comply with the size, height and material standards of the City.
- 10.1202.B Private streets must be designated as "lanes" and the suffix "PRIVATE" must be an integral part of any private street sign (Example: SCENIC LANE (PRIVATE)).
- 10.1202.C Private street signs must be brown.
- 10.1202.D No private street name may be changed without approval of the City.
- 10.1202.E No private street sign may be installed without the approval of the City.
- 10.1202.F The City is authorized to remove, without notice, any private street sign that does not comply with the provisions of this section or that is installed within the right-of-way of a public street.

10.1300 Utilities

All new electric, telephone, gas distribution, cable television and similar utilities must be placed underground in accordance with the policies and specifications of the respective utility providers, except that the requirements for underground utilities do not apply in infill situations when property adjacent to the subject lot is served by above-ground utilities. The underground requirements also do not apply to the following:

- 10.1301 Temporary overhead utility lines used in connection with construction, but only during periods of construction;
- 10.1302 Service connections, meters, and similar equipment that are customarily attached to the outside wall of the premises they serve;
- 10.1303 Poles used exclusively for street lighting; and
- 10.1304 Electric distribution transformers, switch gear, meter pedestals, and telephone pedestals that are customarily installed above-ground.

10.1400 Easements

10.1401 General

- 10.1401.A Easements must be provided as necessary to accommodate utilities, drainage facilities (surface or subsurface), best management practices, pedestrian access, emergency vehicle access or other required improvements.
- 10.1401.B No structure, foundation, slab sign or other permanent improvement may be placed within any easement required under this Development Code without written permission from the City Engineer.

10.1402 Utility Easements

- 10.1402.A Utility easements must be provided in sufficient width and at such locations as required by the City or approved franchised utility provider.
- 10.1402.B The developer must place or construct all new utilities within required utility easements or street rights-of-way, as approved by the City franchised utility provider.
- 10.1402.C Utility easements are required adjacent to all streets and must be at least 10 feet in width along both sides of the street. Placement, arrangement and depth of utilities within such easements must be in accordance with the *Standards, Specifications and Design Criteria*.
- 10.1402.D Utility easements that are not adjacent to streets must be least 20 feet in width for utility construction, service and maintenance.
- 10.1402.E With the approval of the City Engineer and the applicable public utility, utility easements may vary from these requirements.

10.1403 Drainage Easements

- 10.1403.A Easements for storm drainage facilities must be provided at locations containing existing or proposed open drainage channels and enclosed drainage systems. The required width of drainage easements must be based on a drainage study and drainage calculations or other criteria submitted by the developer and approved by the City Engineer.
- 10.1403.B Storm drainage easements with a minimum width of 20 feet must be provided for existing and proposed enclosed drainage systems. The City Engineer is authorized to require additional easement width if such additional width is necessary to accommodate the drainage system and provide ingress and egress for maintenance operations.
- 10.1403.C Storm drainage easements along existing or proposed open drainage channels must have a width that encompasses the required channel plus at least 20 feet on each side of the channel to provide ingress and egress of maintenance equipment; to provide clearance from fences and space for utility poles; to allow maintenance of the channel bank; and to provide adequate slopes necessary along the bank.

10.1500 Surveying and Monumentation

10.1501 General

Developers are responsible for having surveys conducted and survey monuments installed in accordance with all requirements and procedures established by the City Engineer and the [*Professional and Technical Standards*](#) of the Texas Board of Professional Land Surveying (Title 22, Part 29, Chapter 663B of the Texas Administrative Code).

10.1502 Metes and Bounds Description

All easements, rights-of-way and lands to be dedicated to the City, by deed or express grant, must be depicted on a survey plat and described by a metes and bounds description. Such descriptions must be tied to physical monuments of

record related to the boundary of the affected area and referenced to the coordinate system described in Sec. 11.1603 unless otherwise approved by the City Engineer.

10.1503 Coordinate System

All surveys and plats must be referenced to the City of Huntsville Mapping Control Network. This network is referenced to the Texas Plane Coordinate System of 1983, Central Zone, as defined in V.T.C.A. Natural Resources Code § 21.076 unless otherwise approved by the City Engineer.

10.1504 Required Monuments

10.1504.A All property or boundary corners, angle points and points of curvature or tangency must be monumented or referenced by corner accessory monumentation carried out by a registered professional land surveyor.

10.1504.B All monuments must:

1. Be set at sufficient depth to retain a stable and distinctive location;
2. Be of a size and material, that in the surveyor's judgment, will best ensure that the monuments will withstand the deteriorating forces of nature;
3. Include a cap or marker identifying the responsible registrant, firm or associated employer;
4. Include a notation on the applicable plan or plat that the corner was either found or set and a description of its physical characteristics; and
5. Be left exposed for field inspection by the City.

10.1504.C The City Engineer may not accept new street construction or other public improvements until all required monuments and ties are provided.

10.1504.D Except as allowed by [§12.708.E](#), all required monuments must be in place before filing a final plat.

10.1600 Maintenance of Infrastructure and Improvements

10.1601 General

The developer is responsible for maintaining all required infrastructure and public improvements until final acceptance of such improvements by the City or until responsibility for maintenance is transferred by legal agreement to a property owner's association.

10.1602 Property Owners Association

10.1602.A Establishment

If a property owners association is assigned responsibility for the maintenance and control of streets, open space, recreational facilities, or any other common areas and facilities within a subdivision, that property owners association must have legal authority to maintain and exercise control over the common areas and facilities, including the

power to compel contributions from residents or property owners to cover their proportionate share of the costs associated with the maintenance of the common areas and facilities.

10.1602.B Scope and Documentation

[Based on Development Code section: 505]

1. Instruments establishing a property owners association must be submitted before approval of a final plat.
2. The association instrument must address at least the following:
 - (a) Specific identification of what is owned and by whom;
 - (b) Establish a system of interlocking relationships binding each owner to all other owners for maintaining and preserving what is owned and used in common;
 - (c) Create an administrative vehicle to manage those elements shared in common and to enforce standards;
 - (d) Provide for the operation and financing of the association.
3. The City must review the proposed instruments to ensure that the property owners association has clear legal authority to maintain and exercise control over the common areas and facilities, including the power to compel contributions from residents and property owners to cover their proportionate share of the costs associated with the maintenance of the common areas and facilities.

Article 11 Nonconformities

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11.100 General

11.101 Description

Nonconformities, which are sometimes referred to as “legal nonconformities,” are lots, uses and structures that were lawfully established but—because of the adoption of new or amended regulations—no longer comply with one or more development district requirements. This article contains the regulations governing such situations.

11.102 Intent

Occasionally, lots, uses and structures that were lawfully established (i.e., in compliance with any and all regulations in effect at the time of their establishment) have been made nonconforming because of changes in Development Code requirements that apply to the subject property (e.g., through development district map amendments, amendments to the text of this Development Code or annexation) or because of other governmental action (e.g., through right-of-way acquisition). The regulations of this article are intended to clarify the effect of such nonconforming status and avoid confusion with “illegal” buildings and uses (those established in violation of applicable development district regulations). The regulations of this article are also intended to:

11.102.A Recognize the interests of landowners in continuing to use their property for uses and activities that were lawfully established;

11.102.B Promote maintenance, reuse and rehabilitation of existing buildings; and

11.102.C Place reasonable limits on nonconformities that have the potential to adversely affect surrounding properties.

11.103 Authority to Continue

Any nonconformity that existed on the effective date specified in Sec. [1.300](#), or any situation that becomes nonconforming upon adoption of any amendment to this Development Code, may be continued in accordance with the regulations of this article unless otherwise expressly stated.

11.104 Determination of Nonconformity Status

11.104.A The burden of proving that a nonconformity exists (as opposed to a violation of this Development Code) rests entirely with the subject owner.

11.104.B The City Planner is authorized to determine whether adequate proof of nonconforming status has been provided by the subject owner.

11.104.C Building permits, lawfully recorded plats, aerial photography and other official government records that indicate lawful establishment of the use, lot or structure constitute conclusive evidence of nonconforming status. If such forms of conclusive evidence are not available, the applicant may submit and the City Planner may consider other forms of evidence to document nonconforming status. Examples of commonly available evidence include:

1. Professional registrations or business licenses;
2. Utility billing records;
3. Rent records;
4. Advertisements in dated publications;
5. Listings in telephone or business directories; and
6. Notarized affidavits affirming the date of lawful establishment of the use, lot or structure.

11.104.D The City Planner's decision on nonconforming status determinations may be appealed in accordance with Sec. [12.1000](#).

11.105 Repairs and Maintenance

11.105.A Nonconformities must be maintained to be safe and in good repair.

11.105.B Repairs and normal maintenance necessary to keep a nonconformity in sound condition are permitted unless the work increases the extent of the nonconformity or is otherwise expressly prohibited by this Development Code.

11.105.C Nothing in this article is intended to prevent nonconformities from being structurally strengthened or restored to a safe condition in accordance with an order from a duly authorized public official.

11.106 Change of Tenancy or Ownership

Nonconforming status runs with the land and is not affected by changes of tenancy, ownership, or management.

11.200 Nonconforming Lots

11.201 Description

A nonconforming lot is a lawfully platted and recorded lot that does not comply with all applicable minimum lot area, lot width, lot frontage or lot depth regulations of the development district in which the lot is located.

11.202 Use of Nonconforming Lots

A nonconforming lot may be used as a building site and developed with a use allowed in the subject development district.

11.203 Lot and Building Regulations

11.203.A Development on nonconforming lots must comply with the lot and building regulations of the subject development district unless otherwise expressly stated.

11.203.B Nonconforming lots may not be adjusted in size or shape to create additional nonconformity or increase the degree of nonconformity for lot area, lot width, setbacks or other applicable lot and building regulations. Lot area, lot width, lot frontage, lot depth or other lot shape adjustments that do not increase the extent of nonconformity are allowed.

11.300 Nonconforming Uses

11.301 Description

A nonconforming use is a land use that was lawfully established in accordance with any and all development district regulations in effect at the time of its establishment but that is no longer allowed by the use regulations of the development district in which the use is now located.

11.302 Change of Use

A nonconforming use may be changed to any other use that is allowed in the subject development district. Once changed to a conforming use, a nonconforming use may not be re-established.

11.303 Expansion of Use

11.303.A Except as otherwise expressly stated, a nonconforming use may be expanded into another part of the same building as that building existed on the date that the use became nonconforming, provided that the City Planner determines that such expansion:

1. Will not result in a violation of off-street parking or loading requirements; and
2. Will not result in the addition of floor area to the building to accommodate the use expansion.

11.303.B Nonconforming open-air uses may not be expanded beyond the area occupied when the open-air use became nonconforming.

11.304 Remodeling and Improvements

A building in which a nonconforming use is located may be remodeled or otherwise improved as long as the remodeling or improvements do not violate the other regulations of this article.

11.305 Moving

A nonconforming use may not be moved in whole or in part to another location unless allowed under this code at the new location.

11.306 Loss of Nonconforming Status

11.306.A Abandonment

1. Once a nonconforming use is abandoned, its nonconforming status is lost and any new, replacement use must comply with the regulations of the development district in which it is located.
2. A nonconforming use is presumed abandoned when the use is discontinued or ceases for a continuous period of 2 years or more.
3. The presumption of abandonment may be rebutted upon showing, to the satisfaction of the City Planner, that during such period the owner of the land or structure has been:
 - (a) Maintaining the land and structure in accordance with all applicable City requirements and did not intend to discontinue the use;
 - (b) Actively and continuously marketing the land or structure for sale or lease for that particular nonconforming use; or
 - (c) Engaged in other activities that affirmatively prove there was no intent to abandon.
4. Periods of discontinued use caused by government action, accidental fire or natural disaster are not counted in calculating the length of discontinuance.

11.306.B Change to Conforming Use

If a nonconforming use is changed to a conforming use, no matter how short the period of time, all nonconforming use rights are lost and re-establishment of the nonconforming use is prohibited.

11.306.C Damage or Destruction

1. Accidental Damage or Destruction

When a building containing a nonconforming use is destroyed or damaged by acts of God or accidental fire, the building and the use may be restored or repaired, provided that no new nonconformities are created and that the existing extent of nonconformity is not increased. A building permit to reconstruct the destroyed or damaged structure must be obtained within 18 months of the date of occurrence of such damage.

2. Intentional Destruction

When a building containing a nonconforming use is demolished, damaged or destroyed by causes within the control of the owner and the extent of demolition, damage or destruction is more than 50% of the fair market value of the structure, as determined by the property owner's certified appraiser, the use may not be reestablished except in compliance with all regulations applicable to the development district in which it is located.

11.306.D Accessory Uses

No accessory use to a principal nonconforming use may continue after the principal nonconforming use has ceased.

11.400 Nonconforming Structures

11.401 Description

A nonconforming structure is any building or structure, other than a sign, that was lawfully established but no longer complies with the lot and building standards of the development district in which it is located. Signs are governed by the nonconforming sign provisions of Sec. [8.800](#).

11.401.A Use

A nonconforming structure may be used for any use allowed in the district in which the structure is located.

11.401.B Alterations and Expansions

Alterations, including enlargements and expansions, are permitted if the proposed alteration or expansion complies with all applicable lot and setback standards and does not increase the extent of the nonconformity. A building with a nonconforming front setback, for example, may be expanded to the rear as long as the rear expansion complies with applicable rear setback standards and all other applicable lot and building standards. On the other hand, a multi-unit residential building that is nonconforming with regard to density (i.e., contains more dwelling units than allowed by the underlying development district regulations) may not be expanded to add additional dwelling units.

11.402 Moving

A nonconforming structure may not be moved in whole or in part to another location unless the structure meets all the requirements of this Code.

11.403 Loss of Nonconforming Status

11.403.A Damage or Destruction

1. Accidental Damage or Destruction

When a nonconforming structure is destroyed or damaged by acts of God or accidental fire, the building and the use may be restored or repaired, provided that no new nonconformities are created and that the existing extent of nonconformity is not increased. A building permit to reconstruct the destroyed or damaged structure must be obtained within 18 months of the date of occurrence of such damage.

2. Intentional Damage or Destruction

When a nonconforming structure is demolished, damaged or destroyed by causes within the control of the owner and the extent of demolition, damage or destruction is more than 50% of the fair market value of the structure, as determined by the property owner's certified appraiser, the use may not be reestablished

except in compliance with all regulations applicable to the development district in which it is located.

11.500 Nonconforming Signs

See the nonconforming sign provisions of Sec. [8.800](#).

11.600 Nonconforming Development Features

11.601 Description

A nonconforming development feature is any aspect of a development—other than a nonconforming lot, nonconforming use or nonconforming structure—that was lawfully established in accordance with development district regulations in effect at the time of its establishment but that no longer complies with one or more standards of this Development Code. Common examples are off-street parking or loading areas that contain fewer spaces than required by current standards or otherwise do not comply with applicable regulations and sites that do not comply with current landscaping and screening requirements.

11.602 General

Nonconforming development features may remain except as otherwise expressly stated in this Development Code, but the nature and extent of nonconforming site features may not be increased except as otherwise expressly stated in this Development Code.

Article 12 Development Review and Approval Procedures

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12.100 Common Provisions

12.101 Applicability

The “common provisions” of this section (Sec. [12.100](#)) apply to all procedures in this article unless otherwise expressly stated.

12.102 Review and Decision-making Authority (Summary Table)

The following table summarizes the review and approval procedures of this article. In the event of conflict between this summary table and the detailed procedures contained elsewhere in this article, the detailed procedures govern.

Table 12-1: Review and Decision-making Authority Summary Table

Procedure	City Planner	Historic Preservation Commission	Planning Commission	Board of Adjustment	City Council
Development Code Text Amendment	R	–	<R>	–	<DM>
Development District Map Amendment	R	–	<R>	–	<DM>
Planned Developments					
Concept plan	R	–	<R>	–	<DM>
Development plan	R	–	<R>	–	<DM>
PD Site Plan	DM	–	–	–	–
Historic Preservation Overlay Map Amendment	R	R	<R>	–	<DM>
Certificate of Appropriateness	R	DM	–	–	–
Minor plat	DM	–	–	–	–
Major Subdivision					
Preliminary Plan	R	–	DM	–	–
Final Plat	R	–	DM	–	–
Conditional Use	R	–	<R>	–	<DM>
Variance	R	–	–	<DM>	–
Appeals of Administrative Decisions	R	–	–	<DM>	–

R = Review/Recommendation DM = Decision-Maker < > = Public Hearing Required

12.103 Preapplication Meetings

12.103.A Purpose

Preapplication meetings provide an early opportunity for City staff and applicants to discuss the procedures, standards and regulations required for development approval under this Development Code.

12.103.B Applicability

Preapplication meetings are required whenever the provisions of this Development Code expressly state that they are required. They are encouraged in all cases.

12.103.C Scheduling

Preapplication meetings must be scheduled with planning division staff.

12.103.D Guidelines

The City Planner may establish guidelines for preapplication meetings, including information that should be provided and any available alternatives to face-to-face meetings, such as telephone conversations and email correspondence.

12.104 Applications and Fees

12.104.A Form of Application

Applications required under this Development Code must be submitted in a form and in such numbers as required by the City Planner. Applications must include materials and information as may be required by the City Planner to establish that the proposed activity complies with all applicable requirements of this Development Code.

12.104.B Application Filing Fees

All applications must be accompanied by the fee amount that has been established by City Council.

12.104.C Application Completeness, Accuracy and Sufficiency

1. An application will be considered complete and ready for processing only if it is submitted in the required number and form, includes all required information and is accompanied by the required filing fee.
2. The City Planner must make a determination of application completeness within 10 business days of application filing.
3. If an application is determined to be incomplete, the City Planner must provide written notice to the applicant along with an explanation of the application's deficiencies. No further processing of the application will occur until the deficiencies are corrected. If the deficiencies are not corrected by the applicant within 60 days, the application will be considered withdrawn.
4. No further processing of incomplete applications will occur, and incomplete applications will be pulled from the processing cycle. When the deficiencies are corrected, the application will be placed in the next available processing cycle.
5. Applications deemed complete will be considered to be in the processing cycle and will be reviewed by staff and other review and decision-making bodies in accordance with applicable review and approval procedures of this Development Code.

6. The City Planner may require that applications or plans be revised before being placed on an agenda for possible action if the City Planner determines that:
 - (a) The application or plan contains one or more significant inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with Development Code requirements or other regulations;
 - (b) The application contains multiple minor inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with Development Code requirements or other regulations; or
 - (c) The decision-making body does not have legal authority to approve the application or plan.

12.104.D Application Filing Date

For the purposes of calculating any time frames required, pursuant to this Development Code or state law, for processing applications, the date of application filing is deemed to be the date on which a complete application (including any plan or plat, as applicable) is submitted to the City Planner.

12.105 Application Processing Cycles

The City Planner, after consulting with review and decision-making bodies, is authorized to promulgate reasonable cycles and timelines for processing applications, including filing deadlines for receipt of complete applications.

12.106 Public Hearing Notices

The public hearing notice requirements described in this article are in addition to the general requirements of the *Texas Open Meetings Act*.

12.106.A Mailed Notice

Except as otherwise expressly stated, when the procedures of this Development Code require that mailed notice be provided, the notice must be mailed to all owners of land within 300 feet of the lot lines of the land that is the subject of the application. Ownership information must be taken from the most recent City property tax records, except that when land is owned by a condominium association, notice must be given to the condominium association. Notice will be deemed to have been mailed on the date that it is deposited in United States Postal Service mail, properly addressed with postage prepaid. The failure of a property owner to receive notice is not cause for renotification or hearing postponement and does not invalidate any action taken on the application if a good faith attempt was made to comply with the notice requirements of this section.

Commentary: As a matter of practice, the City may provide additional forms of public hearing notice or otherwise exceed the minimum notice requirements prescribed by law.

12.106.B Published Notice

When the procedures of this Development Code require that published notice be provided, the notice must be published in the City’s official newspaper, as designated by the City Council.

12.106.C Posted Notice

When the procedures of this Development Code require that posted (sign) notice be provided, at least one official public notice sign must be posted on the subject property for each 500 feet of street frontage or fraction thereof. Required notice signs must be posted in locations that are plainly visible from abutting streets.

12.106.D Content of Required Notices

Public hearing notices required by this Development Code must include at least the following information:

1. The subject property’s street address, legal description or other description reasonably calculated to identify the location of the subject property;
2. A description of the proposal or action requested;
3. The time, date and location of the public hearing;
4. The time, date and place where the application may be inspected by the public or where additional information may be obtained; and
5. A statement that interested parties may submit written comments and/or appear at the public hearing and be heard with respect to the application.

12.106.E Public Hearing Notice Summary Table

The following table provides a summary of the notice requirements for public hearings required under the procedures of this article. In the event of conflict between this summary table and the detailed procedures contained elsewhere in this article, the detailed procedures govern.

Table 12-2: Public Hearing Notice Summary Table

Procedure	Planning Commission Hearing	Board of Adjustment Hearing	City Council Hearing
Development Code Text Amendment	None	NA	Published 16 days before
Development District Map Amendment (including HP Overlay)	Mailed & Posted 11 days before	NA	Published 16 days before
Planned Developments			
Concept plan	Mailed & Posted 11 days before	NA	Published 16 days before
Development plan	Mailed & Posted 11 days before	NA	Published 16 days before
PD Site Plan	None	NA	NA
Major Subdivision			
Preliminary Plan	None	NA	NA
Final Plat	None[1]	NA	NA

Procedure	Planning Commission Hearing	Board of Adjustment Hearing	City Council Hearing
Conditional Use	Mailed & Posted 11 days before	NA	Published 16 days before
Variance	NA	Mailed & Posted 11 days before	NA
Appeals of Administrative Decisions	NA	Mailed 11 days before[2]	NA

[1] Some residential replats require hearing and public notice. See [§12.710.C](#).

[2] Mailed notice required only to the subject property owner, individuals who request such notice in writing and other parties in interest.

12.107 Action by Review Bodies and Decision-Making Bodies

Review and decision-making bodies may take any action that is consistent with:

12.107.A The regulations of this Development Code;

12.107.B Any rules or by-laws that apply to the review or decision-making body;
and

12.107.C The notice that was given.

12.108 Conditions of Approval

When a decision-making body approves an application with conditions, the conditions must relate to a situation created or aggravated by the proposed use or development and must be roughly proportional to the impacts of the use or development.

12.200 Development Code Text Amendments

12.201 Applicability

The procedures of this section apply to all text amendments to the regulations of this Development Code.

12.202 Initiation of Text Amendments

An amendment to the text of this Development Code may be initiated by the City Council, the Planning Commission or the City Planner.

12.203 Review and Report—City Planner

The City Planner must prepare a report and recommendation on the proposed Development Code text amendment. The report must be transmitted to the Planning Commission before their public hearing on the proposed amendment.

12.204 Notice of Hearing

Notice of the City Council’s required public hearing on a Development Code text amendment must be published in the newspaper in accordance with [§12.106.B](#). The notice must be published at least 16 days before the date of the public hearing.

12.205 Hearing and Recommendation—Planning Commission

The Planning Commission must hold a public hearing on the proposed text amendment. Following the close of the hearing, the Planning Commission must act by simple majority vote to recommend that the proposed text amendment be approved, approved with modifications, or denied and transmit its recommendations to the City Council.

12.206 Final Action—City Council

12.206.A Following receipt of the Planning Commission’s recommendation, the City Council must hold a public hearing on the proposed amendment. Following the close of their public hearing, the City Council must act to approve the proposed Development Code text amendment, approve the proposed text amendment with modifications or deny the proposed text amendment. The City Council may also remand the proposed text amendment back to the Planning Commission for further consideration.

12.206.B Development code text amendments may be approved by a simple majority vote.

12.207 Joint Hearings

In lieu of separate hearings, the City Council and Planning Commission are authorized to conduct a single, joint public hearing to consider Development Code text amendments. In such cases, applicable notice requirements for Planning Commission and City Council public hearings must be met.

12.300 Development District Map Amendments

12.301 Applicability

The procedures of this section apply to all amendments to the development district map.

12.302 Initiation of Map Amendments

Amendments to the development district map may be initiated only by the City Council, the Planning Commission, or the owner of the property that is the subject of the proposed development district map amendment or by the subject property owner’s authorized agent.

12.303 Review and Report—City Planner

Upon receipt of a complete development district map amendment application, the City Planner must prepare a report and recommendation on the proposed development district map amendment. The report must be transmitted to the Planning Commission before their public hearing on the proposed map amendment.

12.304 Notice of Hearings

12.304.A Planning Commission

Notice of the Planning Commission’s required public hearing on a development district map amendment must be mailed and posted, in accordance with [§12.106.A](#) and [§12.106.C](#). Required notices must be mailed and posted at least 11 days before the Planning Commission public hearing.

Commentary: As a matter of practice, the City will also publish newspaper notice of the Planning Commission hearing on proposed development district map amendments.

12.304.B City Council

Notice of the City Council’s required public hearing on a development district map amendment must be published in accordance with

[§12.106.B](#). The notice must be published at least 16 days before the City Council public hearing.

12.305 Hearing and Recommendation—Planning Commission

The Planning Commission must hold a public hearing on the proposed map amendment. Following the close of the hearing, the Planning Commission must act by simple majority vote to recommend that the proposed amendment be approved, approved with modifications, or denied and transmit its recommendations to the City Council.

12.306 Final Action—City Council

12.306.A Following receipt of the Planning Commission’s recommendation, the City Council must hold a public hearing on the proposed map amendment. Following the close of their public hearing, the City Council must act to approve the proposed development district map amendment, approve the proposed amendment with modifications or deny the proposed amendment. The City Council may also remand the proposed amendment back to the Planning Commission for further consideration.

12.306.B Development district map amendments may be approved by a simple majority vote, except as stated in Sec. [12.307](#).

12.307 Protest Petitions

12.307.A If a valid protest petition is filed against any proposed development district map amendment, passage of the amendment requires a favorable vote of at least 75% of the City Council members who are qualified to vote on the matter.

12.307.B A protest petition will be deemed valid only if it is signed and acknowledged by at least 20% of the owners of the property that is the subject of the proposed amendment, or by at least 20% of the owners of property located within 200 feet of the subject property.

12.308 Review and Approval Criteria

The decision to amend the development district map is a matter of legislative discretion that is not controlled by any single standard. In making recommendations and decisions about development district map amendments, review and decision-making bodies must consider at least the following factors:

12.308.A Consistency with the Comprehensive Plan;

12.308.B Compatibility with existing development district classifications, uses of nearby property and the character of the surrounding neighborhood; and

12.308.C Availability of water, wastewater, stormwater, and transportation facilities generally suitable and adequate for use allowed under the proposed development district.

12.309 Joint Hearings

In lieu of separate hearings, the City Council and Planning Commission are authorized to conduct a single, joint public hearing to consider development district map amendments. In such cases, applicable notice requirements for Planning Commission and City Council public hearings must be met.

12.310 Successive Applications

To help ensure the stability of land use and to promote and protect the quality of life for its citizens with respect to the use and enjoyment of their property, neither the City Council nor the Planning Commission may accept a reapplication for a development district map amendment for a period of 12 months following the date of the City Council's denial of the previous application. The City Council is authorized to waive this required 12-month waiting period requirement and accept a reapplication if the City Council determines that conditions have substantially and materially changed since the initial submission of the application and upon further evidence that such changes justify a rehearing and new amendment application.

12.400 Planned Developments

12.401 Overview

Planned development (PD) districts are established through the approval of a development district map amendment in accordance with Sec. [12.300](#). The PD approval process also requires either a two-step or three-step plan approval procedure. The three-step plan approval process entails (1) approval of an initial generalized "concept plan," (2) approval of a more detailed "development plan," and (3) staff approval of PD site plans. At the property owner's option, the PD plan approval process may be consolidated into two steps, involving (1) review and approval of a "development plan" that includes all of the information otherwise required in the concept plan and development plan and (2) staff review and approval of PD site plans. This section sets forth the required review and approval procedures for approval of planned developments.

12.402 Step One: Map Amendment and Concept (or Development) Plan Approval

The first step of the PD approval process is approval of the development district map amendment establishing the PD district. A PD concept plan must be processed concurrently with a PD map amendment unless the applicant elects instead to forgo the concept plan stage and process a development plan concurrently with the PD map amendment.

12.402.A Authority to File

PD concept plan (or development plan) applications may be filed only by the subject landowner or the subject landowner's authorized agent.

12.402.B Application Filing

Complete applications for concept plan (or development plan) approval must be filed with the City Planner at the same time that the PD development district map amendment application is filed.

12.402.C Review and Recommendation—City Planner

Following receipt of a complete application for concept plan (or development plan) approval, the City Planner must prepare a report and recommendation that evaluates the proposed planned

development district and concept plan (or development plan) in light of applicable PD district provisions of [Article 2](#) and the criteria of [§12.402.G](#). The report must be transmitted to the Planning Commission before their public hearing on the proposed PD map amendment and concept plan (or development plan).

12.402.D Notice of Hearing

Public hearing notice must be provided in accordance with the development district amendment notice procedures (see Sec. [12.304](#)).

12.402.E Hearing and Recommendation—Planning Commission

The Planning Commission must hold a public hearing on the proposed PD map amendment and concept plan (or development plan). Following the close of the hearing, the Planning Commission must act by simple majority vote to recommend that the proposed map amendment and concept plan (or development plan) be approved, approved with modifications, or denied and transmit its recommendations to the City Council.

12.402.F Hearing and Final Action—City Council

1. Following receipt of the Planning Commission's recommendation, the City Council must hold a public hearing on the proposed PD map amendment and concept plan (or development plan). Following the close of their public hearing, the City Council must act to approve the proposed map amendment and concept plan (or development plan), approve the map amendment and concept plan (or development plan) with modifications or deny the proposed map amendment and concept plan (or development plan). The City Council may also remand the proposed map amendment and concept plan (or development plan) to the Planning Commission for further consideration.
2. PD district map amendments are subject to the protest provisions of Sec. [12.307](#).

12.402.G Approval Criteria

1. In order to approve a PD concept plan and map amendment, the City Council must make all of the following determinations:
 - (a) The proposed PD district is at least 5 acres in area;
 - (b) The proposal is consistent with the Comprehensive Plan;
 - (c) Proposed uses and the development features are compatible with uses of nearby property and the existing and proposed character of the surrounding neighborhood;
 - (d) The concept plan (or development plan) complies with applicable PD district provisions of [Article 2](#); and

- (e) Appropriate terms and conditions have been imposed on the approval to protect the interests of the public and any residents of the planned development.
2. In order to approve a PD development plan and map amendment, the City Council must make all determinations required for concept plans (see §12.402.G) and PD development plans (See §12.403.I).

12.402.H Adopting Ordinance

1. The ordinance establishing a PD district must incorporate the approved concept plan or development plan and include at least the following:
 - (a) A statement as to the purpose and intent of the district.
 - (b) The uses authorized for each tract or subarea in the district, by use category, the location of such uses, and the residential densities and/or nonresidential intensities associated with phases of the project, in conformance with the approved concept plan or development plan.
 - (c) The conditions applicable to development within the district, as established by the City Council.
2. The graphic depiction of features on the incorporated concept plan or development plan must be enforced as regulatory standards applicable within the approved PD district. Change or modification to such features requires processing of a PD district map amendment, including a revised concept plan or development plan.

12.403 Optional Step Two: Development Plan Approval

12.403.A Options

1. **Substitution for Concept Plan**
The developer may submit a development plan in lieu of a concept plan in accordance with Sec. 12.402.
2. **Following Approval of Concept Plan and PD District**
If a PD district is established based upon a concept plan, review and approval of a development in accordance with this subsection (12.403) is required before any PD site plans are approved and before any development or construction is allowed within the PD district.

12.403.B Timing; Lapse of Approval

If the landowner fails to file an application for development plan approval within 2 years of the date of the PD district amendment and concept plan approval, the plan approval will be deemed to have lapsed and no development plan may be accepted for processing. In the event of lapse of approval, the City Council may institute proceedings to determine whether the land should be classified in another development district. In such case, the Planning Commission must

deliver its recommendation, with a copy to the owner of the affected land, to the City Council, who must conduct a public hearing on the matter and determine what action is to be taken with respect to the PD district and whether to revoke or reinstate the developer's authorization to submit a development plan.

12.403.C Authority to File

PD development plan applications may be filed only by the subject landowner or the subject landowner's authorized agent.

12.403.D Application Filing

Complete applications for development plan approval must be filed with the City Planner.

12.403.E Review and Recommendation—City Planner

Following receipt of a complete application for development plan approval, the City Planner must prepare a report and recommendation that evaluates the PD development plan in light of the approved concept plan and the approval criteria of [§12.403.J](#). The report must be transmitted to the Planning Commission before their public hearing on the proposed PD development plan.

12.403.F Notice of Hearing

1. Planning Commission

Notice of the Planning Commission's required public hearing on a PD development plan must be mailed and posted, in accordance with [§12.106.A](#) and [§12.106.C](#). Required notices must be mailed and posted at least 11 days before the Planning Commission public hearing.

2. City Council

Notice of the City Council's required public hearing on a PD development plan must be published in accordance with [§12.106.B](#). The notice must be published at least 16 days before the City Council public hearing.

12.403.G Hearing and Recommendation—Planning Commission

The Planning Commission must hold a public hearing on the proposed PD development plan. Following the close of the hearing, the Planning Commission must act by simple majority vote to recommend that the proposed development plan be approved, approved with conditions, or denied and transmit its recommendations to the City Council.

12.403.H Hearing and Final Action—City Council

1. Following receipt of the Planning Commission's recommendation, the City Council must hold a public hearing on the proposed PD development plan. Following the close of their public hearing, the City Council must act to approve the proposed development plan, approve the development plan with conditions or deny the development plan. The City Council may also remand the

development plan to the Planning Commission for further consideration.

2. PD district development plans are subject to the protest provisions of Sec. [12.307](#).

12.403.I Approval Criteria

In order to approve a PD development plan, the City Council must make all of the following determinations:

1. The development plan generally is consistent with the approved concept plan and the standards and conditions set forth in the PD district adopting ordinance;
2. The plan provides for a compatible arrangement of buildings and land uses within the project;
3. The general plan for traffic circulation and pedestrians provides for adequate and safe circulation inside and external to the development, consistent with the adopted thoroughfare plan;
4. The general plan for accommodation of floodwaters and drainage is adequate;
5. The plan does not adversely affect adjoining neighborhoods or properties outside the plan, taking into consideration proposed buffers;
6. The amenities proposed in the development plan application, if any, are sufficient to justify increased densities or intensities on the site; and
7. The sequence of development and timing of the phases are consistent with the overall phasing of capital facilities intended to serve the site and with the City's overall growth.

12.403.J Approving Ordinance

The ordinance approving the development plan, whether approved as part of the PD map amendment or after the PD map amendment and concept is approved, must include at a minimum the following information. The development plan must be incorporated as an exhibit to the ordinance:

1. A table of the specific land uses permitted in the area subject to the development plan, together with a description of the tracts or subareas to which such uses are restricted;
2. The residential densities and nonresidential intensities of each permitted land use;
3. A table showing the dimensions of each permitted land use, including the following information:
 - (a) Minimum lot area;
 - (b) Minimum lot width and depth;

- (c) Minimum front, side, and rear yard areas;
 - (d) Maximum height of buildings;
 - (e) Minimum parking standards for each multi-unit residential and nonresidential land use;
4. A description of the elements of the general circulation plan to serve the development;
 5. Provisions governing amenities, if any, to serve the area subject to the development plan; and
 6. Such additional conditions as are applicable to development within the area subject to the development plan, as established by the City Council.

12.404 Final Step: PD Site Plans

Approval of PD site plans for development on individual building lots, parcels or tracts within the project is the final step of the PD approval process. Such reviews are intended to help ensure that all construction and development are consistent with the approved development plan and standards for the PD district.

12.404.A Timing; Lapse of Approval

A PD site plan must be submitted for approval within 2 years of the date that the development plan was approved. If a PD site plan is not submitted within such period, the development plan approval will be deemed to have lapsed and no PD site plan may be accepted for processing. In the event of lapse of approval, the City Council may institute proceedings to determine whether the development plan for the property should be modified or the property subject to the development plan should be reclassified in another development district, and whether to revoke or reinstate the developer's authorization to submit a site plan.

12.404.B Review and Action by City Planner

1. The City Planner is authorized to review and take action on PD site plans. The City Planner must approve a PD site plan if it complies with the approved development plan, all conditions of development plan approval and all of the following criteria:
 - (a) The plan complies with the approved development plan;
 - (b) The plan complies with all standards and conditions set forth in the ordinance approving the development plan;
 - (c) Unless modified by the ordinance approving the development plan, the plan complies with the following additional standards generally applicable to development within the City, as set forth in this Development Code:
 - (1) Performance standards; and
 - (2) Setback, landscaping and off-street parking and loading standards;

- (d) The plan provides for appropriate ingress and egress points for access, parking and loading, including existing and proposed ingress/egress/access easements, queuing and internal circulation;
 - (e) The plan provides for fire safety and adequate measures for fire control and dealing with fire or explosive hazard; and
 - (f) The plan provides for adequate utilities, roads, drainage, and other infrastructure, as required by the City's Development Codes.
- 2. The City Planner may establish conditions and require modifications to ensure that the PD site plan is consistent with the approved development plan and the approval criteria in this section.
 - 3. If the City Planner disapproves a PD site plan or imposes conditions, the applicant may appeal the decision to the City Council by filing a written request with the City Planner within 10 days of the decision.

12.404.C Effect of Approval

Approval of PD site plans must occur before a building permit may be issued for the subject property.

12.404.D Lapse of Approval

- 1. An approved PD site plan will lapse and have no further effect 24 months after it is approved, unless:
 - (a) A building permit has been issued (if required); or
 - (b) A certificate of occupancy has been issued.

12.404.E The Planning Commission is authorized to extend the expiration period for good cause on up to 2 separate occasions, by up to one year each. Requests for extensions must be submitted to the City Planner and forwarded to the Planning Commission for a final decision.

12.404.F A conditional use also lapses upon revocation of a building permit or a certificate of occupancy, for violations of conditions of approval or upon expiration of a building permit to carry out the work authorized by the approved PD site plan.

12.405 PD Project Review

If the City Council finds that conditions imposed on development of the planned development project have not been timely fulfilled, or for any other reasons related to reasonable exercise of the powers conferred by Texas *Local Government Code* Chapter 211, that the development district classification of the PD district should be reexamined, the City Council may initiate review of the PD district in order to determine whether the authorized uses, standards and conditions applicable to development within the district should be changed for part or all of the undeveloped land within the district. If the City Council makes such determination, it must refer the matter to the Planning Commission for its recommendation and

thereafter take appropriate action to modify the uses, standards or conditions applicable to development within the district in accordance with procedures applicable to development district amendments.

12.500 Historic Preservation Overlay District Map Amendments

12.501 Intent

The Historic Preservation (HP) Overlay district map amendment procedures of this section govern the establishment, amendment or repeal of any HP Overlay district (see Sec. [3.400](#)).

12.502 Authority to File

HP Overlay map amendments may be initiated by the City Council, Historic Preservation Commission or the owner of the real property that is the subject of the proposed map amendment or by the subject property owner's authorized agent. Any request initiated by the City Council or Historic Preservation Commission is subject to the approval of the property owner before its consideration.

12.503 Compliance with Development District Map Amendment Procedures

At a minimum, the development district map amendment procedures of Sec. [12.300](#) apply and must be followed for all HP Overlay map amendments, including all requirements for public notice and hearings and the rights of property owners to protest the amendment.

12.504 Review and Recommendation—Historic Preservation Commission

12.504.A After notification of all owners of property within the proposed HP Overlay, the Historic Preservation Commission must hold a public hearing to consider the map amendment.

12.504.B At the Historic Preservation Commission's public hearing, property owners, interested parties and technical experts must be given an opportunity to present testimony or documentary evidence that will become part of the record regarding the historic, architectural or cultural importance of the proposed historic landmark or district to be included within the HP Overlay.

12.504.C Following the close of the public hearing, the Historic Preservation Commission must act by simple majority vote to recommend that the proposed overlay district map amendment be approved, approved with modifications, or denied and transmit its recommendations to the Planning Commission. The report and recommendation must include specific findings regarding the proposed map amendment's consistency with the HP Overlay criteria of Sec. [12.506](#). The report must include a map showing the boundaries of the proposed HP Overlay boundaries.

12.505 Review by Planning Commission; Final Decision by City Council

12.505.A Following review and recommendation by the Historic Preservation Commission, the proposed HP Overlay amendment must be forwarded to the Planning Commission for review and recommendation, and then,

following review and recommendation by the Planning Commission, the matter must be forwarded to the City Council for final decision.

- 12.505.B The Planning Commission must make its recommendation to the City Council within 45 days of the date that the Planning Commission's hearing is closed.
- 12.505.C The City Council must conduct its hearing within 45 days of receipt of the Planning Commission recommendation.
- 12.505.D Upon designation of an HP Overlay, the designated boundaries must be recorded in the official public records of real property of Walker County, the tax records of the City of Huntsville and the Walker County Appraisal District as well as the official development district map of the City of Huntsville.

12.506 HP Overlay Approval Criteria

- 12.506.A An individual (landmark) property may be designated as an HP Overlay if it substantially complies with 2 or more of the following:
 1. Possesses significance in history, architecture, archeology, or culture;
 2. Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history;
 3. Is associated with events that have made a significant impact in the past;
 4. Represents the work of a master designer, builder, or craftsman;
 5. Embodies the distinctive characteristics of a type, period, or method of construction; or
 6. Represents an established and familiar visual feature of the City.
- 12.506.B Multiple properties may be designated as an HP Overlay district area if the area substantially complies with both of the following:
 1. Contains properties and an environmental setting which meet 2 or more of the criteria for designation of an individual landmark property (see [§12.506.A](#)); and
 2. Constitutes a distinct section of the City.
- 12.506.C Properties that are listed as a Recorded Texas Historic Landmark (RTHL), State Archeological Landmark (SAL) or listed on the National Register of Historic Places (NR) may be considered for HP Overlay designation as recognized local historic landmarks.

12.600 Certificates of Appropriateness

12.601 Applicability

- 12.601.A Within any HP Overlay district, a Certificate of Appropriateness must be obtained in accordance with this section before performing any construction, reconstruction, alteration, restoration, rehabilitation, or

relocation of any historic landmark or any property within a historic district. A Certificate of Appropriateness is also required before making any material change in light fixtures, signs, fences, steps, or other exterior elements that are visible from a public right-of-way and that affect the appearance and cohesiveness of any historic landmark or any property within a historic district.

12.601.B A Certificate of Appropriateness must be obtained in accordance with the procedures of this section before demolishing any building or structure within an HP Overlay.

12.601.C Certificates of Appropriateness are not required for ordinary maintenance and repair of any exterior architectural feature that does not involve a change in design, material, or outward appearance. In-kind replacement or repair is included in this definition of ordinary maintenance.

12.601.D No building or demolition permits may be issued for properties within an HP Overlay until a Certificate of Appropriateness is obtained. The Certificate of Appropriateness required by this section is in addition to and not in lieu of any other building or demolition permit that may be required by any other ordinance of the City of Huntsville.

12.602 Authority to File

Applications for Certificates of Appropriateness may be filed only by the subject property owner or by the subject property owner's authorized agent.

12.603 Application Filing

Complete applications must be filed with the Historic Preservation Officer in a form established by the City. The application must include at least the following information:

12.603.A Name, address, telephone number of applicant;

12.603.B Name, address, and telephone number of the property owner;

12.603.C A detailed description of the proposed work;

12.603.D Location and photographs of the property and adjacent properties;

12.603.E Elevation drawings of the proposed changes, if available;

12.603.F Samples of materials to be used;

12.603.G If the proposal includes signs or lettering, a scale drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination (if any), and a plan showing the sign's location on the property; and

12.603.H Any other information that the Historic Preservation Commission deems necessary in order to visualize the proposed work.

12.604 Meeting and Final Decision—Historic Preservation Commission

12.604.A The Historic Preservation Commission must review the application at a regularly scheduled meeting within 60 days of the date that a complete

application is received, at which time an opportunity must be provided for the applicant to be heard. The Historic Preservation Commission must approve, deny, or approve with modifications the application within 45 days after the review meeting. If the Historic Preservation Commission does not act within 90 days of the receipt of a complete application, a permit may be granted.

12.604.B All decisions of the Historic Preservation Commission must be in writing and must state its findings pertaining to the approval, denial, or modification of the application. A copy must be sent to the applicant. Additional copies must be filed as part of the City of Huntsville's records on that property and dispersed to appropriate departments.

12.604.C An applicant for a Certificate of Appropriateness dissatisfied with the action of the Historic Preservation Commission relating to the issuance or denial of a Certificate of Appropriateness has the right to appeal to the City Council within 30 days after receipt of notification of such action. The City Council must hold a public hearing and make its decision on the matter within 45 days of receiving the appeal notice.

12.605 Standards and Review Criteria

In considering an application for a Certificate of Appropriateness, the Historic Preservation Commission must be guided by any adopted design guidelines, and where applicable, by the Secretary of the Interior's *Standards for Rehabilitation of Historic Buildings*. Any adopted design guidelines and Secretary of the Interior's standards must be made available to the property owners of historic landmarks or property located within historic districts. The following items, as appropriate, must be considered in the application for a Certificate of Appropriateness:

12.605.A Every reasonable effort must be made to adapt the property in a manner that requires minimal alteration of the building, structure, object, or site and its environment.

12.605.B The distinguishing original qualities or character of a building, structure, object, or site and its environment may not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

12.605.C All buildings, structures, objects, and sites must be recognized as products of their own time. Alterations that have no historical basis and that seek to create an earlier appearance are discouraged.

12.605.D Changes that may have taken place in the course of time are evidence of the history and development of a building, structure, object, or site and its environment. These changes may have acquired significance in their own right, and this significance must be recognized and respected.

12.605.E Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure, object, or site must be kept where possible.

- 12.605.F Deteriorated architectural features must be repaired rather than replaced wherever possible. In the event replacement is necessary, the new material must reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features must be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- 12.605.G The surface cleaning of structures must be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials may not be undertaken.
- 12.605.H Every reasonable effort must be made to protect and preserve archeological resources affected by, or adjacent to, any project.
- 12.605.I Contemporary design for alterations and additions to existing properties are not discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
- 12.605.J Whenever possible, new additions or alterations to buildings, structures, objects, or sites must be done in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure, object or site would be unimpaired.

12.606 Economic Hardship Process

- 12.606.A After receiving written notification from the Historic Preservation Commission of the denial of a Certificate of Appropriateness, an applicant may commence the hardship process of this subsection. No building permit or demolition permit may be issued unless the Historic Preservation Commission makes a finding that an economic hardship exists.
- 12.606.B When a claim of economic hardship is made due to the effect of the historic preservation requirements of this Development Code, the applicant or property owner must prove that:
 1. The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;
 2. The property cannot be adapted for any other use, whether by the current owner or by a purchaser, that would result in a reasonable return; and
 3. Efforts to find a purchaser interested in acquiring the property and preserving it have failed.
- 12.606.C The applicant must consult in good faith with the Historic Preservation Commission, local preservation groups and interested parties in a

diligent effort to seek an alternative that will result in preservation of the property. Such efforts must be shown to the Historic Preservation Commission.

- 12.606.D The Historic Preservation Commission must hold a public hearing on the application within 60 days of the date that a complete application is received by the Historic Preservation Commission. Following the hearing, the Historic Preservation Commission has 30 days in which to prepare a written decision on the application. If the Historic Preservation Commission does not act within 90 days of the receipt of the application, a permit may be granted.
- 12.606.E All decisions of the Historic Preservation Commission must be in writing and must state its reasons for granting or denying the hardship application. A copy must be sent to the applicant and filed with the Historic Preservation Officer for public inspection.
- 12.606.F An applicant for economic hardship relief who is dissatisfied with the action of the Historic Preservation Commission relating to the issuance or denial of a Certificate of Appropriateness, has the right to appeal to the City Council within 30 days after receipt of notification of such action. The City Council must hold a public hearing and makes its decision on the matter within 45 days of receiving the appeal notice.

12.700 Subdivision Plats

12.701 Purposes

The subdivision review and approval procedures of this section are intended to help:

- 12.701.A Facilitate the creation of accurate and permanent public records of the separate interests created and conveyed by the subdivision of land, thereby helping to protect private property rights; and
- 12.701.B Ensure that proposed lots are capable of being built upon in accordance with applicable City regulations.

12.702 Applicability

Except as otherwise expressly exempted, subdivisions of property within the City limits or the City's extraterritorial jurisdiction are required to be approved in accordance with state law and the applicable plat approval procedures of this article before any of the following occurs:

- 12.702.A The division of land (for any purpose) into 2 or more parcels, to lay out a subdivision of the tract, including an addition to the City, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on to or adjacent to the streets, alleys, squares, parks or other parts;
- 12.702.B Development on a parcel not previously legally subdivided;
- 12.702.C Resubdivision of land that has previously been platted; or

12.702.D Amendment of any approved plat.

12.703 Exemptions

All of the following are expressly exempt from the subdivision plat approval procedures of this section (Sec. [12.700](#)):

12.703.A A division of land into parcels greater than 5 acres in area when each parcel has street access and no public improvements are dedicated;

12.703.B Division of property that results from a governmental entity's land acquisition for public facilities such as street right-of-way;

12.703.C Any lot or lots forming a part of a subdivision created and recorded before July 26, 1983 or before the date on which the City's subdivision regulations applied to the property through extension of the City's extraterritorial jurisdiction;

12.703.D A division of land performed by a political subdivision of the state, as defined in Chapter 245 of the *Texas Local Government Code*. Entities who choose to plat voluntarily must comply with all of the applicable requirements;

12.703.E A division of land created by order of a court with competent jurisdiction;

12.703.F Leases that do not involve the actual division of land, such as:

1. Agricultural leases, fishing leases, grazing leases, and hunting leases;
2. Leases that pertain to existing identified commercial or residential units; and
3. Sign leases;

12.703.G Easements that do not involve the division of land;

12.703.H The laying out of cemetery plots in a cemetery or addition to a cemetery if no public street is constructed or dedicated.

12.704 Determination of Applicability

12.704.A Upon receipt of a complete application, and in compliance with Section 212.0115 of the *Texas Local Government Code*, the City Planner is authorized to make the following determinations:

1. Whether a plat is required for the subject tract; and
2. If a plat is required, whether it has been prepared and whether it has been reviewed and approved.

12.704.B The City Planner may require additional information and documents be provided by the applicant in order to make the requested determination.

12.704.C If the City Planner determines that a plat is not required, the City Planner must issue to the requesting party a written certification of that determination. If it is determined that a plat is required and that the

plat has been prepared and has been reviewed and approved, the City Planner must issue to the requesting party a written certification of that determination.

12.704.D The City Planner must make the determination of applicability within 20 days of the date of receipt of a complete application and must issue the certificate, if applicable, no later than 10 days after the date the determination is made.

12.704.E The decision of the City Planner is appealable to the Planning Commission.

12.705 Subdivision (Plat) Approval Procedure Generally

Except as otherwise expressly stated in this section (Sec. [12.700](#)), the subdivision plat approval process requires preliminary plan approval and final plat approval. Prior to the submission of a preliminary plan application required by this Development Code, applicants are encouraged to schedule and attend an optional preapplication meeting (see Sec. [12.103](#)).

12.706 Minor Plats

12.706.A Applicability

The City Planner is authorized to approve the following in accordance with the minor plat approval procedures of this section:

1. Amending plats, as described in Section 212.016 of the *Texas Local Government Code*;
2. Plats or replats involving 4 or fewer lots fronting on an existing street and not requiring the creation of any new street or extension of municipal facilities, as described in Section 212.0065 of the *Texas Local Government Code*; and
3. A replat, as described in Section 212.0145 of the *Texas Local Government Code*, that does not require the creation of any new street or the extension of municipal facilities.

12.706.B Procedure

1. Minor plat approval requires submission of a final plat, as described in Sec [12.708](#). No preliminary plan is required. The minor (final) plat must be reviewed by the City Planner for compliance with all applicable requirements of this Development Code.
2. Within 30 days of receipt of a complete minor plat application and final plat, the City Planner must approve the plat, approve the plat with conditions or recommend denial of the plat. If the plat is recommended for denial, it must be forwarded to the Planning Commission for final action at their next available meeting. The City Planner may also elect, for any reason, to forward a proposed minor plat to the Planning Commission for final action.

Commentary: The 30-day requirement for plat approval is imposed by state law. The City's typical practice is to act on minor plats within 10 days.

3. If forwarded to the Planning Commission, the Planning Commission must approve, disapprove, or conditionally approve the plat within 30 days of the date that it is forwarded. The Planning Commission may approve a written request submitted by the developer to table a minor plat application to a specific future Planning Commission meeting when it is requested on a form provided by the City where the developer waives its right to having the plat acted upon within the required 30 days as set forth in Section 212.009(a) of the *Texas Local Government Code*. The Planning Commission may not table action on a plat without the consent of the developer and a waiver of rights.

12.706.C Recordation

After approval by the City Planner or Planning Commission, and when all requirements and conditions have been met, the approved plat must be recorded in the office of the Walker County clerk.

12.707 Preliminary Plans

12.707.A Applicability

Major subdivisions are those that do not meet the minor plat applicability provisions of [§12.706.A](#). Review and approval of a preliminary plan is required for all major subdivisions, except as otherwise expressly stated or unless the Planning Commission approves a consolidated preliminary and final plat.

12.707.B Purpose

The purpose of preliminary plan review and approval is to allow the Planning Commission to evaluate the proposed subdivision for compliance with applicable regulations of this Development Code and to evaluate construction plans for public improvements or to provide adequate security for construction of public improvements.

12.707.C Application Filing

Complete applications for preliminary plan approval must be filed with the City Planner.

12.707.D Review and Recommendation by City Planner

The City Planner must review the preliminary plan and recommend approval, approval with conditions or disapproval based on the plan's compliance with the following:

1. The Comprehensive Plan;
2. The infrastructure and public improvement standards of [Article 10](#); and
3. Other applicable provisions of this Development Code.

12.707.E Review and Final Action by Planning Commission

1. The City Planner must forward the preliminary plan to the Planning Commission for review when it meets all of the technical terms and conditions of this Development Code, or the applicant has filed an

application for a waiver or modification of the infrastructure and public improvement standards of [Article 10](#). (See [§12.711](#) for waiver and modification procedures)

2. The Planning Commission must act to approve conditionally approve or disapprove the preliminary plan within 30 days of receipt of a complete application. If action is not taken within the required 30-day period, the plat will be deemed approved.
3. The Planning Commission may approve a written request submitted by the developer to table a preliminary plan application to a specific future Planning Commission meeting when it is requested on a form provided by the City where the developer waives its right to having the plan acted upon within the required 30 days as set forth in Section 212.009(a) of the *Texas Local Government Code*. The Planning Commission may not table action on a preliminary plan without the consent of the developer and a waiver of rights.

12.707.F Effect of Preliminary Plan Approval

Approval of a preliminary plan shall mean the following:

1. Once a preliminary plan application is approved by the Planning Commission, the applicant may continue the major subdivision approval process by submitting construction plans and a final plat application.
2. Approval of a preliminary plan does not constitute approval of a final plat. Application for approval of a final plat will be considered only after the requirements for preliminary plan approval have been fulfilled and after all other specified conditions have been met.

12.707.G Lapse of Approval

1. If a final plat is not filed with the City Planner within 24 months of the date of approval of the preliminary plan, the preliminary plan will be deemed to have lapsed and be of no further effect. The Planning Commission may, upon written application of the applicant, extend the preliminary plan approval one time for up to 12 additional months. The extension request must be filed with the City Planner at least 30 days before the preliminary plan's expiration date.
2. Each final plat that is a phase of an approved preliminary plan extends the expiration date of the preliminary plan an additional 24 months from the date the previous final plat was approved by the Planning Commission.

12.707.H Preliminary Plan Amendments

1. **Minor Amendments.**
Minor amendments of an approved preliminary plan may be incorporated in an application for approval of a final plat without

the necessity of filing a new application for approval of a preliminary plan. Authorized minor amendments include adjustment in street or alley alignments and lengths, adjustment in lot lines that do not result in creation of additional developable lots, or adjustments to utility or access easements. Minor amendments must comply with all applicable regulations of this Development Code and may not increase the extent of any previously approved waiver.

2. Major Amendments

All proposed amendments to an approved preliminary plan that do not constitute a minor amendment are considered a major amendments and require approval of a new preliminary plan application. Examples of major amendments include any increase in the number of developable lots, additions or rerouting of streets and modification of parkland.

3. Amendment Determination

The applicant must provide a written description of proposed amendments to an approved preliminary plan. The City Planner is authorized to determine whether the proposed amendments are deemed minor or major amendments. At the discretion of the City Planner, a new preliminary plan application that proposes major amendments may be processed simultaneously with a final plat application.

4. Retaining Previous Approval

If the proposed major amendments are not approved or if the applicant is unwilling to accept the terms and conditions required by the Planning Commission, the applicant may withdraw the proposed preliminary plan amendments by written request and retain the previously approved preliminary plan.

12.708 Final Plats

12.708.A Applicability

Final plat review is required for all major subdivisions and is the procedure used for approval of minor plats (See Sec. [12.706](#)).

12.708.B Purpose

The purpose of a final plat is to record the subdivision of property including an accurate description of blocks, rights-of-way, easements, building lines and street names.

12.708.C Application Filing

Complete applications for final plat approval must be filed with the City Planner.

12.708.D Review and Action

1. The City Planner is authorized to approve minor plats (final plats).

2. A final plat for a major subdivision requires review and recommendation by the City Planner and review and approval by the Planning Commission.
3. The Planning Commission must act to approve, conditionally approve or disapprove the final plat within 30 days receipt of a complete application. If action is not taken within the required 30-day period, the plat will be deemed approved.
4. The Planning Commission may approve a written request by the developer to table a final plat application to a specific future Planning Commission meeting, provided that the developer waives the right to having the plan acted upon within the required 30 days as set forth in Section 212.009(a) of the *Texas Local Government Code*. The Planning Commission may not table action on a final plat without the consent of the developer and the waiver of rights described in this paragraph.
5. No final plat may be approved unless the plat is determined to (a) be in substantial conformance with the approved preliminary plan (if applicable) and the Comprehensive Plan and (b) comply with the infrastructure and public improvement standards of [Article 10](#) and all other applicable provisions of this Development Code.

12.708.E Recordation

1. After approval by the City Planner or Planning Commission, as applicable, and when all requirements and conditions have been met, the approved final plat must be recorded in the office of the Walker County clerk.
2. If infrastructure and public improvements are required for the proposed subdivision, the following are required before the approved final plat may be recorded.
 - (a) Engineering and construction documents must be approved by the City Engineer;
 - (b) Any required dedications and easements must be reviewed and determined acceptable by the City in recordable form; and
 - (c) All required infrastructure and public improvements must either (a) be in place and accepted by the City or (b) a financial guarantee must be provided in accordance with Sec. [10.300](#).
3. If the approved final plat is not recorded within 18 months of the date of approval by the Planning Commission, the previous approval will lapse and be of no further effect.

12.709 Vacating Plat

Vacating plats, as described in Section 212.013 of the *Texas Local Government Code* require review and approval in accordance with the same procedures used for

approval of final plats (see Sec. [12.708](#)). Once recorded, a vacating plat has the effect of returning the property to its previous (platted or unplatted) condition.

12.710 Replats

12.710.A When Required

Except as otherwise expressly stated in this article, replats of any portion of an already approved final plat, other than to amend or vacate the plat, require review and approval in accordance with the same procedures used for approval of final plats (see Sec. [12.708](#)).

12.710.B Replatting Without Vacating Preceding Plat

A replat of a final plat or portion of a final plat may be recorded and is controlling over the preceding plat without vacating that plat if the replat:

1. Is signed and acknowledged by only the owners of the property being replatted; and
2. Does not attempt to amend or remove any covenants or restrictions previously incorporated in the final plat.

12.710.C Additional Requirements for Residential Replats

1. Applicability

Pursuant to Section 212.015 of the *Texas Local Government Act*, the additional residential replat requirements of this subsection apply whenever:

- (a) During the preceding 5 years, any of the area to be replatted was limited by an interim or permanent development districts classification to residential use for not more than 2 residential units per lot; or
- (b) Any lot in the preceding plat was limited by deed restrictions to residential use for not more than 2 residential units per lot.

2. Public Hearing Notice

Residential replats require public notice hearing before the Planning Commission. Notice of the Planning Commission's public hearing must be published in accordance with [§12.106.B](#). The notice must be published at least 16 days before the public hearing. Notice of the hearing must also be mailed, in accordance with [§12.106.A](#), to the owners of lots that are in the original subdivision and that are within 300 feet of the lots to be replatted. Required notices must be mailed at least 16 days before the Planning Commission's public hearing.

3. Written Protest

- (a) Residential replats may be approved by a simple majority vote, except that if the proposed residential replat requires a modification or waiver of subdivision standards and a valid protest petition is filed against the replat, approval of the

replat requires a favorable vote of at least 75% of the Planning Commission members who are present and qualified to vote on the matter.

- (b) A written protest of a residential replat will be deemed valid only if it is signed and acknowledged by the owners of at least 20% of the area of the lots to whom mailed notice is required to be given under § [12.710.C2](#).

12.711 Modifications and Waivers of Subdivision Standards

The Planning Commission is authorized to approve, approve with conditions, or disapprove modifications and waivers of the infrastructure and public improvement standards of [Article 10](#). Such waivers and modifications must be reviewed as approved in conjunction with review and approval of the preliminary subdivision plan. In order to approve a waiver or modification, the Planning Commission must find that:

12.711.A There are special circumstances or conditions affecting the property;

12.711.B The waiver or modification is necessary for reasonable and appropriate development of the property in question and is not a greater modification or waiver than is required to allow reasonable and appropriate development of the subject property; and

12.711.C Granting the waiver or modification will not be detrimental to the public welfare or injurious to other property in the vicinity in which the subject property is situated.

12.800 Conditional Uses

12.801 Intent

The conditional use approval procedure of this section is intended to provide a transparent, public review process for land uses that, because of their widely varying design and operational characteristics, require case-by-case review in order to determine whether they will be compatible with surrounding uses and development patterns.

12.802 Applicability

All uses listed as conditional uses in Sec. [4.100](#) require review and approval in accordance with the procedures of this section.

12.803 Initiation of Application

Conditional use applications may be initiated only by the owner of the subject property or by the subject property owner's authorized agent.

12.804 Review and Report—City Planner

Upon receipt of a complete conditional use application, the City Planner must prepare a report and recommendation on the proposed conditional use. The report must be transmitted to the Planning Commission before their public hearing on the conditional use matter.

12.805 Notice of Hearings

12.805.A Planning Commission

Notice of the Planning Commission's required public hearing on a conditional use application must be mailed and posted, in accordance with [§12.106.A](#) and [§12.106.C](#). Required notices must be mailed and posted at least 11 days before the Planning Commission public hearing.

12.805.B City Council

Notice of the City Council's required public hearing on a conditional use application must be published in accordance with [§12.106.B](#). The notice must be published at least 16 days before the City Council public hearing.

12.806 Hearing and Recommendation—Planning Commission

The Planning Commission must hold a public hearing on the proposed conditional use. Following the close of the hearing, the Planning Commission must act by simple majority vote to recommend that the proposed conditional use be approved, approved with conditions, or denied and transmit its recommendations to the City Council.

12.807 Final Action—City Council

12.807.A Following receipt of the Planning Commission's recommendation, the City Council must hold a public hearing on the proposed conditional use. Following the close of their public hearing, the City Council must act to approve the proposed conditional use, approve the proposed amendment with conditions or deny the proposed conditional use. The City Council may also remand the proposed conditional use application to the Planning Commission for further consideration.

12.807.B Conditional use applications may be approved by a simple majority vote.

12.808 Review and Approval Criteria

No conditional use may be recommended for approval or approved unless the respective review or decision-making body determines that evidence has been submitted to support each of the following conclusions:

12.808.A That the proposed use is consistent with the Comprehensive Plan;

12.808.B That adequate utilities, roads, drainage and other necessary infrastructure facilities and public services are or will be available to serve proposed use; and

12.808.C That the proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity or be injurious to property values or improvements in the vicinity.

12.809 Lapse of Approval

12.809.A An approved conditional use application will lapse and have no further effect 18 months after it is approved by the City Council, unless:

1. A building permit has been issued (if required);

2. A certificate of occupancy has been issued; or
3. The conditional use has been lawfully established.

12.809.B The City Council is authorized to extend the expiration period for good cause on up to 2 separate occasions, by up to one year each. Requests for extensions must be submitted to the City Planner and forwarded to the City Council for a final decision.

12.809.C A conditional use also lapses upon revocation of a building permit or a certificate of occupancy for violations of conditions of approval or upon expiration of a building permit to carry out the work authorized by the conditional use approval.

12.810 Transferability

Conditional use approval runs with the land and is not affected by changes of tenancy, ownership, or management.

12.811 Amendments

Amendments to approved conditional uses may be approved in accordance with the following requirements. The conditional use amendment procedures may not be used to vary or modify Development Code requirements.

12.811.A Minor Amendments

1. The City Planner is authorized to approve the following minor amendments to approved conditional uses:
 - (a) Any amendments expressly authorized as minor amendments at the time of conditional use approval;
 - (b) The addition of customary accessory uses and structures; and
 - (c) Changes to the development site or to structures necessitated by engineering, architectural or physical limitations of the site that could not have been foreseen at the time the conditional use was approved and that are not otherwise classified as major amendments pursuant to [§12.811.B](#).
2. Applications for minor amendments to approved conditional uses must be filed in a form established by the City Planner. If no action is taken on the minor amendment application within 15 days of filing of a complete application, the minor amendment is deemed denied.

12.811.B Major Amendments

1. All of the following constitute major amendments to approved conditional uses:
 - (a) An increase in overall building coverage by more than 5%;
 - (b) An increase in building height by more than 10% or 5 feet, whichever is less;

- (c) An overall reduction in the amount of usable open space, common open space or landscaping;
 - (d) A reduction in off-street parking by more than 10% or one space, whichever results in a greater reduction;
 - (e) A change in the vehicle circulation pattern that would increase points of access, change access to another street or increase projected traffic volumes; and
 - (f) Any combination of 3 or more minor changes that were not expressly authorized by the approved conditional use permit.
2. Major amendments to an approved conditional use must be processed as a new conditional use application, including all requirements for fees, notices and public hearings.

12.900 Variances

12.901 Intent

A variance is a grant of relief to a property owner from strict compliance with the regulations of this Development Code. The intent of a variance is not to simply remove an inconvenience or financial burden that may result from compliance with applicable Development Code requirements. Variances are intended to help alleviate an undue hardship that would be caused by the literal enforcement of the subject ordinance requirements. They are intended to provide relief when the requirements of this Development Code render construction or placement of improvements impractical or impossible because of some unique or special characteristic of the subject property itself.

12.902 Authorized Variances

The Board of Adjustment is authorized to grant a variance to any regulation in this Development Code in accordance with the variance procedures of this section, except that the variance procedures may not be used to do any of the following:

- 12.902.A Allow a principal use in a development district that is not otherwise allowed in that development district (i.e., "use variances" are prohibited);
- 12.902.B Waive, modify or amend any definition or use classification;
- 12.902.C Waive, modify or otherwise vary any of the review and approval procedures of this article;
- 12.902.D Waive, vary, modify or otherwise override a condition of approval or requirement imposed by an authorized decision-making body or the state or federal government; or
- 12.902.E Waive, vary or modify subdivision-related standards (i.e., those administered and enforced as part of the subdivision review procedures, including, for example, the infrastructure and public improvement standards of [Article 10](#).) Note: waivers and modifications of subdivision-related requirements may be considered concurrently with review of a major subdivision (See Sec. [12.705](#)).

12.903 Authority to File

Variance applications may be filed by the subject property owner or by the property owner's authorized agent.

12.904 Application Filing

Complete applications for variances must be filed with the City Planner.

12.905 Notice of Hearing

Notice of the Board of Adjustment's required public hearing on a variance request must be mailed and posted, in accordance with [§12.106.A](#) and [§12.106.C](#). Notice must also be mailed to any individuals who have, in writing, requested such notification. Required notices must be mailed and posted at least 11 days before the public hearing.

12.906 Hearing and Final Decision—Board of Adjustment

12.906.A Following receipt of a complete application, the Board of Adjustment must hold a public hearing to consider the requested variance.

12.906.B Following the close of the public hearing, the Board of Adjustment must make its findings of fact and act to approve the requested variance, approve the variance with modifications and/or conditions, or deny the variance request based on the standards and review criteria of Sec. [12.907](#).

12.906.C Approval of a variance requires an affirmative vote of at least 4 members of the Board of Adjustment.

12.907 Standards and Review Criteria

12.907.A No variance may be approved unless the Board of Adjustment finds that the variance to be approved is consistent with the spirit and intent of this Development Code and that strict compliance with the subject provisions would result in an unnecessary hardships for the subject property owner.

12.907.B In its consideration of whether a variance request has met the standard of unnecessary hardship, the Board of Adjustment must make all of the following findings from the evidence presented:

1. The variance is necessary to overcome a condition of the property itself;
2. The condition necessitating the variance is unique to the subject property;
3. The condition necessitating the variance was not created by the subject property owner;
4. Literal enforcement of the subject regulation will deprive the property owner of any economically beneficial use of the subject property;
5. Approval of the variance will not be contrary to the public interest; and

6. Approval of the variance is in keeping with the overall spirit of this Development Code and furthers substantial justice.

12.908 Transferability

Approved variances run with the land and are not affected by changes of tenancy, ownership, or management.

12.909 Amendments

A request for changes in the specific nature of the approved variance or changes to any conditions attached to an approved variance must be processed as a new variance application, including all requirements for fees, notices and public hearings.

12.910 Lapse of Approval

12.910.A An approved variance will lapse and have no further effect one year after it is approved by the Board of Adjustment, unless:

1. A building permit has been issued (if required); or
2. The use or structure has been lawfully established.

12.910.B The Board of Adjustment is authorized to extend the expiration period for good cause on up to 2 separate occasions, by up to 6 months each. Requests for extensions must be submitted to the City Planner before the variance expires. No hearings, notices or fees are required for extensions.

12.910.C A variance also lapses upon revocation of a building permit or a certificate of occupancy for violations of conditions of approval or upon expiration of a building permit to carry out the work authorized by the variance.

12.911 Appeals of Final Decisions of the Board of Adjustment

Any person aggrieved by a variance decision of the Board of Adjustment may appeal the decision to district court. Appeals must be filed with district court of Walker County within 10 days of the date that the Board of Adjustment's decision is filed in the office of the City Planner.

12.1000 Appeals of Administrative Decisions

12.1001 Authority

The Board of Adjustment is authorized to hear and decide appeals where it is alleged there has been an error in any order, requirement, decision or determination made by the City Planner or any other administrative official in the administration, interpretation or enforcement of this Development Code.

12.1002 Right to Appeal

Appeals of administrative decisions may be filed by any person aggrieved by the City Planner's or other administrative official's decision or action. The Board of Adjustment is authorized to make determinations about whether individuals filing appeals are "aggrieved" by the decision or action.

12.1003 Application Filing

12.1003.A Complete applications for appeals of administrative decisions must be filed with the City Planner.

12.1003.B Appeals of administrative decisions must be filed within 30 days of the date of the decision being appealed.

12.1004 Effect of Filing

The filing of a complete notice of appeal stays all proceedings in furtherance of the action appealed, unless the City Planner certifies to the Board of Adjustment, after the appeal is filed, that, because of facts stated in the certification, a stay would cause immediate peril to life or property, in which case the proceedings will not be stayed unless by a restraining order, may be granted by the Board of Appeals or by a court of record based on due cause shown.

12.1005 Record of Decision

Upon receipt of a complete application of appeal, the City Planner or other administrative official whose decision is being appealed must transmit to the Board of Adjustment all papers constituting the record upon which the action appealed is taken.

12.1006 Notice of Hearing

Notice of the Board of Adjustment's required public hearing on an appeal of an administrative opinion must be mailed to the applicant, any individuals who have, in writing, requested such notification and any other parties in interest. Required notices must be mailed at least 11 days before the public hearing.

12.1007 Hearing and Final Decision

12.1007.A The Board of Adjustment must hold a public hearing on the appeal.

12.1007.B Following the close of the public hearing, the Board of Adjustment must take action on the appeal. The board's decision must be in writing and be supported by written findings of fact.

12.1007.C In exercising the appeal power, the Board of Adjustment has all the powers of the administrative official from whom the appeal is taken. The Board of Adjustment may affirm or may, upon the concurring vote of at least 4 members, reverse, wholly or in part, or modify the decision being appealed.

12.1007.D In acting on the appeal, the Board of Adjustment must grant to the official's decision a presumption of correctness, placing the burden of persuasion of error on the appellant.

12.1008 Review Criteria

An appeal may be sustained only if the Board of Adjustment finds that the City Planner or other administrative official erred.

12.1009 Appeals of Final Decisions of the Board of Adjustment

Any person aggrieved by the decision of the Board of Adjustment may appeal the decision to District Court. Appeals must be filed with District Court of Walker

County within 10 days of the date that the Board of Adjustment's decision is filed in the office of the City Planner.

Article 13 Administration

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13.100 City Council

The City Council is responsible for adopting the regulations and procedures of this Development Code, for confirming appointments to Planning Commission and Board of Adjustment and for carrying out those decision-making responsibilities expressly assigned by this Development Code, including final decision making on:

- 13.101 Development code text amendments (see Sec. [12.200](#));
- 13.102 Development district map amendments (see Sec. [12.300](#));
- 13.103 Planned development (PD) district concept plans and/or development plans (see Sec. [12.400](#)); and
- 13.104 Conditional uses (see Sec. [12.800](#))

13.200 Planning Commission

13.201 Creation and Membership

- 13.201.A The Planning Commission must consist of 7 voting members appointed by the Mayor with approval of the City Council. Each member must reside in the City or in the City's extraterritorial jurisdiction.
- 13.201.B The members of the Planning Commission are identified by place numbers 1 through 7. . Members are appointed for a term of 3 years, and serve until the end of their terms or until a successor is appointed and confirmed. Planning commission members may be reappointed.
- 13.201.C When a vacancy occurs, the Mayor, with approval of the City Council, must appoint a person to complete the unexpired term.

13.202 Operation

- 13.202.A The Planning Commission must conduct meetings, take action and operate in accordance with its adopted by-laws, this Development Code and state law.
- 13.202.B The Planning Commission must hold at least one regular meeting each month unless there is no business to conduct, in which case no meeting is required. The Planning Commission may hold special meetings at the call of the chairperson or by the call of a majority of the Planning Commission.
- 13.202.C The Planning Commission must elect a chairperson and vice-chairperson annually.

13.202.D The City Planner serves as ex officio (non-voting) secretary of the Planning Commission, with responsibility for keeping minutes, books, files and other records of the Planning Commission and performing other duties as are incidental to the position.

13.202.E A quorum, consisting of at least 4 voting members of the Planning Commission, must be present in order to conduct official business.

13.203 Responsibilities

The Planning Commission is responsible for assisting with preparation of a Comprehensive Plan and other planning studies and advising the City Council on planning and development-related matters. The Planning Commission is also responsible for carrying out those specific review and decision-making duties assigned by this Development Code, including:

13.203.A Reviewing, holding public hearings and making recommendations to the City Council on:

1. Development code text amendments (see Sec. [12.200](#));
2. Development district map amendments (see Sec. [12.300](#));
3. Planned development (PD) district concept plans and/or development plans (see Sec. [12.400](#)); and
4. Conditional uses (see Sec. [12.800](#)); and

13.203.B Reviewing and making final decisions on (subdivision) preliminary plans and final plats, except for those minor plat matters delegated to the City Planner (see Sec. [12.707](#) [preliminary plans], Sec. [12.708](#) [final plats] and Sec. [12.706](#) [minor plats]); and

13.203.C Reviewing and making final decisions on modifications and waivers of subdivision standards (see Sec. [12.711](#)).

13.204 Conflict of Interest

Planning commission members must recuse themselves and not participate in any discussion or vote on any matter concerning a business entity or real property in which they have a substantial interest if:

13.204.A The vote or decision involving the matter will have a special economic effect on the business entity that is distinguishable from the effect on the public; or

13.204.B It is reasonably foreseeable that an action on the matter will have a special economic effect on the value of the real property that is distinguishable from the effect on the public.

13.300 Board of Adjustment

13.301 Creation and Membership

13.301.A The Board of Adjustment consists of 5 voting members and 2 alternate members who may vote in the absence of regular voting members. Members are appointed by the Mayor with approval of the City Council. Each member must reside in the City.

13.301.B The members of the Board of Adjustment are identified by place numbers 1 through 5. The terms for places 1, 2 and 3 have terms that end in even-numbered years. The terms for places 4 and 5 end in odd-numbered years. Members are appointed for a term of 2 years. Members serve until the end of their terms or until a successor is appointed and confirmed. Members of the Board of Adjustment may be reappointed.

13.301.C The 2 alternate members of the Board of Adjustment may participate in all discussions, but are eligible to vote only when one or more regular voting members are unable to do so. The alternate members are designated as alternate "A" and alternate "B." Alternate members serve the same terms as place 4 and place 5 regular members and are subject to appointment and removal in the same manner as regular voting members.

13.301.D When a vacancy occurs, the Mayor, with approval of the City Council, must appoint a person to complete the unexpired term.

13.302 Operation

13.302.A The Board of Adjustment must conduct meetings, take action and operate in accordance with its adopted by-laws, this Development Code and state law.

13.302.B The Board of Adjustment must elect a chairperson and vice-chairperson annually, at the first regularly scheduled meeting after appointments are made.

13.302.C The City Planner serves as ex officio (non-voting) secretary of the Board of Adjustment, with responsibility for keeping minutes, books, files and other records of the Board of Adjustment and performing other duties as are incidental to the position.

13.302.D A quorum, consisting of at least 4 members of the Board of Adjustment, must be present in order to conduct official business.

13.303 Responsibilities

The Board of Adjustment is responsible for carrying out those specific review and decision-making duties assigned by this Development Code, including conducting public hearings and making final decisions on:

13.303.A Variances (see Sec. [12.900](#)); and

13.303.B Appeals of administrative decisions (see Sec. [12.1000](#)).

13.304 Conflict of Interest

Board of Adjustment members must recuse themselves and not participate in any discussion or vote on any matter concerning a business entity or real property in which they have a substantial interest if:

13.304.A The vote or decision involving the matter will have a special economic effect on the business entity that is distinguishable from the effect on the public; or

- 13.304.B** It is reasonably foreseeable that an action on the matter will have a special economic effect on the value of the real property that is distinguishable from the effect on the public.

13.400 Historic Preservation Commission

13.401 Creation and Membership

- 13.401.A** The Historic Preservation Commission must consist of 7 voting members appointed by the Mayor with approval of the City Council, with consideration given to the following recommended professions:
1. An architect, Planner, or representative of a design profession;
 2. A historian;
 3. A licensed realtor;
 4. An owner of a landmark or of a property in a historic district; and,
 5. A member of Walker County Historical Commission; or
 6. Any other resident of Huntsville as deemed appropriate by the City Council.

13.401.B All Historic Preservation Commission members, regardless of background, must have a known and demonstrated interest, competence, or knowledge in historic preservation within the City of Huntsville.

13.401.C Historic preservation commission members are appointed for a term of 2 years, with the exception that the initial term of 3 of the members will be one year, and the initial term of the other 4 members will be 2 years.

13.401.D In addition to the 7 regular members of the Historic Preservation Commission, the Historic Preservation Officer and any other person of experience and knowledge designated by the City Council as special advisor may sit on the Historic Preservation Commission as ex officio members. None of the ex officio members have voting power, but they are authorized to assist the Historic Preservation Commission in its various functions.

13.402 Operation

13.402.A A chair and vice chair must be elected annually, by and from the members of the Historic Preservation Commission.

13.402.B The Historic Preservation Commission must meet at least monthly, if business is at hand. Special meetings may be called at any time by the chair or upon written request of any 2 Historic Preservation Commission members. All meetings must be conducted in conformance with the *Texas Open Meetings Act*.

13.402.C A quorum, consisting of no less than a majority of the regular voting membership, must be present in order to conduct official business of the Historic Preservation Commission.

13.403 Responsibilities

The Historic Preservation Commission is responsible for carrying out those review and decision-making duties expressly assigned by this Development Code, including:

- 13.403.A** Making recommendations for staff and professional consultants as necessary to carry out the duties of the Historic Preservation Commission;
- 13.403.B** Preparing rules and procedures as necessary to carry out the business of the Historic Preservation Commission;
- 13.403.C** Conducting public hearings and providing comments on buildings, objects, sites, structures, and districts for nomination to the National Register of Historic Places and/or to the Texas Historic Commission based on the criteria established in the National Historic Preservation Act of 1966, as amended;
- 13.403.D** Conducting surveys and maintaining an inventory of significant historic, architectural, and cultural landmarks and all properties located in historic districts within the City;
- 13.403.E** Recommending the designation of resources as landmarks or historic districts;
- 13.403.F** Maintaining written minutes that record all actions taken by the Historic Preservation Commission and the reasons for taking such actions;
- 13.403.G** Recommending conferral of recognition upon the owners of landmarks or properties within districts by means of certificates, plaques, or markers;
- 13.403.H** Increasing public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs;
- 13.403.I** Making recommendations to the City Council concerning the utilization of state, federal, or private funds to promote the preservation of landmarks and historic districts within the City;
- 13.403.J** Approving or disapproving applications for Certificates of Appropriateness;
- 13.403.K** Preparing and submitting reports to the City Council summarizing the work completed, as appropriate;
- 13.403.L** Preparing specific design guidelines for the review of landmarks and districts;
- 13.403.M** Recommending the acquisition of a landmark structure by the City where its preservation is essential to the purposes identified in Sec. [3.401](#) and where private preservation is not feasible;
- 13.403.N** Proposing and recommending to the City Council incentive programs for the preservation of designated landmarks or districts;

- 13.403.O Accepting on behalf of the City the donation of preservation easements and development rights as well as any other gift of value for the purpose of historic preservation, subject to the approval of the City Council; and
- 13.403.P Providing comments to the Texas Historical Commission on any federal undertakings within a historic district pursuant to Section 106 of the *National Historic Preservation Act of 1966*.

13.500 Historic Preservation Officer

The City manager is authorized to appoint a qualified City official or staff person to serve as Historic Preservation Officer. The Historic Preservation Officer is responsible for carrying out those duties and responsibilities expressly identified in this Development Code and for advising the Historic Preservation Commission on matters submitted to it. In addition to serving as representative of the Historic Preservation Commission, the Historic Preservation Officer is responsible for coordinating the City of Huntsville's preservation activities with those of state and federal agencies and with local, state and national nonprofit preservation organizations.

13.600 City Planner

13.601 Appointment

The City manager has the authority to appoint a City Planner.

13.602 Responsibilities

The City Planner is responsible for assisting with preparation of a Comprehensive Plan and other planning studies and advising the Planning Commission, Board of Adjustment and City Council on planning and development-related matters. The City Planner is also responsible for carrying out those specific review and decision-making duties assigned by this Development Code, including:

- 13.602.A Interpreting, administering and enforcing the regulations of this Development Code;
- 13.602.B Reviewing and making recommendations to the Planning Commission and City Council on:
 1. Development code text amendments (see Sec. [12.200](#));
 2. Development district map amendments (see Sec. [12.300](#));
 3. Planned development (PD) district concept plans and/or development plans (see Sec. [12.400](#));
 4. Preliminary subdivision plans (see Sec. [12.707](#)); and
 5. Conditional uses (see Sec. [12.800](#)); and
- 13.602.C Reviewing and making recommendations to the Planning Commission on final subdivision plats (see Sec. [12.708](#));
- 13.602.D Reviewing and making recommendations to the Board of Adjustment on variances (see Sec. [12.900](#));

- 13.602.E** Providing assistance to the City Council, Planning Commission and Board of Adjustment concerning the exercise of their responsibilities under this Development Code; and
- 13.602.F** Delegating to staff responsibility for carrying out specific day-to-day functions in the administration and enforcement of this Development Code.

Article 14 Enforcement

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14.100 Responsibility for Enforcement

The City Planner has primary responsibility for enforcing this Development Code.

14.200 Violations

Unless otherwise expressly allowed by this Development Code or state law, any violation of a provision of this Development Code—including but not limited to all of the following—may be subject to the remedies and penalties provided for in this Development Code.

14.201 To use land or buildings in any way not consistent with the requirements of this Development Code;

14.202 To erect a building or other structure in any way not consistent with the requirements of this Development Code;

14.203 To sell or divide property that has not been platted as required by this Development Code;

14.204 To adjust a lot or tract boundary or consolidate 2 or more lots or tracts of land that has not been platted as required by this Development Code;

14.205 To file a plat or map with the Walker County clerk for a land division that has not been approved in accordance with the subdivision plat procedures of this Development Code;

14.206 To fail to construct or install a public improvement described on an approved plat or on a document attached to an approved plat;

14.207 To install or use a sign in any way not consistent with the requirements of this Development Code;

14.208 To engage in the use of a building, structure or land, the use or installation of a sign, or any other activity requiring one or more permits or approvals under this Development Code without obtaining such required permits or approvals;

14.209 To engage in the use of a building or land, the use or installation of a sign, or any other activity requiring one or more permits or approvals under this Development Code in any way inconsistent with any such permit or approval or any conditions imposed on the permit or approval;

14.210 To violate the terms of any permit or approval granted under this Development Code or any condition imposed on the permit or approval;

14.211 To obscure, obstruct or destroy any notice required to be posted or otherwise given under this Development Code;

14.212 To violate any lawful order issued by any person or entity under this Development Code; or

14.213 To continue any violation after receipt of notice of a violation.

14.300 Continuing Violations

Each day that a violation remains uncorrected after receiving notice of the violation from the City constitutes a separate violation of this Development Code.

14.400 Remedies and Enforcement Powers

14.401 Fines

Upon conviction, any person violating or failing to comply with any of the provisions of this Ordinance may be fined not less than \$500 nor more than \$2,000, with each day any violation or noncompliance continues constituting a separate and distinct offense.

14.402 Injunctions

The power of injunction, as provided in Texas Revised Civil Statutes, may be exercised in enforcing this Development Code regardless of whether there has been a criminal complaint filed.

14.403 Property Owner Rights

In addition to all other remedies and penalties authorized under this Development Code, the right is hereby conferred and extended to any property owner whose property may be affected by a violation of the terms of this Development Code, to bring suit in a court having jurisdiction and obtaining such remedies as may be available at law or in equity for the protection of the rights of such property owner.

14.404 Forfeiture and Confiscation of Signs on Public Property

Any sign installed or placed on public property, except in compliance with the regulations of this Development Code, will be forfeited to the public and subject to confiscation. See also Sec. [8.403](#).

14.405 Withholding Services and Denying Permits

The City may refuse to maintain streets, furnish water or sewer service, assign street numbers, or issue building permits for construction of any building for any property in any subdivision, development or in any lot or tract of land in the City that is in violation of this Development Code.

14.406 Other Penalties, Remedies and Powers

The City may seek such other penalties as are provided by Texas law, including filing court action to:

14.406.A Enjoin the violation or threatened violation of a requirement of this Development Code;

14.406.B Recover damages in an amount adequate for the City to undertake construction or other activity necessary to cause compliance with this Development Code; and

14.406.C Recover civil penalties, plus court costs and attorneys fees, as allowed by law.

14.407 Appeals

Enforcement actions taken by the City Planner or other administrative officials may be appealed by the affected party in accordance with Sec. [12.1000](#).

Article 15 Terminology and Definitions

15.100	Rules of Language and Interpretation	15-1
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15.100 Rules of Language and Interpretation

15.101 Meanings and Intent

Words and terms expressly defined in this Development Code, including those defined in Sec. [15.200](#), have the specific meanings assigned unless the context indicates another meaning. Words that are not expressly defined in this Development Code have the meaning given in the latest edition of Merriam-Webster's Unabridged Dictionary.

15.102 Computation of Time

15.102.A References to "days" are to calendar days unless otherwise expressly stated. References to "business days" are references to regular city government working days, excluding Saturdays, Sundays and holidays observed by city government.

15.102.B The time in which an act is to be completed is computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday or holiday observed by city government, that day is excluded.

15.102.C A day concludes at the close of business and any materials received after that time will be considered to have been received the following day.

15.103 Tenses and Usage

15.103.A Words used in the singular include the plural. The reverse is also true.

15.103.B Words used in the present tense include the future tense. The reverse is also true.

15.103.C The words "must," "will," "shall" and "may not" are mandatory.

15.103.D The word "may" is permissive, not mandatory or required.

15.103.E When used with numbers, "up to x," "not more than x" and "a maximum of x," all include "x."

15.103.F The word "person" includes a firm, association, organization, partnership, limited liability company, trust company or corporation, as well as an individual.

15.103.G The words "used" and "occupied" include "intended, designed or arranged to be used or occupied."

15.104 Conjunctions

Unless the context otherwise expressly indicates, conjunctions have the following meanings:

15.104.A "And" indicates that all connected items or provisions apply; and

15.104.B “Or” indicates that the connected items or provisions may apply singularly or in combination.

15.105 Headings and Illustrations

Headings and illustrations are provided for convenience and reference only and do not define or limit the scope of any provision of this Development Code. In case of any difference of meaning or implication between the text of this Development Code and any heading, drawing, table, figure or illustration, the text governs.

15.106 Versions and Citations

All references in this Development Code to other city, state or federal regulations are to be construed as referring to the most up-to-date version and citation for those regulations, unless otherwise expressly indicated. When the referenced regulations have been repealed and not replaced by other regulations, Development Code requirements for compliance are no longer in effect.

15.107 Lists and Examples

Unless otherwise expressly indicated, lists of items or examples that use “including,” “such as,” or similar terms are intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.

15.108 Delegation of Authority

Whenever a provision appears requiring the head of a department or another officer or employee of the city to perform an act or duty, that provision will be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority. Delegation of authority is not allowed when the provisions of this Development Code expressly prohibit such delegation.

15.109 Public Officials and Agencies

1. Unless otherwise expressly stated, all employees, public officials, bodies and agencies to which references are made are those of the City of Huntsville or individuals or agencies legally authorized to act on behalf of the City of Huntsville.
2. References in this Development Code to the “city” are references to the City of Huntsville.
3. References in this Development Code to the “city council” are references to the Huntsville City Council.

15.200 Definitions

Abut or Abutting

To touch or have a common boundary.

Accessory Building

A building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building. See also [§4.201](#).

Adjacent

Lying near or in the immediate vicinity.

Agriculture

Any land or building used for pasturage, floriculture, dairying, horticulture, forestry, and livestock or poultry husbandry.

Airport

The Huntsville Municipal Airport.

Airport Elevation

The highest point of an airport's usable landing area measured in feet from mean sea level.

Airport Hazard

Any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff at such airport or is otherwise hazardous to such landing or takeoff of aircraft.

Alley

A legally established private access easement affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

Alluvial Fan Flooding

Flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

All-Weather Surface (or Material)

Asphalt, concrete or other equivalent city-approved, hard-surface material that is capable of providing protection against potholes, erosion, dust and substantial deterioration. Gravel or crushed stone alone does not qualify as an all-weather surface.

Alterations

Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams or girders; or any change which may be referred to herein as "altered" or "reconstructed".

Apartment/Condo

See description in [Table 4-1](#).

Apex

A point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Applicant

A person seeking an action or approval under provisions of this ordinance.

Approach

Transitional, horizontal and conical zones. These zones apply to the area under the approach, transitional, horizontal, and conical surfaces defined in FAR Part 77.

Area of Shallow Flooding

A designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is

unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard

The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

As-Built Drawings (or Plans)

Plans prepared by a registered professional engineer and certifying that the public improvements are constructed as shown.

Base Flood

The flood having a one percent chance of being equaled or exceeded in any given year.

Basement

Any area of the building having its floor sub-grade (below ground level) on all sides.

Berm

A man-made, formed, earth mound of definite height and width used for obscuring purposes; the intent of which is to provide a transition between uses of differing intensity.

Block

A tract or parcel of land designated as such on a subdivision plat surrounded by streets or other physical obstructions.

Boundary Sewer Line

A sewer line installed in a street bounding a development or faced on only one side by a development, which can also serve property not included in the development on the opposite side of the street.

Boundary Water Line

A water line, installed in a street bounding a development or faced on only one side by a development, which can also serve property not included in the development on the opposite side of the street.

Buffer

A strip of land, including any specified type and amount of landscape plantings or structures that may be required to protect one type of land use from another, or minimize or eliminate conflicts between them.

Building

See definition in Building Code.

Building Height

See "height."

Building Line

Same as minimum required front setback.

Building, Principal

A building in which is conducted the main or principal use of the lot on which said building is located.

Caliper

The diameter measurement of the stem or trunk of nursery stock. The location of the measurement depends on the plant type. For fruit trees, small fruits, understock, and seedling trees and shrubs, caliper measurement shall be taken at the root collar or at other points expressly described in ANSI Z60.1. For all other nursery stock, caliper measurement is taken six inches above the ground level for field grown stock and from the soil line for container grown stock, which should be at or near the top of the root flare, and six inches above the root flare for bare root plants, up to and including the four-inch caliper size interval (i.e., from four inches up to, but not including, 4 1/4 inches). If the caliper measured at six inches is four and one-half inches or more, the caliper shall be measured at 12 inches above the ground level, soil line, or root flare, as appropriate. (See also "Diameter at Breast Height.")

Certificate of Compliance

A certificate issued by the City to a party or parties intending to initiate any work or change any use of property in the City.

City

The City of Huntsville, Texas.

Commercial Message

Any sign, wording, logo, or other representation that directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity.

Construction, Existing

For the purpose of interpreting and administering the flood protection regulations of §8.1103.B, "existing construction" means structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

Construction, New

For the purpose of interpreting and administering the flood protection regulations of §8.1103.B, this term means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Critical Feature

An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Development

For the purpose of interpreting and administering the flood protection regulations of §8.1103.B, "development means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials.

For purposes of administering and interpreting all other provisions of this Development Code, "development" means any of the following (1) Construction of any new building or

structure with a total gross floor area of more than 500 square feet; (2) expansion by more than 25% of any existing building or structure with a total gross floor area of more than 500 square feet; or (3) Creation of more than 4 parking spaces.

Developer

Any person who improves or subdivides a tract of land or improves or takes any action preparatory to the erection, improvement or movement of any building or structure on a tract of land.

Density

The average number of dwelling units per acre for the entire development, including streets.

Diameter at Breast Height

The outside bark diameter at breast height. Breast height is defined as 4.5 feet (1.37m) above the forest floor on the uphill side of the tree. For the purposes of determining breast height, the forest floor includes the duff layer that may be present, but does not include unincorporated woody debris that may rise above the ground line.

Display Surface (of a Sign)

The entire surface of a sign, on one side, devoted to exhibiting or contrasting exhibits of advertising. The display surface shall generally include the entire sign surface except for the sign frame and incidental supports.

District (Development)

An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements and height regulations.

Driveway

That portion of a vehicular use area that consists of a travel lane bounded on either side by an area that is not part of the vehicular use area.

Dwell Time

The time that a single message on a dynamic display is held static or constant, without any change in the message or image displayed.

Dwelling Unit

One or more rooms with bathroom and principal kitchen facilities designed as a self-contained unit for occupancy by one family for living, cooking and sleeping purposes. See also description of residential building types in [Table 4-1](#).

Dynamic Display

Any element of a sign or sign structure capable of displaying words, symbols, figures, images or messages that can be electronically or mechanically changed by remote or automatic means. This also includes any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows a sign to present a series of images, messages or displays.

Erected

The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection.

Elevated Building

A non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

Excavation

Any breaking of ground, except common household gardening, general farming and ground care.

Family

One or more persons related by blood, marriage, or adoption, or parents along with their direct lineal descendants, and adopted or foster children (including domestic employees) or a group not to exceed two persons not related by blood or marriage, occupying a premises and living as a single housekeeping unit with single cooking facilities. Every additional group of two or less persons living in such housekeeping unit shall be considered a separate family. This definition does not apply in instances of group care centers, or licensed residential facilities.

FEMA

Federal Emergency Management Agency

FHBM

Flood Hazard Boundary Map

Filling

The depositing or dumping of any matter into or onto the ground except common household gardening and general maintenance.

FIRM

See Flood Insurance Rate Map

Flag Lot

A lot that has minimum frontage on a public street, but on which the buildable portion of such lot is reached via a private drive or lane whose width is some distance back from the street right-of-way. Sometime referred to as "panhandle lots."

Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal waters or (2) the unusual and rapid accumulation or run-off of surface waters from any source.

Flood Insurance Rate Map (FIRM)

An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study

The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

Floodplain Management

The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain or Flood-Prone Area

Any land area susceptible to being inundated by water from any source (see definition of flooding).

Floodproofing

Any combination of structural and nonstructural additions, changes or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Flood Protection System

Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such as system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodway (Regulatory Floodway)

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Foot-candle

A measure of illumination, the amount of light falling onto a surface. One lumen of light, shining evenly across one square foot of surface, illuminates that surface to one foot-candle.

Frontage

The dimension of a property line or portion of a property line that abuts a street; side yards of corner lots are excluded. If the subject property does not abut a street, frontage is measured along the property line that is closest to and most nearly parallel to a street.

Functionally Dependent Use

For the purpose of interpreting and administering the flood protection regulations of [§8.1103.B](#), this term means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and

ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Grade

Grade shall be determined by the level of the ground adjacent to the walls of any structure if the finished grade is level on all sides of the building or structure. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the structure.

Groundcover

A spreading plant, including sods and grasses less than 18 inches in height, used for landscape design and erosion control.

Habitable Floor

For the purpose of interpreting and administering the flood protection regulations of §8.1103.B, this term means any floor usable for the following purposes; which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used for storage purposes only is not a "habitable floor."

Half-Street

A vehicular access-way created if only a portion of the required right-of-way width or pavement width is dedicated and/or constructed.

Height, Building

The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on a sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

Height, Sign

See §8.1102.

Highest Adjacent Grade

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure (See also Sec. 3.400)

For the purpose of interpreting and administering the flood protection regulations of 8.1103.B, this term means any structure that is:

- 1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- 2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- 3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- 4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

- a. by an approved state program as determined by the Secretary of the Interior or;
- b. directly by the Secretary of the Interior in states without approved programs.

Home Occupation

Accessory use of a dwelling unit for limited commercial (home-based work) purposes. Home occupations are subject to the regulations of Sec. [4.202](#).

Improvement

Any physical structure or system, including building, drainage work, water system, sewer system, sidewalks, streets, or utility system.

Industrial

See description in [Table 4-1](#).

Landscape Development

Trees, shrubs, ground cover, vines or grass installed in planting areas, having a minimum of 10 square feet of actual plantable area and a minimum inside dimension on any side of at least 18 inches.

Lawfully Established

A use, structure, lot or sign (as the context indicates) that was established in conformance with all applicable development regulations in effect at the time of its establishment.

Lease

A contract by which one owning such property grants to another the right to possess, use and enjoy it for a specified period of time in exchange for the periodic payment of a stipulated price.

Levee

A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee System

A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lot

An undivided tract or parcel of land having frontage on a public street and which is, or in the future may be offered for sale, conveyance, transfer or improvement.

Lot Depth

The distance on a horizontal plane between the midpoint of the front lot line and the midpoint of the rear lot line.

Lot Lines

The lines bounding a lot.

Lot Line, Front:

In the case of an interior lot, a line separating the lot from the street; as in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street, except in those cases where the deed restrictions specifies another line as the front lot line;

provided, however, that the front lot line of a non-residential lot shall be that side adjacent to the highest volume street.

Lot Line, Rear

A lot line opposite and most distant from the front lot line.

Lot Line, Side

Any lot line not a front line or rear lot line.

Lot of Record

A lot that is either:

- 1) part of a platted subdivision, the plat of which is recorded in the office of the Walker County clerk,
- 2) a parcel or lot described by metes and bounds, the deed of which has been recorded in the office of the Walker County clerk prior to March 1, 1982; or
- 3) a lot that is part of an approved Boundary Line Adjustment, the plat of which is filed with the City.

Lot Width

See [§5.703](#).

Lowest Floor

For the purpose of interpreting and administering the flood protection regulations of [§8.1103.B](#), this term means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

Manufactured Home or Housing Unit (HUD-code)

A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or 40 body feet or more in length, or, when erected on site is 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 Code of Federal Regulations, Section 3282.8(g).

Manufactured Home Park or Subdivision

A parcel (or contiguous parcels) of land divided into 4 or more manufactured home lots for rent or sale.

Manufactured Home Park or Subdivision, Existing

For the purpose of interpreting and administering the flood protection regulations of [§8.1103.B](#), "existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is

completed before the effective date of the floodplain management regulations adopted by a community.

Manufactured Home Park or Subdivision, Expansion of an Existing

For the purpose of interpreting and administering the flood protection regulations of §8.1103.B, “expansion of an existing manufactured home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Manufactured Home Park or Subdivision, New

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Marquee

A roof-like structure of a permanent nature projecting from the wall of a building.

Mean Sea Level

For the purpose of interpreting and administering the flood protection regulations of §8.1103.B, this term means the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

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 40 body feet or more in length, or, when erected on-site is 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

A mobile home park is a parcel of land under single ownership on which two (2) or more mobile homes are occupied as residences. Any mobile home facility where two or more units are intended for long-term residential use (beyond ninety (90) days) is considered a mobile home park for purposes of applying development standards.

Noncommercial Message

Any sign, wording, logo, or other representation that does not directly or indirectly, name, advertise, or call attention to a business, product, service for sale or lease, or to any other commercial interest or activity.

Nonconforming Building (Nonconforming Structure)

See §11.401.

Nonconforming Use

See §11.301.

Nonprecision Instrument Runway

A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned, and for which no precision approach facilities are planned or indicated on an FAA planning document or military service's military airport planning document.

Open-Air Use

Storage yards, construction debris sites, used vehicle sales lots, vehicle impound yards, auto wrecking, junkyards, and similar uses conducted outside of enclosed buildings and when the only buildings on the lot are incidental and accessory to principal use of the lot.

Owner

Any owner, authorized agent or contractor who constructs, enlarges, alters, repairs, moves or changes the occupancy of a building or structure.

Owner's Front Footage

The pro rata amount of the cost of a water or sewer line extension that is not reimbursable to the person requesting the extension.

Pavement Width

The portion of the surface of the street available for vehicular traffic; if curbed, it is that portion of street between back of curb and back of curb.

Person

An individual, firm, partnership, corporation, company, association, joint stock association or governmental entity. It includes a trustee, receiver, assignee or similar representative of any of them.

Primary Surface

A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulation (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Principal Use

The main use to which the premises are devoted and the principal use for which the premises exist.

Private Street

A vehicular access way under private ownership and maintenance providing access to building units in the interior of a lot.

Pro Rata

The charge per front foot of abutting land to be paid by the lot owner or owner of a development to aid in defraying the cost of supplying sewer service or water service to his lot or site.

- 1) Single pro rata: The charge based on the front footage of abutting land on only one side of the street or easement.
- 2) Double pro rata: The charge based on the front footage of abutting land on both sides of the street or easement.

Public Street

A public right-of-way, however designated, dedicated or acquired, that provides vehicular access to adjacent private or public properties.

Public Utility

Any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state or municipal regulations to the public; gas, steam, electricity, sewage disposal, communication, telephone, telegraph, transportation or water.

Recreational Vehicle (RV)

A vehicle that is:

- a) built on a single chassis;
- b) 400 square feet or less when measured at the largest horizontal projections;
- c) designed to be self-propelled or permanently towable by a light duty truck; and
- d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use

Recreational Vehicle (RV) Park

An area set aside and offered by any person for the parking and accommodation of 2 or more recreational vehicles.

Reserve

A tract of land created within a subdivision plat that is not divided into lots or proposed for development at the time of platting.

Residential

A tract of land designed for or used exclusively to contain a dwelling unit or units. A "primary residential area" shall mean a street or streets in which a majority of the total front footage is used for residential purposes.

Right-of-way

A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

Runway

A defined area on an airport prepared for landing and takeoff of aircraft along its length.

Setback

See Sec. [5.705](#).

Setback, Rear

See [§5.705.A3](#).

Setback, Side

See [§5.705.A2](#).

Setback, Street

See [§5.705.A1](#).

Shrub

A woody perennial plant differing from a perennial herb by its more woody stem and from a tree by its low stature and habit of branching from the base.

Sign

Any identification, description, illustration, or device illuminated or non-illuminated that is visible to the public from adjoining streets or adjoining properties and that directs attention to a product, service, place, activity, person, institution, business, or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard, temporary sign, light, decoration, balloon or other device designed to attract attention, advertise, identify or convey information. Building details that are an integral part of the overall architectural design of a building or works of art accessory to a building are not considered signs.

Sign, Off-Premise

A sign that directs attention to a business, commodity service, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located or to which it is affixed.

Sign, On-Premise

A sign that directs attention to a business, commodity service, or entertainment conducted, sold, or offered upon the premises where such sign is located or to which it is affixed.

Sign Area (or Sign Face Area)

The surface measurement of a sign. See also Sec. [8.1100](#).

Sign, Construction

A sign on the site of permitted development/construction activities.

Sign, Directional

A sign used to convey directions and other information for the convenience of the public. Included are signs designating restrooms, address numbers, hours of operation, entrances to buildings, help wanted, public telephone, etc. Also included are signs on private property designed to direct pedestrians or vehicular traffic, such as "entrance" or "exit."

Sign, Dynamic Display

See "dynamic display."

Sign, Freestanding

Any sign on a frame, pole or other support structure that is not attached to any building. Sometimes referred to as "ground signs."

Sign, Identification

A sign indicating the name and address of a building, or the name of an occupant thereof, and the practice of a permitted occupation therein.

Sign, Menu Board

A sign displaying goods or services available through a drive-up window or available through a drive-in or drive-through establishment.

Sign, Monument

A freestanding sign where the base of the sign structure is on the ground or no more than 12 inches above the ground adjacent to the sign. Typically constructed of brick, wood, stone, or metal, monument signs have a base that is at least 80% of the width of the sign face.

Sign, Moving

Any sign that revolves, rotates, swings, undulates, or otherwise attracts attention by moving parts, whether operated by mechanical equipment or by natural sources, not including flags or banners.

Sign, Portable

Any sign not permanently attached to the ground, a building or other structure that is not readily movable. Any sign attached to a sign structure that has wheels will be considered a portable sign, as well as any sign attached to a frame or other sign structure that is not permanently attached to the ground or a building.

Sign, Projecting

Any sign that is attached to a building and that projects outward from the exterior wall of the building by more than 18 inches. The face of a projecting sign is typically perpendicular to the adjacent building wall.

Sign, Roof

Any sign erected, constructed, maintained or visible above the parapet on a building with a flat roof or above the peak on a pitched roof.

Sign Structure

Any structure that supports a sign, including decorative cover.

Sign, Temporary

Any sign, banner, pennant, valance, or advertising display that by intent is not permanent, constructed of cloth, canvas, lightweight fabric, cardboard, wallboard, or other lightweight materials with or without frames, intended to be displayed for a short period of time only.

Sign, Wall

A single-faced sign attached generally flush or parallel to the wall of a building.

Site Plan

A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Code.

Start of Construction

For the purpose of interpreting and administering the flood protection regulations of [§8.1103.B](#), this term means substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the

property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Street, Expressway

Roads intended to serve interstate or high speed, high-volume urban traffic. Access to expressways is limited to other expressways and major streets.

Street, Arterial

Roads of regional importance or the main roads of a community. Direct access is primarily limited to significant land uses.

Street, Collector

Provides access to nonresidential land uses and connects residential streets to the system's arterial streets.

Street, Local

Provides access to adjacent land. Characterized by a small service and low speeds.

Street, Stub

A street that is temporarily terminated, but that is planned for future continuation.

Structure

As defined in International Building Code.

Structure

For floodplain management purposes, means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Subdivision

See Sec. [12.702](#).

Subdivision Plat

A map or drawing of a proposed subdivision prepared in a manner suitable for recording in the County records and containing accurate and detailed engineering and survey data, dimensions, dedicatory statements and certificates. See also Sec. [12.700](#).

Substantial Damage

For floodplain management purposes, means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement

For the purpose of interpreting and administering the flood protection regulations of [§8.1103.B](#), this term means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by

the local code enforcement official and which are the minimum necessary conditions or

- b) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Tree, Canopy

Any self-supporting woody plant with one well-defined trunk and a distinct and definite formed crown that attains a height of at least 30 feet at maturity.

Tree Diameter

See "Diameter at Breast Height" (for measuring existing trees) and "Caliper" (for measuring new trees to be planted)

Tree, Non-canopy

Any self-supporting woody plant with one or more trunks that attains a height of at least 15 feet at maturity.

Unified Development

The separate ownership of single units or apartments in a multiple unit structure or structures with common elements. (See Tex. Rev. Civ. Stat. art. 1301a)

Utility Runway

A runway that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight and less.

Variance

A grant of relief to a person from the requirements of this code when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this code.

Violation

For the purpose of interpreting and administering the flood protection regulations of §8.1103.B, this term means the failure of a structure or other development to be fully compliant with the Flood Protection regulations of §8.1103.B. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §8.1103.B is presumed to be in violation until such time as required documentation is provided to the City.

Watercourse

A definite channel of a stream in which water flows within a defined bed and banks, originating from a definite source or sources. (The water may flow continuously or intermittently, and if the latter, with some degree of regularity, depending on the characteristics of the sources.)

Water Surface Elevation

The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Appendix 1: Preliminary Plan Submittal Requirements

The following information is required with all preliminary plans, unless the City Planner determines that specific items of information area not required in a particular case:

1. The preliminary plan must demonstrate compliance with the general requirements of the Development Code, specifically including the infrastructure and public improvement standards of [Article 10](#);
2. Provide the preliminary plan on sheets 24 inches by 36 inches to a scale of 100 feet per inch or larger. Smaller scales may be allowed at the discretion of the City Planner. If more than one sheet, provide an index sheet at a scale of 500 feet per inch or larger;
3. The words "PRELIMINARY PLAN - NOT FOR RECORD" shall appear on the plan in letters 0.5 inches high;
4. The date the preliminary plan was submitted and the dates of any revisions shall legibly appear on the plan;
5. The proposed name of the subdivision or development, which shall not have the same spelling as or be pronounced similar to the name of any other subdivision located within the county it is located;
6. The name and address of all property owners, developers and subdividers, engineers, and surveyors;
7. An accurate location of the subdivision or development shall be provided by reference to an established survey or league corner, City of Huntsville horizontal control monument, subdivision corner, or other known point. Primary control points or descriptions and ties to such control point, to which, later, all dimensions, angles, bearings, block numbers, and similar data shall be referred. The preliminary plan shall be located with respect to a corner of the survey or tract, or an original corner of the original survey of which it is a part;
8. Subdivision boundary lines shall be indicated by heavy lines and the computed acreage of the subdivision or development shown;
9. The name of contiguous subdivisions and names of owners of contiguous parcels, and an indication whether or not contiguous properties are platted;
10. The following existing features shall be shown:
 - (a) The location, dimension, name and description of all recorded streets, alleys, reservations, easements, or other public or private rights-of-way within the subdivision or development, intersecting or contiguous with its boundaries or forming such boundaries. In the case of pipelines carrying flammable gas or fuel, the approximate location, size of line, design pressure and product transported through the line shall be shown;
 - (b) The location, dimension, description and name of all existing or recorded lots, parks, public areas, permanent structures and other sites within or contiguous with the subdivision or development;
 - (c) The location, dimensions, description, and flow line of existing watercourses and drainage structures within the subdivision, development or contiguous thereto;

- (d) The location of the one hundred-year floodplain according to the most recent best available data;
- 11. Date of preparation, scale in feet, and north arrow;
- 12. Topographic information, including contours at two-foot intervals, flow line elevation of streams, and wooded areas;
- 13. The location, approximate dimensions, description and name of all proposed streets, alleys, drainage structures, parks, or other public areas, easements, or other rights-of-way, blocks, lots, and other sites within the subdivision or development. Proposed channel cross sections, if any. Existing and/or proposed well site locations;
- 14. A number or letter to identify each lot and each block. Lots and blocks shown on a preliminary plan should be numbered sequentially;
- 15. Location of current City limits line, and current development district boundaries;
- 16. Vicinity map which shows general location of subject property to existing streets in Huntsville and to its City limits. No scale is required but a north arrow is to be included;
- 17. Show number of residential lots;
- 18. Provide any oversize participation requests that will be sought;
- 19. Provide title report for property that is current within ninety (90) days and includes applicable information such as ownership, liens, encumbrances, etc;
- 20. Written requests for waivers of subdivision standards, if any, shall be submitted in accordance with the applicable Sections of this Development Code; and
- 21. 11-inch by 17-inch copies of the preliminary plan (not necessarily to scale) will be requested by the City Planner when the preliminary plan has been reviewed and has the potential to be scheduled for a Planning Commission meeting for consideration.

Appendix 2: Final Plat Submittal Requirements

The following information is required with all final plats, replats, minor plats, amending plats, vacating plats, and development plats, unless the City Planner determines that specific items of information area not required in a particular case:

1. The plat shall conform to the general requirements of this Development Code and minimum standards of design and improvements as set forth in [Article 10](#) unless expressly provided for otherwise;
2. Provide current certified tax certificates from all taxing agencies showing payment of all ad valorem taxes on the land within the subdivision;
3. Provide title report for property that is current within ninety (90) days and includes applicable information such as ownership, liens, encumbrances, etc;
4. Provide the plat on sheets 18 inches by 24 inches to a scale of 100 feet per inch or larger. Smaller scales may be allowed at the discretion of the City Planner. If more than one sheet, provide an index sheet at a scale of 500 feet per inch or larger;
5. Vicinity map which shows general location of subject property to existing streets in Huntsville and to its City limits. No scale is required but a north arrow is to be included;
6. The proposed name of the subdivision or development, which shall not have the same spelling as or be pronounced similar to the name of any other subdivision located within the county it is located;
7. Date of preparation, scale in feet, and north arrow;
8. The name and address of all property owners, developers, subdividers, engineers, and surveyors responsible for the plat;
9. Subdivision boundary lines shall be indicated by heavy lines and the computed acreage of the subdivision or development shown;
10. For a replat where there are existing improvements, provide a survey of the subject property showing the improvements to ensure that no setback encroachments are created;
11. The name of contiguous subdivisions and names of owners of contiguous parcels, and an indication whether or not contiguous properties are platted;
12. The location of the 100-year floodplain and floodway according to the most recent best available data;
13. A number or letter to identify each lot and each block. Lots and blocks shown on a plat should be numbered sequentially;
14. Provide the number of lots;
15. Written requests for waivers of subdivision standards, if any, shall be submitted in accordance with the applicable Sections of this Development Code;
16. The Plat shall also include the following, based on field survey and marked by monuments and markers:

- a. The exact location, dimensions, name, and legal description of all existing or recorded streets, alleys, easements, or other rights-of-way within the subdivision or development, intersecting or contiguous with the boundary or forming such a boundary with accurate dimensions, bearings or deflection angles and radii, area, center angle, degree of curvature, tangent distance, chord data, and length of all curves, where applicable;
 - b. The exact location, dimensions, description, and name of all proposed streets, alleys, drainage structures, parks, and other public areas, easements, or other rights-of-way, blocks, lots, and other sites within the subdivision or development, with accurate dimensions, bearings, or deflection angles and radii, areas, center angle, degree of curvature, tangent distance, chord data, and length of curves, where applicable;
 - c. Lot corner markers and survey monuments shall be shown clearly by symbol, and clearly tied to City of Huntsville horizontal control monuments;
 - d. The following, when applicable, shall appear on the face of the plat:
 - 1) Certificate of Ownership and Dedication;
 - 2) Certificate of Surveyor and/or Engineer;
 - 3) Certificate of City Engineer;
 - 4) Certificate of Planning Commission;
 - 5) Certificate of the Walker County clerk;
 - 6) Certificate of City Planner; and
 - 7) Certificate of Approval.
17. The plat shall be accompanied by the construction documents and reports as prescribed below and bearing the seal and signature of a registered professional engineer, including the following:
- a. Construction plans shall be provided on 24-inch by 36-inch sheets;
 - b. Street, alley, and sidewalk plans, profiles, and sections, with specifications and detail cost estimates;
 - c. Sanitary sewer plan with contours, plan and profile lines, showing depth and grades, with sewer report and detailed cost estimates;
 - d. Water line plan showing fire hydrants, valves, etc., with specifications and water report and a detailed cost estimate. This may be combined with related information supplied for preliminary plan submissions;
 - e. Storm drainage system plan with contours, street lines, inlets, storm sewer and drainage channels with profiles and sections. Detail drainage structure design and channel lining design if used, with specifications, drainage report, and detailed cost estimate; Street lighting plan showing location of lights, design, and with specifications and detailed cost estimates; and
 - f. Any associated necessary items, including but not limited to off-site public utility easements, permits or approval of governmental agencies.

18. 11-inch by 17-inch copies of the plat (not necessarily to scale) will be requested by the City Planner when the plat has been reviewed and has the potential to be scheduled for a Planning Commission meeting for consideration.