

§ 1.7. Minimum Requirements

1.7.1.

The provisions of this Unified Development Code shall be held to be the minimum requirements for the promotion of the public health, safety or general welfare.

1.7.2.

Except as otherwise provided in this Unified Development Code:

- A. No land may be used except for a purpose permitted in the zoning district in which it is located;
- B. No structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any structure or part of a structure be used, except for a use permitted in the zoning district in which the structure is located;
- C. No structure shall be erected, converted, enlarged, reconstructed, or structurally altered to be in violation of the development standards established for the zoning district in which the structure is located; and
- D. No structure shall be erected and no structure existing at the time of passage of this Unified Development Code shall be enlarged or structurally altered except in conformity with the standards established in Subsection 3.17.1 and with the General Development Standards in Article 7.

1.7.3.

Except as otherwise provided in this Unified Development Code, the minimum ~~yards~~setbacks, off-street parking, parking, loading and stacking spaces, and open spaces required by this Unified Development Code for any use or structure shall not be encroached upon or considered as required minimum ~~yard~~setback, parking, loading and stacking spaces or open space for any other use or structure, nor shall any lot area be reduced below the requirements of this Unified Development Code.

1.7.4.

~~Every structure hereafter erected or structurally altered shall be located on a lot defined in Article 1 and, except as provided in this Unified Development Code, in no case shall there be more than one principal structure on one single-family or two-family residential lot.~~

A. Lots used for single-family and two-family dwellings are limited to one principal building per lot. An accessory dwelling unit is not considered a principal building.

B. On lots used for other uses, there may be more than one principal building on a lot, but all buildings must comply with all standards of the zoning district.

C. No building shall extend over a lot line. No principal building shall be permitted to be placed upon a lot line with the following exceptions:

1. Units within a townhouse developments.

2. Developments within districts that require a build-to zone, which allows for development at the lot line within the build-to parameters.

1.7.5.

The approval of any development application in accordance with the requirements of this Unified Development Code shall not relieve the recipient from the responsibility of complying with all other applicable requirements of any other local state or federal agency having jurisdiction over the structures or land uses for which the approval was issued.

§ 1.10. Transitional Provisions

1.10.5 Zoning District Name and Standards Changes

Zoning districts in the City are renamed as shown in Table 1.10.5. The new standards set forth in this Unified Development Code for the renamed zoning districts applies to all properties within such zoning districts.

REPLACE TABLE 1.10.5

Table 1.10.5			
Existing Zoning District Name		New Zoning District Name	
Residential Districts			
FR	Farm Rural	FR	Farm Rural
RE	Residential Estate	SF-E	Single-Family Estate
RS-15	Single-Family 15	SF-10	Single-Family
RS-10	Single-Family 10	SF-10	Single-Family
RS-6	Single-Family 6	SF-6	Single-Family
RS-4.5	Single-Family 4.5	SF-4.5	Single-Family
RS-TF	Two-Family	2F	Two-Family
RS-TH	Townhouse	TH	Townhouse
RM-1	Multifamily 1	MF-1	Multi-Family
RM-2	Multifamily 2	MF-2	Multi-Family
RM-3	Multifamily 3	MF-2	Multi-Family
Nonresidential Districts			
	(New)	RP	Residential Professional
ON	Office	NO	Neighborhood Office
CN-1	Neighborhood Commercial	NC	Neighborhood Commercial
CN-2	Neighborhood Commercial	NC	Neighborhood Commercial
CI	Intensive Commercial	CMU	Commercial Mixed-Use
RM-AT	Multifamily AT	RMU	Resort Mixed-Use
CR-1	Resort Commercial	RC	Resort Commercial
CR-2	Resort Commercial	RC	Resort Commercial
CR-3	Resort Commercial	RC	Resort Commercial
CG-1	General Commercial	GC	General Commercial
CG-2	General Commercial	GC	General Commercial
CBD	Downtown Commercial	CBD	Central Business District
BP	Business Park		(Eliminated)
CC	Commercial Compatible	CC	Commercial Compatible
IL	Light Industrial	LI	Light Industrial
IH	Heavy Industrial	HI	Heavy Industrial
IC	Industrial Compatible	IC	Industrial Compatible
RMH	Manufactured Home	MH	Manufactured Home
RV	Recreational Vehicle Park	RV	Recreational Vehicle Park

**Revisions to Section 1.10.5
April 2023**

Special Districts			
-PUD	Planned Unit Dev. Overlay PUD-1 and PUD-2	PUD	Planned Unit Development District
-H	Historic Overlay HC, HC-I, HC-II, HC-III, HC-IV, HC- F, HC-A	H	Historic Overlay
-IO	Island Overlay	IO	Island Overlay
MCAOD	Military Compatible Area Overlay Districts	MCAOD	Military Compatible Area Overlay Districts
-SP	Special Permit		<i>Special uses may be indicated on the Zoning Map with an -SP for reference purposes</i>
-CH	Cottage Housing		(Eliminated)

§ 1.11 DEFINITIONS

1.11.1 General

Undefined words in this UDC shall have their normal dictionary definition. Other terms shall be defined as set forth below, except where the context clearly indicates a different meaning.

1.11.2 Abbreviations

Abbreviation	Term
AASHTO	American Association of State Highway Transportation Officials (Ordinance 029765, 03/19/2013)
ANSI	American National Standards Institute
BP	Business Park District
CBD	Downtown Commercial District
CG	Commercial Compatible District
CG-1	General Commercial District
CG-2	General Commercial District
CI	Intensive Commercial District
CN-1	Neighborhood Commercial District
CN-2	Neighborhood Commercial District
CR-1	Resort Commercial District—Bayfront Business
CR-2	Resort Commercial District—Barrier Island Business
CR-3	Resort Commercial District—Corpus Christi Beach
EIA	Electronics Industries Association
ETJ	Extraterritorial Jurisdiction
GFA	Gross floor area
FR	Farm Rural District
ft	Feet
sf	Square Feet
H	Historic Overlay District
HCM	Highway Capacity Manual (Ordinance 030023, 12/10/2013)
HUD	Department of Housing and Urban Development
IG	Industrial Compatible District
IDM	Infrastructure Design Manual (Ordinance 030023, 12/10/2013)
IL	Light Industrial
IH	Heavy Industrial
IO	Island Overlay District
L	Use Permitted Subject to Limitations
Max.	Maximum
MHP	Manufactured home park
MHS	Manufactured home subdivision
Min.	Minimum

**Revisions to Section 1.11
April 2023**

MUTCD	Manual of Uniform Traffic Control Devices, latest edition (Ordinance 029765, 03/19/2013)
ON	Office District (Ordinance 029376, 02/21/12)
P	Use Permitted By Right
PIIC	Padre Island Investment Corporation
PUD	Planned Unit Development
PUD	Planned Unit Development Overlay District
ROW	Right-of-way
RE	Residential Estate District
RM-1	Multifamily 1
RM-2	Multifamily 2
RM-3	Multifamily 3
RM-AT	Multifamily Apartment Tourist
R-MH	Manufactured Home District
RS-22	Single Family 22 District (Ordinance 029929, 08/27/13)
RS-15	Single Family 15 District
RS-10	Single Family 10 District
RS-6	Single Family 6 District
RS-4.5	Single Family 4.5 District
RS-TH	Townhouse District
RS-TF	Two-Family District
RV	Recreational Vehicle Park District
SUE	Special Use Exception
SP	Special Permit
1-ft.	Square Feet
TAC	Texas Administrative Code

1.11.3 Defined Terms

AASHTO: The American Association of State Highway Transportation Officials

AASHTO Design Guide: The American Association of State Highway Transportation Officials (AASHTO) Guide for Design of Pavement Structures

Abutting: Having a common border with, or being separated from such a common border by a right-of-way or easement.

Accessory Structure: A structure devoted to an accessory use that is separate from the principal structure and located on the same lot.

Accessory Use: A use that is clearly incidental, subordinate to or customarily found in connection with, the principal use of the premises.

Acreage Fee: The fee required to be paid by the applicant based on the acreage in the development, including parks, streets, and drainage dedications. The current acreage fee is published in the Development Services fee schedule contained in Chapter 14, Municipal Code.

~~**Adult Day Care Facility:** A nonresidential, state-licensed facility that provides care or supervision for five or more persons 18 years of age or older who are not related by blood, marriage, or adoption to the owner or operator of the facility, whether or not the facility is operated for profit or charges for the services it offers.~~

~~**Airport, Helipad, Heliport or Landing Field:** Any area of land or water used for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.~~

Alley: A public or private way which is to be used only as a secondary means of access to or solid waste collection from abutting property.

Alteration or Alter: Any construction or material change in the architectural or natural features of a structure, including but not limited to erection of signs, installation or removal of trees or shrubs, a change or removal of roofing, siding materials, doors, windows, shutters, fences, signs, other ornamentation, porches, balconies, or paint color. This does not include ordinary repair and maintenance, removal, demolition, or new construction.

Amenity: A landscaped area that is available to the general public that is outdoors and adjacent to and integral to a residential or nonresidential structure, including, but is not limited to, seating, shade, artwork, a water feature and sanitary facilities.

~~**Animal Shelter:** A facility used to house stray, abandoned or unwanted animals and that is owned, operated or maintained by a public body, an established humane society or other nonprofit organization devoted to the welfare, protection and humane treatment of animals.~~

Antenna: A structure or device used to collect or radiate electromagnetic waves, including directional antennas, such as panels, wireless cable, and satellite dishes, and omni-directional antennas, such as whips, but not including satellite earth stations.

Antenna, Amateur Radio: An antenna used by an amateur radio operator ~~that is less than 50 feet in height and whip antennas less than 4 inches in diameter and less than 10 feet in height.~~

Antenna Array: An arrangement of antennas and their supporting structure.

Antenna, Dish: A parabolic or bowl shaped device that receives and/or transmits signals in a specific directional pattern.

Antenna, Panel: An antenna which receives or transmits signals in a directional pattern.

Antenna, Stealth: A telecommunications antenna that is camouflaged or concealed.

Antenna, Telecommunications: An antenna used to provide a telecommunications service. This excludes lightning rods, private mobile radio systems, amateur radio antennas ~~less than 50 feet in height, whip antennas less than 4 inches in diameter and less than 10 feet in height~~, and radio and television broadcast antennas.

Antenna, Whip: An omni-directional dipole antenna of cylindrical shape which is no more than 6 inches in diameter.

Appeal: A request for a review of the floodplain administrator's or development review body's interpretation of any provision of this Code or a request for a variance.

Applicant: A person who applies for a development review procedure as described in Article 3.

Archeological Site: The physical site, location, or context in which the material remains of past life or activities of cultural or historical significance are found.

Architectural Screen: A durable, wood fence or masonry wall which screens the view from the street to off-street parking and or other areas.

Area Development Plan: An element of the Comprehensive Plan that addresses planning for multiple services including but not limited to future land use, transportation, water, wastewater or parks for an area of the City.

Arterial Transmission Main: That portion of a transmission main, or its branches, lying within a distribution area used to supply the grid system within that particular area.

Assistant City Manager of Development Services: The Assistant City Manager of Development Services for the City or ~~a~~[their](#) designee.

~~**Auto Rental:** A use engaged in the leasing or rental of automobiles, motorcycles or other light vehicles.~~

Awning or Marquee: A permanent, roof-like structure that projects from the wall of a building or structure and overhangs a private or public way.

~~**Bar, Taverns, or Pub:** A use engaged in the retail sale of alcoholic beverage, for on-premise consumption in which the establishment derives more than 75% of the establishment's gross revenue from the on-premise sale of alcoholic beverages. A bar, tavern, or pub may include entertainment providing such entertainment is enclosed within the building.~~

Basement: That portion of a building between floor and ceiling which is wholly or partly below grade, having more than one-half of its height below grade.

Base Flood: The flood having a 1% chance of being equaled or exceeded in any given year.

Beach/Dune Committee: The Planning Commission serves as the Beach/Dune Committee for areas of the City located within Kleberg County as provided in Subsection 2.3.1 of this Unified Development Code. For all other areas of the City, the Nueces County Beach Management Advisory Committee serves as the Beach/Dune Committee.

~~**Bed and breakfast home:** A private, owner-occupied residence that offers sleeping accommodations to not more than 10 lodgers. A bed and breakfast home is not a single family house.~~

Berm: Raised earthen mound. Soil must be stabilized by using terracing, soil stabilizing mats with ground cover or solid turf.

~~**Bicycle or Watercraft Rental:** A use engaged in the leasing or rental of bicycles or watercraft.~~

Block: A group of lots surrounded by public or private streets or roads.

~~**Boat Storage:** A use where boats are kept for more than 24 consecutive hours.~~

Bridge: Any structure usually referred to as a concrete box culvert or clear span bridge excluding culvert crossings or other crossings utilizing reinforced concrete or corrugated metal pipe.

Buffer: A specified land area, located parallel to and within the outer perimeter of a lot and extending to the lot line, together with the planting and landscaping required on the land.

Building: Any structure having a roof supported by columns or walls for the housing or enclosure of persons or property of any kind.

Building Frontage: The linear measurement from outer wall to outer wall of the side of the building which fronts on a street. Generally the building frontage contains the primary entrance of the building.

Building/Structurally-Mounted Wind Energy Unit: A small wind energy unit for permanent mounting and operating on a building or other structure. ~~Building or structurally mounted units may not exceed 10 kW in manufacturer rated power.~~

Business Day: any work day that the City's Development Services offices are open.

Caliper: Diameter of the tree trunk except for palms, measured 6 inches above the ground for trees up to and including 4 inch caliper size. For trees greater than 4" caliper and less than 12" caliper the trunk is measured at 12" above the ground and for trees greater than 12" caliper the trunk is measured at 5' above the ground. To determine the caliper of a multiple-trunked tree: 1) square the diameters of each trunk; 2) multiply each of the numbers from step 1 by 0.7854; 3) add all the products determined by step 2; and 4) take the square root of the total from step 3.

~~**Car Wash:** A use engaged in the washing and cleaning of passenger vehicles, recreational vehicles or other light vehicles.~~

Caretakers Quarters: A primary or accessory dwelling unit occupied only by a caretaker or guard employed on the premises.

~~**Cemetery, Columbaria, Crematorium, Mausoleum or Memorial Park:** Land used for burial or cremation of the dead, whether human or animal.~~

Certificate of Appropriateness: The official Landmark Commission stamp that is placed upon approved construction plans and required permits. Such stamp shall include the signature of the Chair or a designated Commission member and the date action was taken.

Certified Nursery Professional: One who is identified as having a high level of professional ability and knowledge of plant pathology, plant culture, merchandising, landscape design, and plant identification in the nursery business as recognized by the Texas Association of Nursery Professionals.

City: The City of Corpus Christi, Texas.

City Engineer: The person the City Manager designates as City Engineer or the person who holds the position of Director of Engineering Services for the City of Corpus Christi.

Cladding: The building materials covering the exterior of a structure.

Co-location: A single telecommunications tower and/or site used by more than one telecommunications service provider.

Collection Line: A wastewater line of less than 15" diameter that conveys wastewater.

Commercial Vehicle: A vehicle licensed as commercial, has a Texas Department of Licensing and Regulations number, or has a permanently-affixed commercial logo.

~~**Community Home:** A place where food, shelter, personal guidance, care, habilitation services and supervision are provided to not more than six persons with a disability and meets the requirements and limitations of the Community Homes for Disabled Persons Location Act, Chapter 123, Texas Human Resources Code.~~

~~**Condominium:** A form of property ownership providing for individual ownership of residential, industrial, commercial, or office space in a structure on such real property, together with an undivided interest in the land or other parts of the structure in common (e.g. common open space, common areas or facilities) with other owners.~~

Construction, New: A structure designed, intended, constructed, erected, or moved for the structures first occupant or tenant.

Contractor: Any person, firm, association or corporation engaged in the business of constructing buildings, either residences or commercial structures, including but not limited to any plumbing, heating, roofing, remodeling, excavating, paving, highway, infrastructure, and utility construction. This term shall also include those who represent themselves to be engaged in the business whether or not actually doing the work. (Ordinance 30769, 02/16/2016)

Cross access agreement or easements: an area intended to promote better vehicular access and circulation to and from the parcel with a dedicated drive aisle.

Curb: A vertical or sloping structure located along the edge of the roadway, normally constructed integrally with the gutter, which strengthens and protects the pavement edge and clearly defines the pavement edge to vehicle operators.

Curb Return Radii: The curvature or corner radius that facilitates vehicular turning movements between the driveway and the edge of the roadway pavement.

~~**Day Care Center:** A building where seven or more children, under 14 years of age, other than members of the family occupying such building, are cared for compensation.~~

~~**Day Care Home:** A single family residence where six or less children under 14 years of age, other than members for the family occupying such residence, are taken care of for compensation.~~

Demolition or Demolish: The razing or destruction, whether entirely or partially, of a structure, including the removal or destruction of the facade, surface, or interior of a Landmark classified as “HC”.

Design Standards (Infrastructure, Public Improvements): The required standards for the design and installation of infrastructure and public improvements as determined and issued by the City Engineer.

~~**Detention Facility:** Publicly or privately operated facilities housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense.~~

Developer: Any non-taxing agency, person, partnership, firm, association, corporation, or entity who does or participates in platting a tract into improved properties within the intent, scope, and purview of this Code that will ultimately have the ability to obtain building permits for any construction. Any officer, agent, employee, servant or trustee acting on behalf of a developer shall be subject to the same requirements to the extent the person is acting in a representative capacity. The singular shall include the plural, and the plural shall include the singular.

Development Activity: 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 or drilling operations or storage of equipment or materials requiring approval or approval with conditions from an official or agency of the City before the activity may be commenced.

Development Approval: Any authorized action by an official or agency of the City approving or approving with conditions a development activity.

Development Plan: The proposal for development of a PUD including such drawings, documents and other information necessary to illustrate completely the proposed development.

[Director of Development Services: The Director of Development Services for the City or their designee.](#)

Discontinue: To stop the use of a property intentionally. Discontinuance of the use will be presumed unless the owner can show that a diligent effort has been made to sell, rent or use the property for a permissible use. The term also shall mean that the use has changed from the use that was in place on the effective date of this UDC.
Distribution Mains: Water mains less than 12 inches in diameter, connected to the supply mains that provide fire protection and domestic service.

Drip line: An imaginary vertical line that extends from the outermost branches of a tree canopy to the ground.
Driveway Approach: A facility between the edge of the roadway and the property line intended to provide vehicular access from the roadway to private property.

Driveway, Commercial: A driveway providing access to an office, retail, commercial or institutional building or to three or more dwelling units. Such buildings are customarily serviced by trucks on an incidental rather than a primary basis. Industrial plant driveways, whose principal function is to serve administrative or employee parking lots, are considered commercial driveways.

Driveway, Residential: A driveway providing access to single- or two-family dwelling units.

Driveway, Industrial: A driveway directly serving substantial numbers of truck movements to and from an industrial facility, warehouse or truck terminal. A regional shopping center may have one or more driveways specially designed, signed and located to provide access for large trucks. These are classified as Industrial Driveways.

~~**Dwelling:** A building designed or used for residential occupancy, including a single-family, detached house, zero-lot line house, traditional house, semi-attached house, manufactured home, two-family house, townhouse and apartment. Overnight accommodations as described in Subsection 5.1.4 shall not be considered dwelling units. Single-family residential dwelling units shall only have one meter per utility; an additional meter shall be allowed only for agricultural/irrigation uses.~~

Dwelling Unit: A room or group of rooms occupied or intended to be occupied as separate living quarters by a single family or other group of persons living together as a household or by a person living alone.

Easement: A grant for the use of land by the public, a corporation or persons for such specific purposes as the construction of utilities, drainage ways and roadways.

Emergency Securing Measures: The boarding, fencing, structural modification, demolition, or other protecting method designed to protect or secure a structure in its present condition.

Expansions To An Existing Manufactured Home Park Or Subdivision: 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).

Facade: The principal exterior of a structure viewed from a private or public street.

Fall Radius: The fall area for a wind energy unit is measured by using the total height of the tower as the radius around the center point of the base of the tower.

Family: A person or persons, occupying a dwelling, living together and maintaining a common household, which may include up to four boarders or roomers if each has a rental contract to occupy the dwelling for at least 30 consecutive days. This definition does not include lodgers in a bed and breakfast home.

~~**Farmers Market:** A use in an unenclosed structure engaged in the retail sale of fresh fruit, vegetables and other items as permitted by this Code.~~

Fee Value: The value of the fees that property would be charged including lot/acreage fees and surcharges.

Fence: Any enclosing barrier, constructed of wood, metal or any other material, regardless of its use or purpose.

Fire Lane: An all-weather approach or opening through which a fire-fighting vehicle may pass with a minimum of interference.

Fire Suppression Rating Schedule: A publication published by ISO, Properties, Inc., which has been adopted by the Texas Department of Insurance that is used to develop a public protection classification for property based on a City's fire suppression system, which includes the needed fire flow for water available at a site.

Flare: A triangular shaped section of the driveway used in lieu of the curb return radius to facilitate vehicular turning movements between the driveway and the edge of the roadway pavement. The Flare length is equal to the curb return radius.

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 runoff of surface waters from any source.

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

Force Main: A line designed to convey wastewater as a pressure system. Frontage: The distance between the property lines bordering a single roadway. Fuel Sales: Any use equipped for the dispensing of automotive fuels.

~~**Game Processing:** A series of operations performed in the making or treatment of a meat product for human consumption taken from animals and birds that are not commonly domesticated. These animals and birds are hunter killed such as bison, antelope, deer, elk, reindeer, snake, alligator, rabbit, squirrel, beaver, any migratory water fowl or non-domesticated game bird such as pheasant, grouse, quail, turkey, geese, and ducks. This term shall not include the processing of livestock.~~

Garage: A detached accessory or portion of a principal structure designed or used for the storage of vehicles of the occupants of the premises.

~~**Golf Course:** A tract of land with at least nine holes for playing a game of golf and improved with tees, greens, fairways and hazards. A golf course includes a clubhouse and shelters as accessory uses. A driving range shall not be considered a golf course.~~

Grade: The average level of the finished surface of the ground for buildings more than 5 feet from a street line. For buildings closer than 5 feet to a street, the grade is the sidewalk elevation at the center of the building. If there is

more than one street, an average sidewalk elevation is used. If there is no sidewalk, the Assistant City Manager of Development Services shall establish the sidewalk grade.

Grid Mains: Water mains 12 inches in diameter, or larger, that serve as distribution supply mains and are not to exceed 6,000 feet in length between connection mains.

Grid Loop: That portion of the water grid system where the grid main is completely closed around an approximate square mile area, or as permitted by the distribution system standards up to a maximum of an approximate square mile area.

Grid System: The transmission and distribution system created to deliver the supply and demand of water for provisions of fire protection and domestic service.

Gross Floor Area: The square feet of floor space measured from the exterior faces of the exterior walls and including the total of all floors of a building. It does not include porches, garages, or space in an attic or basement not used for dwelling purposes.

Ground Cover: Plant material of a species which normally attains a height of less than 3 feet at maturity or can be maintained at that height, installed in such a manner to provide continuous cover over the ground.

Gutter: A generally shallow waterway adjacent to a curb suitable for drainage of water.

Heavy Load Vehicle: Tractor trailers, commercial dump trucks, or transit vehicles.

Highway Capacity Manual (HCM): A publication of the Transportation Research Board of the National Academies of Science containing concepts, guidelines, and computational procedures for computing the capacity and quality of service of various highway facilities, including freeways, highways, arterial roads, roundabouts, signalized and unsignalized intersections, and rural highways. (Ordinance 030023, 12/10/2013)

Historic Structure: Any structure that is:

1. Listed individually in the National Register of Historic Places maintained by the National Park Service;
2. Certified or preliminarily determined by the National Park Service as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in an approved preservation program; or
4. Individually listed on the local inventory of historic places by the Landmark Commission.

~~**Home Occupation:** Any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling purposes, but is intended to include only those personal services which are subordinate to the use of the premises as a dwelling. See Subsection 5.3.2.F.~~

Homeowners Association: A nonprofit organization operating under recorded land agreements through which:

1. Each lot owner is automatically a member; and
2. Each lot is automatically subject to a proportionate share of the expenses for the organization's activities, such as maintaining common property.

Horizontal Axis Wind Energy Unit: A wind energy unit that utilizes a generator shaft that is horizontal (parallel) to the ground.

HUD-Code Manufactured Home: See "Manufactured Home."

~~**Impervious Surface:** See Subsection 4.2.2. Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, graveled areas, sidewalks and other paved areas.~~

Infrastructure Design Manual (IDM): The document issued and published by the City Engineer that describes the Design Standards required for infrastructure and public improvements.

Intersection: The common area embraced between the projected lines of the right of way of two or more roadways, which join at any angle whether or not one such roadway cross each other.

~~**Kennel:** A commercial facility where four or more dogs, cats or other domestic animals over three months of age are kept, raised, sold, boarded, bred, shown, treated, groomed (exclusive of animals used for agricultural purposes).~~

~~**Laboratory, Research or Experimental:** A facility for scientific research in technologically intensive fields. Examples include, but are not limited to, biotechnology, pharmaceuticals and genetics.~~

Landowner: The record holder of title in fee simple of real property or any improvements and appurtenances.

Landmark: Any site, place, building, structure, or work of art located on a single lot under common ownership which has special character or aesthetic value as part of the development, heritage, archaeological or cultural characteristics of the City, State, or the United States that has been designated by the City Council.

Landmark Commission: The Landmark Commission, or its successor, charged with the responsibilities of designating, classifying and protecting –H, Historic Overlay zoning districts and landmarks.

Landscape Architect: A person who holds a license to practice landscape architecture in the State of Texas.

Landscape Handbook: The handbook maintained by the City pursuant to Section 7.3.5 of this Code.

Landscaped Area: An area not subject to vehicular traffic, which consists of living or non-living permeable landscape material, or combination of both, which allows water to penetrate into the ground, such as plant material, mulch, brick, stone or interlocking pavers on sand and planting pavers. If a weed fabric is used, it must be woven to permit water to penetrate into the ground.

Lift Station: A structure designed for collection and pumping or lifting wastewater conveyed to it by trunk or collection lines.

Loading Space: A space within a structure or on a lot providing for the standing, loading, or unloading of trucks.

Lodger: A person who rents a room in an overnight accommodation for fewer than 30 consecutive days.

~~**Lot:** [See Subsection 4.2.2.](#) An undivided tract or parcel of land which is, or in future may be, offered for sale, conveyance, transfer, or improvement, which is designated as a distinct and separate tract or parcel, and which is or will be identified by a number or symbol on a plat which has or may be filed for record.~~

~~**Lot, Corner:** [See Subsection 4.2.2.](#) A lot abutting two or more streets at their intersection.~~

~~**Lot, Interior:** [See Subsection 4.2.2.](#) A lot whose side line or lines do not abut any street.~~

~~**Lot, Through:** [See Subsection 4.2.2.](#) An interior lot having frontage on two streets.~~

Lot Area: See Subsection 4.2.2.

Lot Fee: The fee required to be paid by the applicant based on the number of lots in the development. The current lot fee is published in the Development Services fee schedule contained in Chapter 14, Municipal Code.

Lot Width: See Subsection 4.2.3.

Low Impact Development (LID): strategies are structural stormwater Best Management Practices and planning techniques that are intended to reproduce predevelopment hydrologic conditions by reducing impervious surfaces and infiltrating, evaporating, and storing stormwater runoff using native or improved soils, vegetation, and bioengineering. LID practices include, but are not limited to, bioretention, bioswales, permeable sidewalks, planter boxes, sand filter, vegetated filter stripes, green roofs, constructed wetlands, rainwater collection devices such as cisterns, and rain gardens.

Manual on Uniform Traffic Control Devices (MUTCD): The Manual on Uniform Traffic Control Devices or MUTCD published by the Federal Highway Administration (FHWA) under 23 Code of Federal Regulations (CFR), Part 655,

Subpart F, which defines the required standards to install and maintain traffic control devices on all streets, highways, bikeways, and roads.

Manufactured Home: A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, are 8 feet or more in width or 40 feet or more in length, or, when erected on site, are 320 or more square feet, and which are 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 for plumbing, heating, air-conditioning, and electrical systems. The term does not include recreational vehicles.

~~**Manufactured Home Subdivision:** A subdivision designed and intended for residential use where residence is permitted in manufactured homes, each being located on a separate lot. Such a subdivision may retain a central management and may be operated as a condominium with common ownership of streets and open spaces.~~

~~**Manufactured Home Park:** An area of land on which two or more manufactured homes being used for living purposes occupy rental spaces.~~

~~**Marina:** A boat basin or pier with facilities for berthing and securing all types of recreational watercraft, as well as providing adequate supplies, provisions and recreational, service and fueling facilities.~~

Master Plan, Utility: See Utility Master Plan.

~~**Medium Wind Energy Unit:** A wind energy conversion unit consisting of one wind turbine and designed to supplement other electricity sources for existing buildings or facilities, from which the power generated is used for on-site consumption. A medium wind energy conversion unit has a total rated capacity of 20 kW to 100 kW.~~

Mobile Home: See Manufactured Home.

Modular Home. A method of construction for residential dwellings. Modular homes are built in multiple sections, called modules, at a facility and then delivered to the site where the modules are set onto the building's foundation and joined together to make a single building. Modular buildings and modular homes shall conform to all zoning requirements for the dwelling type and shall meet all local and state residential building code requirements.

Municipal Code: The Code of Ordinances adopted by the City, as amended from time to time.

Nonconforming Sign: A sign permitted to remain in place as a nonconforming sign which was erected in conformity with all local ordinances, laws or regulations applicable at the time the sign was erected. A nonconforming sign shall not include a sign erected in violation of applicable regulations providing for registration, securing building permits, and compliance with all other applicable license and permit requirements required by local ordinances, laws or regulations.

Nonconforming Use: See Section 9.2.

~~**Nursing or Convalescent Home:** A residential use providing bed care and in-patient services for persons requiring regular medical attention, but excluding a medical facility as described in Subsection 5.1.3.E or social service as described in Subsection 5.1.3.H.~~

Off-Street Parking: See Parking, Off-Street.

Official: An employee of the City authorized by the Municipal Code to administer or enforce the provisions of this Code. Official includes, but is not limited to, the Building Official or the Assistant City Manager of Development Services.

Open Space: Property under public or private ownership which is unoccupied or predominately unoccupied by buildings or other impervious surfaces (excluding impervious surfaces used for amenities, i.e. sidewalks, trails, basketball courts, swimming pools, etc.) and is used for parks, recreation, agriculture, conservation, preservation of native habitat and other natural resources, surface water impoundment, historic, or scenic purposes.

Ordinary Maintenance and Repair: Actions that do not involve changes in architectural and historical style or value, general design structural arrangement, type of building material, primary color or basic texture. Examples of ordinary repairs and maintenance are: repainting, restoration of damaged windows in same style and dimension, replacement of rotted or broken exterior material of the same style and dimension or trimming of trees and shrubs.

~~**Outside Retail Display:** The display of retail items for sale in an area not enclosed by four walls and a roof.~~

~~**Outside Retail Sales Area:** An area for the sale of individually packaged retail items not enclosed by four walls and a roof that accommodates customers and contains items for sale beyond the allowable outside retail display area.~~

~~**Outside Storage:** Forms of outside display and storage not classified as outside retail display or outside retail sales, including items stored in shipping containers, convexes and semi-trailers not attached to a truck.~~

Parent Parcel: The entire original parcel of land from which a subdivision or other development was created; provided that, when new streets are created by the platting of a new subdivision, the parent parcel for future development is the area between the streets within or abutting the subdivision. When no streets abut the external property lines of the original parent parcel, then those property lines shall define the external boundary of that portion of the parent parcel.

Parking Area: All off-street parking spaces and related vehicular use areas serving those parking spaces, whether full-time or on an intermittent basis.

Parking Facility: An off-street parking area located on a surface lot or within a parking structure.

Parking, Off-street: An all-weather, surfaced area not in a street or alley permanently reserved for the temporary storage of one automobile and connected with a street or alley by an all-weather surfaced driveway which affords satisfactory ingress and egress for automobiles.

Parking, On-Street: An all-weather, surfaced area that is located in the street right-of-way permanently reserved for the temporary storage of one automobile.

Permanent Foundation: Grillages of steel, masonry, reinforced concrete or timber designed in accordance with accepted engineering practice to provide adequate support and anchorage for a structure or manufactured home. For floodplain management purposes guidelines and methods for manufactured homes are contained in the FEMA 85/September 1985 publication entitled Manufactured Home Installation in Flood Hazard Areas.

Pervious: Open to the passage, infiltration or percolation of water into the ground.

Planned Unit Development: An area of land controlled by a landowner, or landowners acting in concert, to be developed as a single unit, in one continuous, ascertainable phase or in a programmed series of phases, the plan for which does not correspond directly to the regulations in any one zoning district established by this UDC. ~~A development plan shall prescribe the provision, operation and maintenance of such areas, structures, improvements, facilities and services for use in common by some or all of the occupants, tenants and owners. Development plans shall include not only streets, utilities, lots, building sites and the like, but also site plans and elevations for all buildings as intended to be located on the land. A development may include, but does not require, individual ownership of units, structures or property.~~

Planning Commission: The Planning Commission of the City. The term is synonymous with the "Zoning Commission" authorized in Texas Local Government Code Chapter 211.

Plant Material: Any living tree, palm, shrub, vine, herbaceous perennial groundcover or grass.

Plant, Perennial: Plants which live more than two years.

Premises: A lot, together with all structures on a lot.

Preservation Plan: The Historic Preservation Plan, as prepared and amended by the Landmark Commission, reviewed by the Planning Commission and approved by the City Council as an element of the City's Comprehensive Plan.

Principal Structure: The structure or structures on a lot that are occupied by a principal use.

Principal Use: The main use to which the premises are devoted and the primary purpose for which the premises exist.

Pro-Rata Fee: A fee required to be paid by the applicant as a front foot charge for the use of a wastewater facility which serves property being platted or developed, but which was not installed by the applicant. The current pro-rata fee is published in the Development Services fee schedule contained in Chapter 14, Municipal Code.

~~**Promotional Event:** A planned social occasion or activity requiring advertising, publicity, or discounting including but not limited to carnivals, circuses, fairs, sales events, concerts, functions, or any similar event or enterprise produced for a nonresidential use.~~

Rated Capacity: The maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a nameplate on the equipment.

Recreational Vehicle: A vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

~~**Recreational Vehicle Park:** Any parcel of land used for the accommodation of two or more recreational vehicles for transient dwelling purposes.~~

~~**Recreational Vehicle Storage:** A use where unoccupied recreational vehicles are kept for more than 24 consecutive hours.~~

Repair or Maintenance, Ordinary: See "Ordinary Maintenance or Repair."

Right-of-way: A strip of land owned or held by the City or other public agency and used for the purpose of a public way, roadway, or to accommodate public utilities.

Roofline: The height above the finished grade of the upper beam, rafter, ridge or purlin of any building. A purlin is a horizontal timber or beam that supports the roof such as the deck of the roof.

Roof Sign: Any sign constructed, erected or placed above the eave of a sloped roof but not exceeding the highest point of the roofline.

Sand Dunes: Naturally-occurring accumulations of sand in ridges or mounds landward of the beach.

Screening: Planting screens, brick, stone, reinforced concrete or other similar masonry materials, redwood, cedar, preservative pressure treated wood, or other similar materials provided for the purpose of protecting adjacent uses and public rights-of-way from the view of mechanical equipment, refuse areas, and loading docks.

~~**Semi-attached:** Single family house that shares one common wall with the next house.~~

~~**Sexually-Oriented Business:** A sex parlor, nude studio, modeling studio, love parlor, adult bookstore, adult movie theater, adult video arcade, adult movie arcade, adult video store, adult motel, or other commercial enterprise the primary business of which is the offering of a service or the selling, renting or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer.~~

Setback, Street Yard: [See Subsection 4.2.2.](#)

Shopping Center: A group of four or more commercial establishments, planned, developed and managed as a unit.

Shrub: A woody perennial plant that is characterized by branching beginning at the base of the stem and generally maintaining a smaller stature than trees.

Sidewalk: That portion of the roadway primarily constructed for the use of pedestrians and constructed of concrete or other durable materials.

Sidewalk Café: Sidewalk café shall mean that portion of the public right-of-way kept, used, maintained, and held out to the public as a place where food and/or drink are served for consumption on the premises. The sidewalk café shall be adjacent to, or in front of an establishment that sells food and/or drinks and shall not reduce the public sidewalk width to less than five feet or obstruct the required Clear Zone.

Sign: Is defined in Subsection 7.5.27.D.

~~**Small Wind Energy Unit:** A wind energy conversion unit designed to supplement other electricity sources for existing building or facilities, from which the power generated is used for on-site consumption. A small wind energy conversion has a total rated capacity of up to 20 kW.~~

~~**Smoking Lounge:** A use engaged in the sale of tobacco product for on-premise consumption. Smoking lounge includes but is not limited to establishments known variously as cigar lounges, hookah lounges, vape lounges, tobacco clubs, tobacco bars, etc.~~

Special Event: An event including, but not limited to a baptism, bridal tea, charity fundraiser, corporate banquet, family reunion, graduation party, office party, private dinner party, photo shoot, political fundraiser, quinceañera, reception, wedding, wedding reception, or similar type of function held on the premises by a person who has provided compensation for the use of all or a portion of the premises.

~~**Stable, Private:** An accessory use for the keeping of horses, ponies, or mules owned by the occupants of the premises, and not kept for hire, rental, or for the sale of more than 6 animals per year. Such operations must conform to the Texas Commission on Environmental Quality regulations pertaining to waste water management and odor control, if applicable.~~

~~**Stable, Public:** An establishment for boarding, breeding or raising of more than 6 horses, ponies or mules not owned by the occupants of the premises, or the rental of any number of horses, ponies or mules for riding by other than the occupants of the premises or their non-paying guests.~~

~~**Stockyard:** An enclosure with pens, sheds and other buildings or structures for the temporary keeping of livestock.~~

~~**Storage of Explosives or Other Hazardous Materials:** Storage of:~~

- ~~1.—Any chemical compound or device, the primary purpose of which is to simultaneously release gas and heat, the resulting pressure being capable of producing destructive effects; or~~
- ~~2.—Any substances or materials that by reason of their toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental to the health of anyone coming into contact with such substances or materials.~~

Storm Water Collector: An underground storm water conveyance that connects to a major drainage ditch or storm water collector drainage ditch.

Story: That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it; or if there be no floor above it then the space between such floor and the ceiling next above it.

Street: A public or private thoroughfare which affords the principal means of access to abutting property.

Street Frontage: The length of a lot or tract of land that is adjacent to a public or private street.

Street Line: [See Subsection 4.2.2.](#) ~~A dividing line between a lot, tract, or parcel of land and a contiguous street. The area of a lot or parcel which lies between the property line abutting a street and the wall of the rearmost building. Properties zoned "RMH" or "RV" or single and two-family residential uses are exempt. If no building exists on a lot or parcel or if total building coverage is less than 10% of the gross site area or 5,000 square feet, whichever is less, the entire lot or parcel excluding the building area shall be considered street yard. On corner lots or parcels, the street yard shall consist of all the area of such lot or parcel between the property line abutting the street and the corresponding building wall lines. Such lines are extended in the manner provided above. When there are multiple buildings on a lot or parcel, the street yard shall consist of all the area of the lot or parcel between the property line abutting a street and the outermost points of each building's wall facing a street.~~

Setback: [See Subsection 4.2.2.](#)

Setback, Front: [See Subsection 4.2.2.](#)

[Setback, Corner Side: See Subsection 4.2.2](#)

[Setback, Interior Side: See Subsection 4.2.2.](#)

[Setback, Rear: See Subsection 4.2.2.](#)

[Setback, Street Yard: See Subsection 4.2.2.](#)

Structure: Anything, other than a fence, constructed or erected, which requires location on the ground, or attachment to something having a location on the ground, including, but not limited to, advertising signs, billboards, poster boards, buildings, dwellings, gas or liquid storage tanks, poles, water towers, cranes, smokestacks, earth formations and overhead transmission lines.

Subdivision: The division of a tract of land by plat into two or more parts for the purpose of sale, rental, lease or division of ownership.

Surcharge: A fee to be charged in addition to wastewater tap fees to be paid when the wastewater tap fee is paid. The current surcharge is published in the Development Services fee schedule contained in Chapter 14, Municipal Code.

Survival Wind Speed: A maximum wind speed, as designated by the wind energy unit manufacturer, at which a unit, in unattended operation (not necessarily producing power) is designed to survive, without damage to any structural equipment or components of the system, or less of the ability to function normally.

~~**Tannery:** An establishment where animal skins and hides are tanned.~~

Tap Fee: The fee to be paid that provides a utility tap or service connection to City- owned facilities.

Telecommunications: The transmission, between or among points specified by the user, of audio or visual information of the users choosing, without change in the form or content of the information as sent and received.

Telecommunications Service: The offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

Temporary Use: A non-permanent use of land that lasts, or is permitted to last, for a set amount of time.

Total Unit Height: The distance from the grade to the highest point on the unit or tower, including the vertical length of any extensions, such as the rotor blade:

1. For horizontal axis wind energy units, the distance between the ground and the highest point of the rotor blade in its vertical, upright positions;
2. For vertical axis wind energy units, the distance between the ground and the highest point of the shaft.

Tower Height: The distance measured from grade to the highest point of any and all components of the structure, including antennas, hazard lighting, and other appurtenances, excluding lightning rods.

Tower, Electric Transmission: A self-supporting structure ~~in excess of 50 feet in height~~ designed to support high voltage electric lines. This does not include local utility or distribution poles (with or without transformers) designed to provide electric service to individual customers.

Tower, Guyed: Any telecommunications tower supported in whole or in part by cables anchored to the ground.

Tower, Monopole: A self-supporting telecommunications tower which consists of a single, vertical pole fixed into the ground or attached to a foundation.

Tower, Self-supporting Lattice: A telecommunications tower which consists of an open network of metal braces forming a tower usually triangular or square in cross section.

Tower, Telecommunications: A self-supporting lattice, monopole, or guyed structure ~~more than 20 feet in height~~ built primarily to support one or more telecommunications antennas.

Transmission Mains: Mains of large diameter used to transport water from treatment facilities to distribution areas.

Transparency. The required amount of window area as a percentage of the specified I area. Doors are included in ground floor transparency when such doors are designed with glass or other transparent materials. Garage entrances shall not be included in ground floor transparency. Windows with shadowboxes on the interior, glass block, and printed window film, regardless of whether it allows views into or out of the building are not considered to meet transparency requirements.

Tree: A self-supporting woody plant having at least one well-defined trunk and normally attaining a mature height and spread of at least 12 feet and having a trunk that may, at maturity, be kept clear of leaves and branches to at least 7 feet above grade.

Tree, Canopy: Also referred to as a shade tree, is a tree species designated as such in the Tree List is found in in the Appendix to Section 7.3 7.3, Appendix A of this UDC.

Tree, Understory: May also be referred to as an ornamental tree, is a tree species designated as such in the Tree List found in 7.3 Appendix A of this UDC.

~~**Truck Stop With Overnight Accommodations:** Any promise used for fueling, servicing, repairs, and storage of heavy load vehicles such as tractor trailers, commercial dump trucks, and transit vehicles which may include facilities such as restaurants, restrooms, coffee and gift shops, weighing facilities, and overnight accommodations.~~

Trunk Force Main: A wastewater line that is at least 8-inch diameter which conveys wastewater under pressure.

Trunk Height: For measuring palms, the distance from ground level to the beginning of the leaf stalk.

Trunk Line: A wastewater line of 15" or greater diameter and larger which conveys wastewater.

Trust Fund: Funds held in trust by the City for developers to provide for a fair and equitable expansion of water, wastewater, and storm water infrastructure for new development.

~~**Utility:** See subparagraph 5.1.3.1 and Subsection 5.2.6.~~

Utility Master Plan: An element of the Comprehensive Plan that addresses a specific service or City system, including but not limited to the water system, wastewater system or the Airport. Master Plans address the technical planning issues associated with service delivery.

Variance: A grant of relief to a person from the requirement 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.

~~**Vehicle Service, Limited:** Minor repair or replacement of parts, tires, tubes, or batteries; diagnostic services; minor motor services such as grease, oil, spark plug, or filter changing; tune-ups; emergency road services; replacement of starters, alternators, hoses, belts, and points; brake or muffler repair, wheel alignment, automobile washing, automobile upholstery, window tinting, state inspections and associated minor repairs; routine servicing of air-conditioning systems, or other similar minor repair services. Minor repairs do not include uses listed under "vehicle service, heavy."~~

~~**Vehicle Service, Heavy:** General repair or overhaul of engines, air-conditioning systems, transmissions, or radiators for motor vehicles; Repair of bodies, frames, or fenders, painting, undercoating, or rust-proofing; repair of heavy load vehicles such as, tractor trailers, commercial dump trucks, or transit vehicles; customizing; vehicle steam cleaning; and other similar uses. Major repairs do not include uses listed under "vehicle service, limited."~~

Vehicular Use Area: All areas, regardless of surfacing, in which vehicles are parked, serviced, stored or through which they are driven, including drives, paved pads for vehicular or equipment storage, used and new car display areas, and service drives for gas stations.

Vertical Axis Wind Energy Unit: A wind energy unit that utilizes a generator and shaft that is positioned vertical (perpendicular) to the ground.

Violation: The failure of a structure or other development to be fully compliant with this Code, including the City's floodplain management regulations. A structure or other development without the elevation certificate, other

certifications, or other evidence of compliance required in section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), or (e)(5) of the National Flood Insurance Program regulations is presumed to be in violation until such time as that documentation is provided.

Visibility Obstruction: An object which blocks the view of a motorist either at a private driveway with an intersecting street or at two intersecting streets.

Visibility Triangle: An imaginary triangle located at the intersection of two public streets or at the intersection of a street and private driveway.

Wastewater Trunk System Construction and Reimbursement Agreement: A trunk line construction and reimbursement agreement, trunk force main construction and reimbursement agreement or lift station construction and reimbursement agreement.

Wastewater Surcharge: A fee to be charged in addition to sanitary sewer tap fees to be paid when the sanitary sewer tap fee is paid. The current surcharge is published in the Development Services fee schedule, Article XII, Chapter 14, Code of Ordinances.

Water Surcharge: A fee to be charged in addition to tap fees for single-family or duplex utility connections to be paid when the tap fee is paid. The current surcharge is published in the Development Services fee schedule, Article XII, Chapter 14, Code of Ordinances.

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.

Watercraft: A boat, hydrofoil, hovercraft, jet ski or similar vessel.

~~**Wind Energy System:** A wind energy conversion system or similar product consisting of a wind turbine, tower, and associated control or conversion electronics which will be used primarily to reduce on-site consumption of utility power.~~

~~**Wind Energy Unit:** A shaft, gearing belt, or coupling utilized to convert a rotating force into a form suitable for driving a generator, alternator, or other electricity-producing device, and the associated tower, pylon, or other supporting structure, and rotor blades or other devices. Wind energy units may consist of several units forming a wind energy system.~~

~~**Wireless Telecommunications Facility:** A telecommunication tower, antennas, and related equipment buildings, but the term also includes antennas and related equipment installed on roof tops.~~

Xeriscape: The conservation of water through common sense and creative landscaping including good design, soil improvements, limiting lawn areas, use of mulch, use of low- water use drought-tolerant plants, efficient use of water, and good maintenance techniques. More detailed information of Xeriscape techniques and recommended plant material shall be included in the 7.3 Appendix A of the UDC.

Yard: [See Subsection 4.2.2.](#) ~~An open space, other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Code.~~

Yard, Front: [See Subsection 4.2.2.](#)

Yard, Corner Side: [See Subsection 4.2.2.](#)

Yard, Interior Side: [See Subsection 4.2.2.](#) ~~A yard extending from the street yard line to the rear yard line and measured from the principal structure to the closest point of the adjacent side lot line.~~

Yard, Rear: [See Subsection 4.2.2.](#) ~~A yard extending the full width of the lot between a principal building and the rear lot line, and measured perpendicular from the building to the closest point of the rear lot line. Where an alley exists, the depth of the rear yard may be considered to extend to the centerline of the alley.~~

Yard, Street: [See Subsection 4.2.2.](#) ~~A yard located between the front lot line and the existing or proposed building façade extending by imaginary lines from the outer corners of the building and parallel to the front lot line.~~

Zoning District: Any section of the City within which the zoning regulations are uniform.

Zoning District Buffer Yard: A specified land area, located parallel to and within the outer perimeter of a lot and extending to the lot line, together with the planting and landscaping required on the land. A zoning district buffer yard may also contain a barrier such as a berm or wall where additional screening is necessary to achieve the desired level of buffering between land use activities as identified in Section 7.9. A zoning district buffer yard is not intended to be identical to with the term "yard" or "setback" however a buffer yard and setback may overlap.

§ 3.21 Temporary Use Permit

3.21.1. Applicability

A. Temporary uses, as defined in Article 45, may not be commenced until the applicant obtains a temporary use permit from the [Director of Development Services](#) ~~Assistant City Manager of Development Services~~. The permit specifies the specific use, the period of time for which it is approved, and any special conditions attached to the approval.

B. A temporary building permit or certificate of occupancy may be required at the sole discretion of the Building Official before any structure used in conjunction with temporary use is constructed or modified.

3.21.2. Review Process

A. The [Director of Development Services](#) ~~Assistant City Manager of Development Services~~ shall approve, approve with conditions, or deny the temporary use permit.

B. The [Director of Development Services](#) ~~Assistant City Manager~~ and the Building Official shall review any signs in conjunction with the issuance of the temporary use permit and any associated building and technical code permits. Such signs shall be in accordance with the requirements of this Unified Development Code and the applicable building and technical construction codes.

3.21.3. Review Criteria

In determining whether to approve, approve with conditions, or deny a temporary use permit, the [Director of Development Services](#) ~~Assistant City Manager of Development Services~~ shall consider the following criteria:

A. Land Use Compatibility

1. The temporary use is compatible with the purpose and intent of this Unified Development Code and the zoning district in which it is located.

2. The temporary use complies with the required standards for such use in Section 5.5.

~~23.~~ The temporary use does not endanger or is not materially detrimental to the public health, safety, or welfare or injurious to property or improvements in the immediate vicinity of the temporary use, given the nature of the activity, its location on the site, and its relationship to parking and access points.

~~34.~~ The temporary use does not create any violations of the Americans with Disabilities Act, the Texas Accessibility Standards, or the accessibility standards adopted by the City, as they may be amended from time to time.

B. Compliance with Other Regulations

The structures and the site shall meet all applicable Building Code, zoning district, and fire code standards ~~and shall be promptly removed upon the cessation of the use or event~~. Upon cessation of the event or use, the site shall be returned to its previous condition (including the removal of all trash, debris, signs, and other evidence of the temporary use).

C. Traffic Circulation

The temporary use does not cause undue traffic congestion or accident potential given anticipated attendance and the design of adjacent streets, intersections, and traffic controls.

D. Off-Street Parking

Off-street parking for the temporary use does not eliminate required parking for any of the other existing uses on the site, thus creating a parking shortage; provided that, a temporary outside accessory use may be permitted to reduce the parking available at the site of a permanent use or structure by up to 15% of the minimum number of parking spaces required by this Unified Development Code.

E. Public Convenience and Litter Control

Adequate on-site rest room facilities, if deemed necessary, and refuse containers shall be provided. All litter generated by the event or use will be removed at no expense to the City.

F. Appearance and Nuisances

The temporary use is compatible in intensity, appearance and operation with surrounding land uses in the area, and it does not unduly impair the usefulness, enjoyment, or value of adjacent property due to the generation of excessive noise, dust, smoke, glare, spillover lighting or other forms of environmental pollution.

G. Other Criteria

The Building Official may establish any additional review criteria deemed necessary to ensure land use compatibility and to minimize potential adverse impacts on nearby uses, including, but not limited to, restrictions on hours of operation, temporary arrangements for parking and traffic circulation, requirements for screening or buffering and guarantees for site restoration and cleanup following the temporary use.

3.21.4 Expiration

The Director of Development Services ~~Assistant City Manager of Development Services~~ shall set the time limit of the temporary use permit at the time of approval unless specified in Section 5.5, ~~but in no case shall the duration exceed 90 days~~. The Director of Development Services may extend the durations specified in Section 5.5 if such extension meets the standards of this Section.

§ 4.2 Measurements

The regulations set forth in this Section qualify or supplement the zoning district regulations appearing elsewhere in this Article.

4.2.1. Open Space

- A. Open space area shall be measured as the area within the property lines of the open space, excluding any street, easement for street purposes, street right-of-way and all lands seaward of the state-owned water boundary.
- B. The minimum open space required in a development under common ownership or unified control, or within a subdivision, shall be property under public or common private ownership. Such open space may be held privately.
- C. Required open space in residential zoning districts shall be measured exclusive of any individual lots.
- D. All open space shall be unoccupied or predominately unoccupied by buildings or other impervious surfaces. A maximum of 5% of the area of any required open space may be occupied by buildings or such surfaces.

4.2.2. Lot Area

A. Lot area shall be measured as the area contained within the property lines of a lot, excluding any street, easement for street purposes, street right-of-way and all lands seaward of the state-owned water boundary.

~~B. There shall be one single family dwelling per lot or as otherwise stated in this Code.~~

~~C. Individual lots in new developments or a replat with more than five lots may deviate up to 10% from the minimum lot area, provided that the average lot area in the project shall equal or exceed the minimum lot area for the zoning district. In no case shall the maximum density for the zoning district be exceeded due to such reduced lot size.~~

~~D.~~ A lot may consist of one or more portions of adjacent lots under single ownership so long as the lot area per dwelling unit, lot width, yard and lot coverage requirements, and other requirements of this Article are maintained. This requirement shall not be construed to prevent the purchase or condemnation of narrow strips of land for public utilities or street right-of-way purposes.

~~E. Except for townhouses described in Subsection 4.4.4, no building shall be permitted to be placed upon a lot line.~~
Editor's Note – This item (E) was moved to the minimum requirements of Section 1.7.

4.2.3. Lot Width

Lot width shall be the distance between the side lot lines measured at the required setback line, parallel or concentric to the front property line. If the proposed setback is greater than the required setback, the measurement is taken at the required setback.

4.2.4. Lot Line

A line of record bounding a lot, as indicated on an approved, filed, and recorded subdivision plat, which divides one lot from another lot or from a public or private street or any other public or private space and includes:

A. A front lot line is the lot line separating a lot from a street right-of-way. The front lot line of a corner lot is the shortest street lot line of a corner lot abutting a street. A front lot line for a through lot is both lot lines that abut a street.

B. A rear lot line is the lot line opposite and most distant from the front lot line. In the case of triangular or similarly irregularly shaped lots, the rear lot line is a calculated line of ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

C. On a corner lot, the corner side lot line and reverse corner side lot line is perpendicular or approximately perpendicular to the front lot line and is the longer street abutting lot line of a corner lot.

D. On an interior lot, the interior side lot line is perpendicular or approximately perpendicular to the front lot line and abuts an adjacent lot.

E. A street lot line is any lot line separating a lot from a street right-of-way.

4.2.5. Lot

A lot is the basic development unit for determination of lot area, depth, and other dimensional regulations; or a parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or recorded map and which is recognized as a separate legal entity for purposes of transfer of title. The following describes the types of lot configurations:

A. An interior lot is a lot other than a corner or through lot, bounded by two interior side lot lines.

B. A corner lot is a lot situated at the junction of, and abutting on, two or more intersecting streets.

C. A through lot is a lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot. A through lot is also called a double frontage lot.

D. A reverse corner lot is a corner lot where the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

E. A flag lot is platted so that the main building site area (the "flag") is set back from the street on which it fronts and includes an access strip (the "pole") connecting the main building site with the street.

~~4.2.4. Site Area and Width~~

~~A. Site area for a single family attached house shall include the combined area and width of the two lots upon which the attached dwelling units are situated.~~

~~B. Site area for a townhouse development shall include the combined area and widths of all the lots in the development.~~

4.2.6. Yards and Setbacks

A. General Definitions

1. A yard is the open space area between the building line of a principal building and the adjoining lot lines, exclusive of facade articulation, such as window or wall recesses and projections.

2. A required setback is the required minimum distance a principal building must be located from a lot line, which is unoccupied and unobstructed by any projections of a principal building, unless permitted by this Code. A build-to zone or build-to line is considered a required setback.

3. A setback may be equal to or lesser than a yard.

4. A setback is located along the applicable lot line for the minimum depth specified by the zoning district in which such lot is located.

B. Front Yard and Front Setback

The front yard and front setback extend the full width of the lot between side lot lines measured perpendicular to the front lot line.

1. Front Yard: A front yard is located between a principal building line and the front lot line.

2. Front Setback: A front setback is the required minimum distance per the zoning district that a principal building must be located from the front lot line.

3. For cul-de-sac lots, the required front setback must meet the standards of Section 8.2.1.G.7.

Note for adoption – the above reference may need to be updated once subdivision regulations are updated.

4. For water-oriented subdivisions, see front setback standards in item I below.

C. Interior Side Yard and Interior Side Setback

The interior side yard and interior side setback extend along the interior side lot line between the front and rear yard or setback, measured perpendicular to the interior side lot line.

1. Interior Side Yard: An interior side yard is located between a principal building line and the interior side lot line.

2. Interior Side Setback: An interior side setback is the required minimum distance per the zoning district that a principal building must be located from the interior side lot line.

3. For townhouse developments, the interior side yard and interior side setback are only applicable to end units of a townhouse development.

4. For water-oriented subdivisions, see interior side setback standards in item I below.

D. Corner Side Yard and Corner Side Setback

The corner side yard and corner side setback extend along the corner side lot line between the front yard or front setback and the rear lot line, measured perpendicular to the corner side lot line.

1. Corner Side Yard: A corner side yard is located between a principal building line and the corner side lot line.

2. Corner Side Setback: A corner side setback is the required minimum distance per the zoning district that a principal building must be located from the corner side lot line.

E. Reverse Corner Side Yard and Setback

The reverse corner side yard and setback extends along the corner side lot line between the front yard and the rear lot line, measured perpendicular to the corner side lot line. The corner side lot line adjoining a street is substantially a continuation of the front lot line of the first lot to its rear.

1. Reverse Corner Side Yard: A reverse corner side yard is located between a principal building and the reverse corner side lot line.

2. Reverse Corner Side Setback: A reverse corner side setback is the required minimum distance per the zoning district that a principal building must be located from reverse corner side lot line.

F. Rear Yard and Rear Setback

The rear yard and rear setback extend between interior side lot lines or the interior side lot line and the required corner side setback, measured perpendicular to the rear lot line.

1. Rear Yard: A rear yard is located between a principal building line and the rear lot line.

2. Rear Setback: A rear setback is the required minimum distance per the zoning district that a principal building must be located from the rear lot line.

3. In the case of a corner lot, the rear yard and rear setback extend between the interior side lot line to the required corner side setback, measured perpendicular to the rear lot line.

G. Street Yard and Street Yard Setback

Any yard or setback that abuts a street. The terms street yard and street yard setback are intended to encompass front yards and front setbacks, and corner side yards and corner side setbacks.

H. Yard and Setback for Through Lots

For through lots, both the yards and setbacks that abut a street are considered front yards and setbacks.

I. Water-Oriented Subdivisions

A water-oriented subdivision is a subdivision along any bay, gulf, cove, canal, lagoon, or pass and must be a marina type development which includes canals, channels, and waterways adjacent to at least 20% of the lots within the subdivision.

1. Front Setback

For lots within a water-oriented subdivision, due to the openness created by the various waterways within the subdivision, the front setback may be reduced to not less than ten feet, provided this dimension is indicated on the face of the recorded plat of the subdivision.

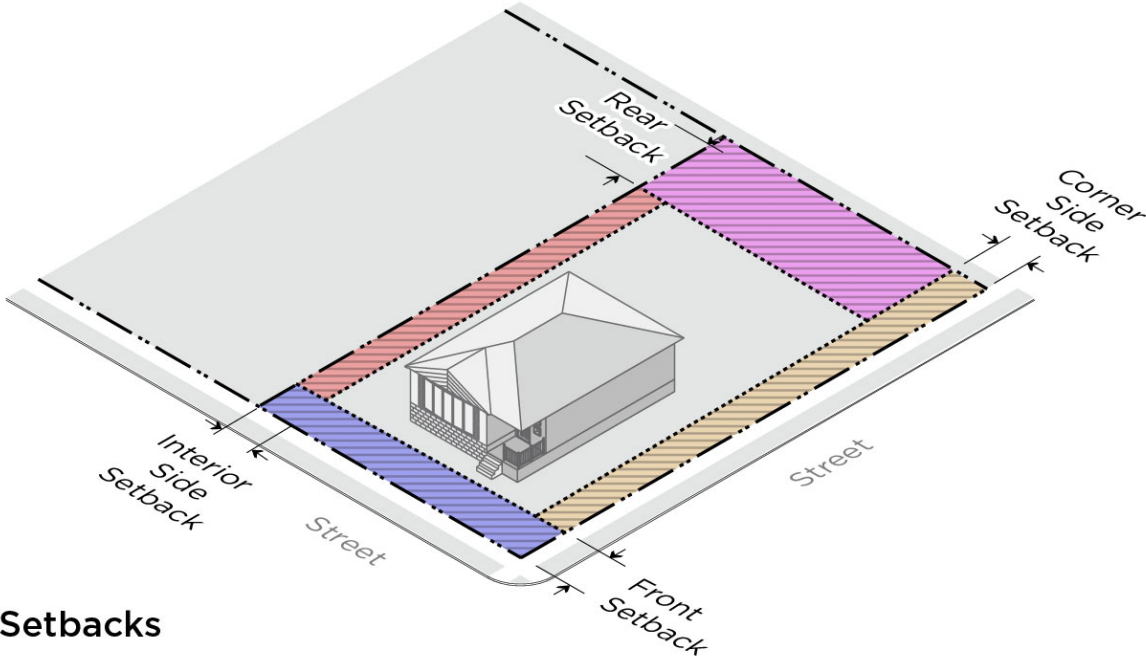
2. Interior Side Setback

For multi-family structures and accessory structures located within a water-oriented subdivision, due to the openness created by the permanent waterways abutting the lots, the required side setback may be modified to deviate from the requirements of the district.

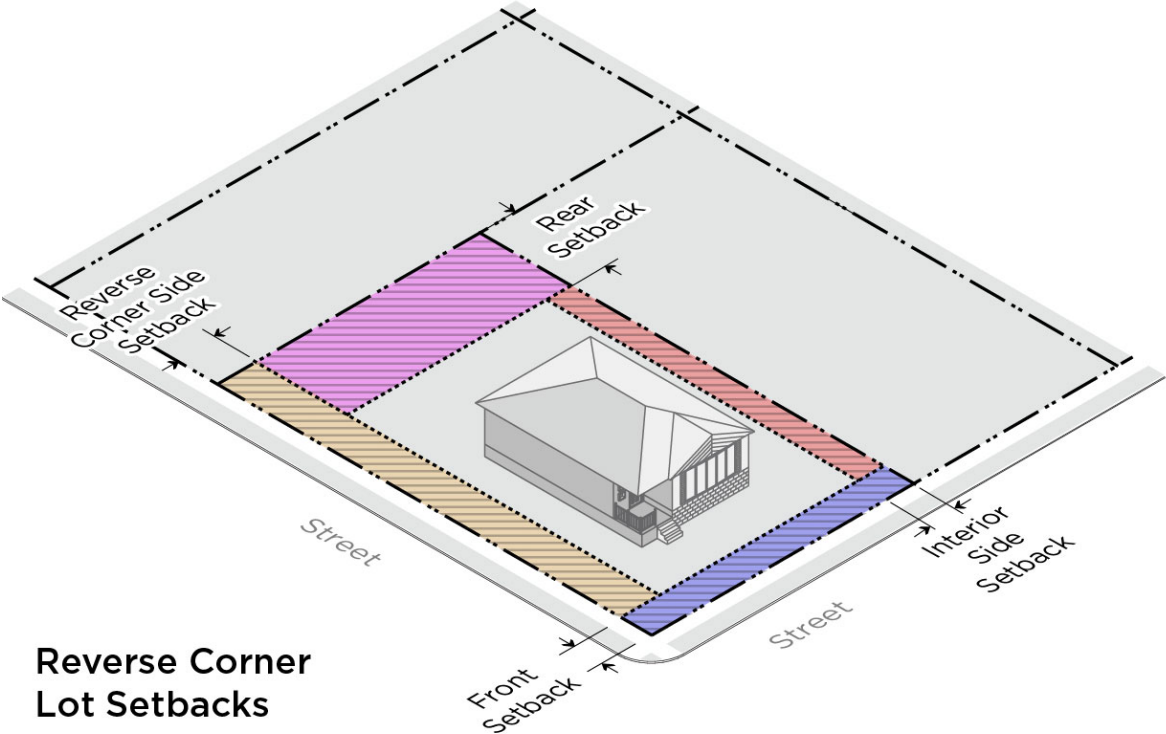
J. Features Allowed Within Setbacks

The following features may be located within a yard, subject to visibility triangle per Section 4.2.12:

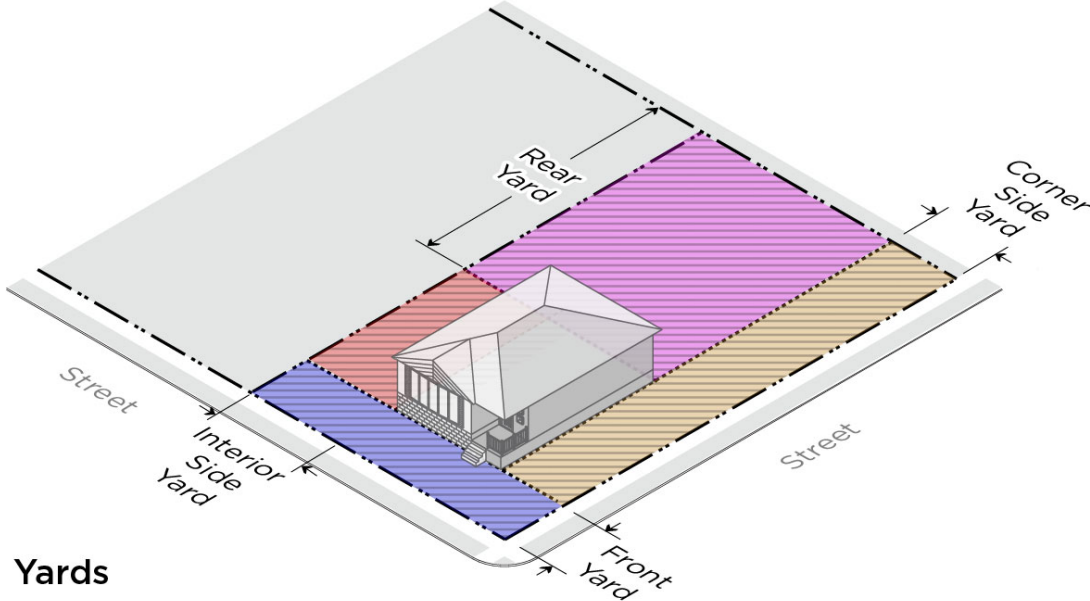
1. Landscape features and irrigation.
2. Open, unobstructed, unenclosed porches, decks, or patios that do not extend above the level of the first floor of the building and that do not extend or project into the front setback more than six feet.
3. Sidewalks.
4. Fences and walls.
5. Sills, belt courses, cornices, buttresses, chimneys, flues, eaves and other architectural features that do not extend more than 24 inches into any required setback but must comply with the International Residential Code.



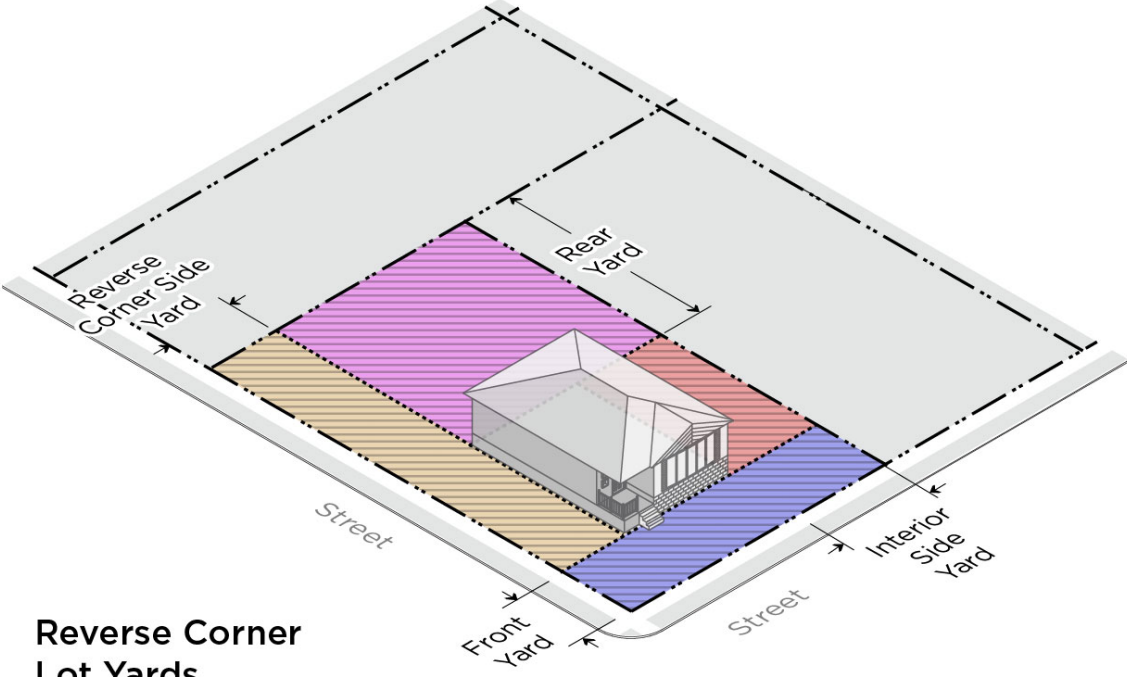
Setbacks



**Reverse Corner
Lot Setbacks**



Yards



Reverse Corner Lot Yards

4.2.5. Yards

A. In General

1. ~~Every part of every required yard shall be open and unobstructed to the sky except as authorized in this Unified Development Code.~~
2. ~~All required yards shall be measured from the edge of the right-of-way and/or property or abutting lot line.~~

B. Types of Yards

1. ~~Required yard types shall be as follows:~~
 - a. ~~Street;~~
 - b. ~~Street (corner);~~
 - c. ~~Side; and~~
 - d. ~~Rear Street (corner)~~
2. ~~Corner lots shall be considered to have one street yard setback and one street corner yard setback.~~
3. ~~Through lots shall be considered to have two street yards where the property abuts the street.~~
4. ~~Private garages and carports detached or attached to the main building, which are entered from the street, shall maintain a minimum setback of 20 feet in front of the garage or carport from such street.~~

C. Measurement of Yards

1. ~~Depth of a required street yard shall be measured at right angles to a straight line joining the foremost points of the side lot lines or radially on the curved section of the lot.~~
2. ~~Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by zoning district regulations with its inner edge parallel to the side lot line. Side lot lines shall be substantially at right angles or radial to street lines.~~
3. ~~Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by zoning district regulations with its inner edge parallel with the rear lot line.~~

D. Features Allowed Within Required Yards

The following features may be located within a required yard subject to visibility triangle and Section 4.2.9:

1. ~~Landscape features and irrigation;~~
2. ~~Open, unobstructed, unenclosed porches, decks or paties that do not extend above the level of the first floor of the building and that do not extend or project into the front or side yard more than 6 feet;~~
3. ~~Sidewalks;~~
4. ~~Fences and walls;~~
5. ~~Minor utilities as described in Subsection 5.1.3.1;~~
6. ~~Mechanical equipment such as air conditioning units, pool pumps and similar equipment, shall be set back a minimum of 3 feet from a street or, side or rear yard;~~
7. ~~Sills, belt courses, cornices, buttresses, chimneys, flues, eaves and other architectural features that do not extend more than 24 inches into any required yard must comply with the International Residential Code.~~

E. Single and Two-Family Residential Parking

Editor's Note – This item (E) was moved to the parking section.

- ~~1.—The parking of vehicles shall be prohibited in any required street yard except on a paved surface.~~
- ~~2.—The cumulative area of any impermeable surface area located in the required street yard, shall not exceed 50% of the area of the required street yard.~~
- ~~3.—Residential driveways shall be made of an all-weather dust-proof surface, such as asphalt, concrete or brick.~~
- ~~4.—Exceptions: Lots of 5 acres or greater with a minimum driveway apron depth of 50 feet from the edge of street made of an all-weather dust-proof surface are exempt from residential driveway requirements.~~

F.—Setback Averaging

~~Where the street frontage within 200 feet on either side of a lot within a block is improved with buildings which have a front yard that is less than the required front yard in the district, the required front yard may be reduced, but no building shall project beyond the average front yard of the two adjacent buildings on either side of the lot in question. Where the lot is on a corner within a block that is improved with buildings within 200 feet which have a front yard that is less than the required front yard in the district, the required front yard may be reduced, but no building shall project beyond the front yard of the adjacent building.~~

Editor's Note – This item (F) was moved to the district standards.

4.2.6. Building Separation

~~Building separation shall be no less than the minimum allowable distance between two buildings.~~

4.2.7. Build-To Zone (BTZ)

A build-to zone (BTZ) is the area on a lot, measured perpendicular from the applicable lot line, where the building must locate within the minimum and maximum range of setback provided. The building facade must be located within the build-to zone.

4.2.8. Build-To Percentage (BT%)

A build-to percentage (BT%) specifies the percentage of the building facade that shall be located within the build-to zone. Build-to percentage is calculated by building facade, not lot width.

A. Facade articulation elements, such as window or wall recesses and projections, are included in the calculation of a required build-to percentage.

B. Programmed outdoor spaces and outdoor dining areas that are bounded by a building facade parallel to the frontage are included in the calculation of a required build-to percentage.

C. Open space bounded on three sides by a building, such as courtyards, are included in the calculation of a required build-to percentage.

4.2.9. Building Coverage

~~A.—Building coverage is the maximum area of the lot that is permitted to be covered by buildings, including both principal and accessory structures. Building coverage does not include paved areas such as driveways, uncovered porches or patios, decks, swimming pools or pool cages, or roof overhangs of less than 3 feet.~~

~~B.—Where a lot is used for nonresidential or mixed-use purpose, more than one principal structure may be located on the lot, but only when such structures conform to the building coverage requirements for the zoning district in which the lot is located.~~

4.2.10. Impervious Surface Coverage

Impervious surface is that portion of a site that is occupied by all structures, pavement, and other impervious surfaces that do not allow for the absorption of water into the ground. Maximum impervious surface of a lot is calculated as the percentage of all impervious surface area against the total area of the lot.

4.2.11. Modification of Height Regulations

~~A. Height shall be determined by the vertical distance above~~ is measured from finished grade to the highest point between the plate line and the ridge of a gable or hip roof.

B. Unless otherwise express stated, the height regulations in this Unified Development Code shall not apply to belfries, chimneys, conveyors, cooling towers, elevator bulkheads, fire towers, flag poles, monuments, ornamental towers and spires, smoke stacks, spires, stage towers or scenery lofts, tanks, and water towers.;

~~C.—No multifamily or nonresidential structure shall be located nearer any property line adjacent to a single family use or two family use than a horizontal distance of twice the vertical height of the structure as illustrated below. The height shall be measured from the existing ground level to the plate.~~

~~D.—Unless otherwise stated in this Unified Development Code, the horizontal distance ratio of 1:2 shall not apply to any of the following:~~

- ~~1.—Utility structures such as elevated water storage tanks, and electrical transmission lines;~~
- ~~2.—Architectural elements such as flagpoles, belfries, cupolas, spires, domes, monuments, chimneys, bulkheads, elevators or chimney flues; or any similar structure extending above the roof of any building where such structure does not occupy more than 33% of the area of the roof; or~~
- ~~3.—Residential radio/television receiving antennas.~~
- ~~4.—Shall not apply to the first 12 feet in height of the building.~~

~~E.—Buildings in the multifamily zoning district may exceed the maximum height of 60 feet, provided that 40% of the site is devoted to non-vehicular open space.~~

4.2.129. Visibility Obstructions

A. On any corner lot, a visibility triangle shall be established. The visibility triangle shall be formed by extending lines from the intersection of two streets to points 20 feet from the corner of the intersecting streets and then connecting the two points to form a triangle.

B. No construction or visibility obstruction shall be permitted to interfere with the visibility triangle between the heights of 30 inches and 7 feet as measured from the crowns of the adjacent streets.

C. No visibility obstructions shall be permitted in the area where a private driveway intersects with a street boundary line and the pavement line of the driveway, with the hypotenuse (or third side of the triangle) connecting the street pavement line and the pavement line of the driveway at distances from their intersection equal to 20 feet along the driveway and 30 feet along the street pavement line.

4.2.10. Adjacent Lots

~~A.—A street yard on the side of a corner lot abutting the street shall be a minimum of not less than (10) feet back of the street right of way when such a lot is back to back to with another corner lot.~~

~~B.—For corner lots abutting a lot, where there is not a back to back, the street yard shall in no case be less than the average of the two adjoining street yards.~~

~~C.—If a corner lot is abutting a parcel that is (i) unplatted, (ii) not identified on a preliminary plat (iii) zoned Farm Rural or is outside city limits, then the corner lot street yard on the same street as the abutting parcel shall be a minimum street yard ten (10) feet.~~

4.2.11. Water Oriented Subdivisions —

A.—Front Yards

~~For lots within a water oriented subdivision due to the openness created by the various waterways within the subdivision the front yard may be reduced to not less than 10 feet, provided this reduced front building line is indicated on the face of the recorded plat of the subdivision. Private garages, which open onto the street, detached or attached to the main building shall maintain a yard of 20 feet from such garage entrance to the street right of way. A water oriented subdivision is a subdivision along any bay, gulf, cove, canal, lagoon, or pass and shall be a marina type development which shall include canals, channels and waterways adjacent to at least 20 percent of the lots within the subdivision.~~

B.—Side Yards

**Revisions to Section 4.2
April 2023**

~~For multiple family structures and accessory structures located within a water-oriented subdivision, due to the openness created by the permanent waterways abutting the lots, the required side yard may be modified to deviate from the requirements of the Unified Development Code.~~