

Chapter 98 ZONING¹

ARTICLE I. IN GENERAL

Sec. 98-1. Title and authority.

This chapter shall be known as the "Zoning Ordinance of the City of Webster, Texas." It is adopted in accordance with the authority granted by the V.T.C.A., Local Government Code, ch. 211, as amended. It may be cited as the "zoning ordinance."

(Ord. No. 98-03, § 1(Exh. A, § 1(1.01)), 3-17-98)

Sec. 98-2. Purpose.

The zoning regulations and districts as established in this chapter have been made in accordance with the city's comprehensive plan for the purpose of promoting health, safety, morals, and the general welfare throughout the corporate limits of the City of Webster, Texas. They have been designed to:

- (1) Lessen congestion in the streets,
- (2) To secure safety from fire and panic, and other dangers,
- (3) To provide adequate light and air,
- (4) To prevent overcrowding of land,
- (5) To avoid undue concentration of population, and
- (6) To facilitate access to parks and public facilities.

They have been made with reasonable consideration, among other things, for the character of the district, its peculiar suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

(Ord. No. 98-03, § 1(Exh. A, § 1(1.02)), 3-17-98)

¹Editor's note(s)—Section 1 of Ord. No. 98-03, adopted Mar. 17, 1998, replaced former ch. 98 in its entirety, and enacted a new ch. 98 to read as herein set out. Former ch. 98 pertained to zoning and derived from Ord. No. 1017.

Charter reference(s)—Planning and zoning, § 9.02; board of adjustment, § 9.03.

Cross reference(s)—Any ordinance establishing zoning regulations or rezoning specific property saved from repeal, § 1-9(11); buildings and building regulations, ch. 18; environment, ch. 34; manufactured homes, mobile homes and parks, ch. 50; signs, ch. 66; subdivisions, ch. 74.

Sec. 98-3. Interpretation.

When interpreting and applying the provisions of this chapter, such provisions shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, comfort, prosperity, and general welfare.

- (1) Words used in the present tense shall include the future, words used in the singular shall include the plural, and words used in the plural shall include the singular.
- (2) The word "shall" is mandatory and not discretionary. The word "may" is permissive.
- (3) The word "lot" shall include the words piece, premises, tract, and parcel, and except when specifically stated otherwise, and shall mean the lot on which a building or other improvement may be constructed, and which has been legally platted as required by the subdivision ordinance of the City of Webster and has been recorded in the deed records of Harris County, Texas.
- (4) The word "building" shall include any structure designed or built for the support, enclosure, shelter, or protection of persons or property of any kind.
- (5) The phrase "used for" shall include the phrases arranged for, designed for, intended for, maintained for, and occupied for.

(Ord. No. 98-03, § 1(Exh. A, § 1(1.03)), 3-17-98)

Sec. 98-4. Definitions.

Definitions not expressly prescribed herein shall have the meanings customarily attributed to common English language usage and definitions contained in the specific regulations of other adopted ordinances of the City of Webster.

Accessory Dwelling Unit means a subordinate and complete dwelling unit that is accessory to the principal residential or nonresidential use on the same lot or parcel, whether integrated within, attached to, or detached from the principal structure. Accessory dwelling units shall not be leased or rented.

Accessory Building or Use means a subordinate use or building incidental to and located on the lot occupied by the main use or building. A building or use which contributes to the comfort, convenience, and necessity of the occupants of the principal building or principal use. "Accessory," when used in this text, shall have the same meaning as accessory use.

Adult Amusement Establishment means an establishment which provides amusement or entertainment which is distinguished or characterized by an emphasis on material depicting, describing, or relating to specified sexual activities or specified anatomical areas:

An establishment which feature topless dancers, exotic dancers, strippers, male or female impersonators, comedy club, or similar entertainment; or

An establishment, which, upon payment of a fee provides an escort or a dance partner to its patrons.

Adult Book Store means an establishment having a substantial or significant portion of its stock in trade books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section devoted to the sale or display of such material.

Adult Photo Studio means an establishment, which, upon payment of a fee, provides photographic equipment or models for the purpose of photographing, specified anatomical areas.

Adult Theater means a theater, including a drive-in theater, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Agriculture means the tilling of the soil, raising of crops, animals, horticulture, gardening, beekeeping and agriculture.

Alley means a minor public right-of-way which provides a secondary means of vehicular access to property at the rear or side of the property which has primary access on a public street.

Alteration means any change, addition or modification in construction, occupancy or use.

Animal Hospital, Veterinarian with Outside Kennels means an establishment where animals or pets are provided medical or surgical treatment. Incidental indoor and outdoor kennel, or overnight care may be permitted only for the duration of the medical treatment of the animal.

Animal Hospital, Veterinarian Without Outside Kennels means an establishment where animals or pets are provided medical or surgical treatment. Incidental kennel or overnight care may be permitted limited to the interior of the building and only for the duration of the medical treatment of the animal.

Apartments means a multiunit building, group of buildings, or portion thereof on a single parcel under single ownership, which is designed, built, rented, leased, or hired out to be occupied as three or more dwelling units not for transient use. The term does not include bed and breakfast, boarding or lodging house, or similar uses.

Arena/Stadium means an enclosed building or open structure with tiers of seats rising around a field, court or track, intended to be used primarily for the viewing of athletic events, but may also be used for entertainment and other public gathering purposes.

Assisted Living Facility means an establishment meeting the requirements of Chapter 247, Health and Safety Code, that furnishes in one or more facilities, food and shelter to four or more persons who are unrelated to the proprietor of the establishment. These facilities shall provide:

1. Personal care services (e.g. assistance with feeding, dressing, moving, bathing, etc.), or
2. Administration of medication by a person licensed in this state to administer medication;

These facilities may provide:

1. Assistance with or supervision of the administration of medication;
2. Limited skilled nursing services (see Chapter 247, Health and Safety Code, for list of services); or
3. Health maintenance activities as defined by rule by the Texas Board of Nursing.

Auto Sales or Rental means a business that is primarily engaged in the sale or rental of passenger vehicles, light trucks, vans, motorcycles, or similar vehicles.

Automotive Accessories Shop means an enclosed facility which provides automobile-related services such as applying paint protectors, interior and exterior cleaning and polishing (not a commercial car wash), as well as installation of aftermarket accessories such as tinting, auto alarms and radios, wheels, spoilers, sunroofs, headlight covers, and similar items.

Automotive Full-Service Station means that portion of property where flammable or combustible liquids or gases used as fuel are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. Accessory activities shall be permitted to include automotive repair and maintenance, car wash service and food sales.

Automotive Repair, Major means an establishment primarily engaged in the repair or maintenance of motor vehicles and similar large mechanical equipment, including paint, body and fender and major engine and engine part overhaul, which is conducted within a completely enclosed building. Outdoor storage would be permitted.

Automotive Repair, Minor means an establishment primarily engaged in the repair or maintenance of motor vehicles, trailers and similar mechanical equipment, including brake, muffler, upholstery work, tire repair and

change, lubrication, tune ups and transmission work, which is conducted within a completely enclosed building. Outdoor storage would not be permitted.

Automotive Self-Service Station means that portion of property where flammable or combustible liquids or gases used as fuel are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. Accessory activities shall be permitted to include, car wash service and food sales.

Automobile Storage means a surface of asphalt, concrete or approved stabilized material built in accordance with city parking lot standards, and used for vehicular storage and not as a street.

Automobile Wrecking means the collecting and dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete, or wrecked motor vehicles, trailers, or their parts.

Awning means a roof-like cover of temporary nature which projects from the wall of a building.

Bail Bond Service means an establishment that makes available to the public undertakings of bail in connection with judicial proceedings.

Bar, Nightclub or Dance Hall means uses or establishments that are primarily engaged in the sale of alcoholic beverages for on-site consumption, and/or premises for dancing to live or recorded musical performances. These establishments may provide DJs, karaoke, or other forms of live or recorded performance, as well as incidental food service and outdoor patios.

Bed and Breakfast Establishment means a house with a permanent resident and a subordinate use of up to eight guest rooms which may be rented for short-term overnight lodging with breakfast served to overnight guests only; some or all guest rooms may be in accessory dwelling units.

Block means a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-ways, airport boundaries, bulkhead lines (or shore lines where no bulkhead lines have been established), or corporate boundary lines of the City of Webster.

Block Face means a side of a block in which lots face an abutting street.

Board means the zoning board of adjustment.

Boarding Or Lodging House means a dwelling unit containing at least one but not more than five guestrooms where lodging is provided, with or without meals, for compensation; it does not include community residential program or emergency shelter.

Boat means a vehicle for traveling in or on water, not exceeding 30 feet in body length, eight feet in width, or 11 feet in overall height. Height includes the trailer, if the boat is mounted on a trailer.

Boat and RV Storage Facility means an enclosed or partially enclosed structure containing a roof and at least two walls for the storage of boats, recreational vehicles, or similar equipment for a fee.

Boat Dock means an accessory structure constructed wholly or partially over a body of water designed primarily for the purpose of storing watercraft. No boat dock or boat house may contain living, sleeping, kitchen or sanitary facilities when used as an accessory use in a residential zoning district. Boat docks, buildings and storage facilities that are used in any commercial nature, including charter or for hire shall never be permitted to be an accessory use in a residential zoning district.

Boat Sales, Rental or Service means a marine sales, rental, or service establishment in which boats are sold, rented, or serviced. The use may include a boat repair garage where boats are repaired and stored until repairs are completed.

Build means to erect, convert, enlarge, reconstruct, restore or alter a building or structure.

Buildable Width means when applied to a building site, the width of the site exclusive of required yards.

Building means any structure which is built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

Building, Completely Enclosed means a building which is separated on all sides from the adjacent open space, or other buildings and structures by a permanent roof and exterior walls pierced only by windows and normal entrance and exit doors.

Building, Detached means a building surrounded by yards or open space on its own building lot, or buildings in a building group which are physically separated from each other.

Building Face means that portion of a building completely enclosed.

Building Height means the vertical distance from curb level opposite the center of the front of the building to the elevation of the highest point of the roof. For the purpose of this section, the measurement of a building height shall not include chimneys, roof gables, vents, steeples, spires, ornamental towers, antennae, monuments, cooling towers, tanks, water towers, fire towers, necessary mechanical appurtenances, stage towers or scenery lofts, or similar appurtenances.

Building Line means a line which is the rear line of a required front yard. This line is generally parallel to the adjacent street right-of-way line and no building shall project beyond this line toward the street.

Building, Principal means a building in which a principal use of the lot on which it is located is conducted. All residential uses, except bona fide servants' quarters, are principal uses.

Building, Residential means a building which is arranged, designed, used, or intended to be used for residential occupancy by one or more families.

Building, Temporary Construction means a building used temporarily for the storage of construction materials and equipment incidental and necessary to on-site permitted construction of utilities, or other community facilities, or used temporarily in conjunction with the sale of property within a subdivision under construction.

Business means legal entities operating an enterprise in a space separate from any other enterprise.

Canopy means a roofed structure constructed of fabric or other material supported by the building or by support extending to the ground directly under the canopy placed so as to extend outward from the building providing a protective shield for doors, windows and other openings.

Car Wash means an establishment or portion thereof containing facilities for washing and cleaning motor vehicles using self-service, in-bay automatic, production-line methods such as a conveyor, blower, steam-cleaning device, or other methods. These facilities may include attendants who wash, dry, and/or detail the vehicles.

Carpport means a roofed structure open on at least two sides and used for the storage of private or pleasure-type vehicles.

Carnival means a traveling enterprise offering a variety of amusements, which are predominantly comprised of three mechanical rides, side shows, or games of chance.

Church means a place of worship or an establishment primarily engaged in operating religious organizations, administering an organized religion, or promoting religious activities.

Circus means a traveling enterprise that features feats of physical skill and daring, wild animal acts and performances by clowns.

City means the City of Webster, Texas.

Clinical Massage/Therapy Office means a place of business where people holding professional licenses issued by the State of Texas to individuals trained in the art of massage for medical and therapeutic purposes

provide such services. Excludes any and all massage services provided for sexual gratification, erotic activity or any other activity customarily considered related to, or part of, a sexually oriented businesses.

Club, Private means quarters for a private organization, a principal purpose of which is the preparation and service of food and/or drink for members and their guests only.

Club or Lodge means an association of persons for the promotion of a nonprofit common objective, such as literature, science, politics, good fellowship and similar objectives, which meets periodically and which is limited to members.

Community Home means a community-based residential home meeting the requirements of Chapter 123, Human Resources Code, which provides food and shelter, personal guidance and care, habilitation services, and supervision to not more than six persons with disabilities. The term excludes assisted living facilities that do not meet all the requirements established in Chapter 123, Human Resources Code.

Community Residential Corrections Program means a community residential program for persons currently in the custody of, or recently released by, correctional authorities which is designed to offer an alternate to imprisonment and/or to facilitate ex-offender reintegration into community life.

Commercial Amusement, Indoor means uses that provide commercial amusement indoors (except adult uses), including, but not limited to:

1. Bowling alleys and pool rooms;
2. Indoor skating rinks (ice or roller);
4. Internet cafes;
5. Local area network computer gaming centers;
6. Movie theaters and live performance theaters;
7. Museums and aquariums; and,
8. Video arcades and game rooms.

Commercial Amusement, Outdoor means uses that provide commercial amusement outdoors (except adult uses), including, but not limited to:

1. Amphitheaters or other outdoor concert facilities;
2. Amusement parks or theme parks;
3. Archery;
4. Batting cages;
5. Bungee jumping;
6. Drive-in theaters;
7. Fairgrounds or exhibition area;
8. Go cart track;
9. Golf driving ranges;
10. Miniature golf establishments;
11. Mock war games; and,
12. Water slides.

Commercial, Heavy means an established business, which generally uses open sales yards, outside equipment storage, or outside activities that generate noise or other impacts, considered incompatible with less-intense uses. Typical businesses in this definition are lumber yards, construction specialty services, heavy equipment suppliers or building contractors.

Commercial, Light means an establishment or business, which generally has retail or wholesale sales, office uses or services that do not generate noise, or other impacts considered incompatible with less-intense uses. Typical businesses in these definitions are retail stores, offices, catering services or restaurants.

Commercial Retail, Sales and Services means establishments which engage in the sale of general retail goods and services. Businesses within this definition include those which conduct sales and storage entirely within an enclosed structure (with the exception of occasional outdoor sidewalk promotions); businesses specializing in the sale of either general merchandise or convenience goods. The term includes uses that are comparable to the following:

1. Furniture and home furnishing stores;
2. Electronic and appliance stores;
3. Clothing and clothing accessory stores;
4. Hardware stores;
5. Paint and wallpaper stores;
6. Sporting goods, hobby, book and music stores;
7. Pharmacies;
8. Auto parts sales;
9. Food and beverage stores;
10. Department, home improvement, and general merchandise stores; and
11. Miscellaneous store retailers (e.g. florists, used merchandise stores, etc.).

Commercial School means for-profit or non-profit institutions that provide instruction in a specific trade, craft, academic subject, or technical skill. The term includes colleges or universities, business or trade schools, driving schools, cosmetology, barbering, plumbing, automotive technology, welding, culinary arts, or other similar programs. The term does not include public or private schools, or fine arts instruction as defined herein.

Commercial Vehicle as used in this chapter, a commercial vehicle shall be construed to be any truck, trailer, tractor, tractor trailer, goose-neck trailer, trailer of more than two axles, dump truck, or machinery which is customarily transported or driven on or across public roadways that exceeds the size of a standard pickup truck and whose carrying capacity exceeds one ton. Vehicles licensed by the Federal Interstate Commerce Commission or Texas Railroad Commission are commercial vehicles at all times and for all purposes.

Commission means the city planning and zoning commission in the City of Webster, Texas.

Community Residential Corrections Program means a community residential program for persons currently in the custody of, or recently released by, correctional authorities which is designed to offer an alternate to imprisonment and/or to facilitate ex-offender reintegration into community life.

Community Residential Program means a dwelling unit(s) providing to its residents a planned program of care consisting of full-time programmatic supervision, counseling and/or therapy, and assistance in the development of daily living skills; such residence and program is provided to persons who are physically disabled, developmentally disabled, psychiatrically disabled, have drug or alcohol problems, are under the legal custody of the state, are minors with social and/or behavioral problems; or are person who have disabilities associated with aging. A community residential program does not include skilled nursing care.

Comprehensive Master Plan means the officially adopted plan for the general improvement, development, expansion, delivery of services, scheduling of improvements, and management of the city, including any unit or part of such plan separately adopted, and any amendment to such plans or parts thereof, which is also referred to as the "master plan" of the City of Webster, Texas.

Conditional use means one of those uses enumerated as conditional uses in a given zone. Such uses require individual approval on a given lot.

Condominium means three or more dwelling units in a multiunit building, that is separately owned and may be combined with an undivided interest in the common areas and facilities of the property. Condominiums shall be specifically defined in accordance with the Texas Condominium Act. They shall be considered as a multiple-family use for the purpose of this chapter.

Contiguous means abutting or separated by nothing more than an alley.

Contractor's Shop means an establishment of a general or specialty contractor that is used for the indoor repair, maintenance, fabrication, packaging, or storage of a contractor's vehicles, equipment, or materials, and may include the contractor's business office.

Convent means an establishment, related to a church or school, for the housing of religious groups.

Corner Lot means a lot situated at the junction of two or more streets, or of two segments of a curved street, forming an angle of not more than 135 degrees.

Cottage Food Production means the production and sale of cottage food products as defined and governed by state statute and exempted from municipal zoning regulations.

Council means the city council of the City of Webster, Texas.

Court means an open, unoccupied space, bounded on more than two sides by the walls of a building. An inner court is a court entirely surrounded by the exterior wall of a building. An outer court is a court having one side open to a street, alley, yard, or other permanent open space.

Credit Access Business means a business that lends money through the use of cashing checks or other negotiable instruments for a fee, service charge or other consideration such as a car title or provides funds in exchange for acceptance of a check on a post-dated or deferred-deposit basis. This definition refers to any business licensed as a "credit service organization" under Section 393.001 of the Texas Finance Code. This business may lend money; cash checks or other negotiable instruments for a fee; service charge or other consideration.

Curb Level means the elevation of the top of the established curb in front of a building. Where no curb exists, the mean elevation of the finished lot immediately adjacent to the front of the building shall be considered the curb level.

Customarily Incidental Use means a use of a building or premises, not involving the conduct of a business, which use is only secondary to the principal use and is indispensable to the enjoyment of the premises for and of the principal uses permitted within a zoning district. A customarily incidental use may include a customary home occupation.

Day Care Center means a child-care facility that provides care at a location other than the residence of the director, owner, or operator of the day care center for seven or more children under 14 years of age for less than 24 hours a day, but at least two hours a day, three or more days a week.

Density means the number of dwelling units that are allowed on an area of land, which area of land shall be permitted to include dedicated streets contained within the development.

Department Store means a retail store offering a wide variety of items for sale to the general public characterized by clothing, hardware, housewares, appliances, and similar needs for everyday living.

Development or To Develop: "Development" shall mean the construction of one or more new buildings or structures on one or more building lots, the location of an existing building on another building lot, or the use of open land for a new use. "To develop" shall mean to create a development.

District, Zoning means a zoning district is a part of the city as delineated on the official zoning district map wherein the regulations of this chapter are uniform.

Drive-Up Service Window means a building opening, including windows, doors, or mechanical devices, through which occupants of a motor vehicle receive or obtain a product or service.

Dry Cleaner means an establishment providing laundering, dry cleaning and/or custom cleaning of garments and other household materials (e.g., curtains, bedspreads) but only for customer drop-off and pick-up of items as the cleaning services are performed off premises.

Duplex means an attached residential building consisting of two single-family dwelling units (side by side or one on top of the other) which constitute an architectural whole, separated by a common wall on a single lot.

Dwelling means a building or a portion thereof designed or used exclusively for residential occupancy, including single-family dwellings, two family dwellings, and multiple-family dwellings, but not including hotels and motels. The use of any dwelling unit, regardless of type or zoning district, as a short-term rental (Airbnb, Vrbo, or similar) is prohibited.

Dwelling, Attached means a dwelling which is joined to another dwelling at one or more sides by a partial wall or walls.

Dwelling, Detached means a dwelling which is entirely surrounded by open space on its building lot.

Dwelling, Multiple means a building used or designed as a residence for three or more families or households living independently of each other.

Dwelling, Single-Family means a detached dwelling having accommodations for and occupied by only one family.

Dwelling, Two-Family means a detached building having separate accommodations for and occupied as, or to be occupied as a dwelling for only two families.

Dwelling Unit means one or more rooms arranged, designed, or used as separate living quarters for an individual family. Kitchen facilities, including at least a stove or cooking device, and a permanently installed sink, plus bath facilities, shall always be included for each dwelling unit.

Easement means a right granted for the purpose of limited public or semi-public use across, over, or under private property for a specified purpose or purposes.

Emergency Shelter means a facility which provides sleeping accommodations to six or more persons for a period not normally exceeding 30 consecutive days, with no charge or a charge substantially less than market value; it may provide meals and social services.

Facade means any separate external face of a building, including parapet walls and omitted wall lines where separate faces are oriented in the same direction, or in directions within 45 degrees of one another, they are to be considered as part of a single facade.

Family means a single person, or two or more persons related by blood, marriage, or adoption living in a dwelling unit. Provided however, "family" shall also mean a group or community home of not more than six persons with disabilities, and two supervisors, residing in a community home at the same time as a community home for persons with disabilities, as defined by and in accordance with Chapter 123, Texas Human Resources Code.

Family Care Facility means an occupied dwelling used for care for one or two residents, not a relative of the resident family and not under court ordered guardianship of a member of the resident family; it is licensed as a family care home by the State of Texas and provides 24 hour care and services.

Family Day Care Home means an occupied dwelling in which a person provides, for remuneration, care for at least four but not more than 12 children on a regular basis for less than 24 hours per day. The resident provider's children who are age six or more shall not be counted for this definition.

Farm means land with or without farm animals, used for field crops, orchards, viticulture, and/or truck farming. The keeping of animals in these facilities shall adhere to the requirements of Chapter 14, Webster Code of Ordinances. Barns, silos, and storage sheds may be permitted as accessory uses.

Farm Animals means animals other than household pets that shall be permitted to, where permitted, be kept and maintained for commercial production and sale and/or family food production, education, or recreation. Farm animals are identified by these categories; large animals, e.g., horses and cattle; medium animals, e.g., sheep, goats; or small animals, e.g., rabbits, chinchillas, chickens, turkeys, pheasants, geese, ducks and pigeons.

Fine Arts Instruction means uses that involve instruction or place designed for the practice of one of the fine arts including, but not limited to, drawing, vocal or instrumental music, painting, poetry, and other similar artistic disciplines not involving academic accreditation or vocational certification. Fines Arts instruction may be conducted as a home occupation. The term does not include a commercial school.

Floor Area, Gross means the area of all floors in a building, extended to exterior walls, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other features, and not including the area of voids between floors

Floor Area, Net means the gross floor area exclusive of restrooms, vents, shafts, courts, elevators, stairways, exterior walls and similar facilities.

Floor Area, ratio means the numerical value obtained by dividing the gross floor area of a building by the area of the lot on which the building is constructed.

Frontage means the width of a lot or parcel abutting a public right-of-way measured at the front property.

Gallery means a commercial establishment operated for the display of works of art, including the regular sale or distribution.

Garage, Private means a building or a portion of a building, in which only private or pleasure-type motor vehicles used by the tenants of the building or buildings on the premises are stored or kept.

Garage, Public means a building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling, or storing motor vehicles.

Garage, Storage means any premises, except those defined as a private or public garage, used exclusively for the storage of motor vehicles.

Golf Course means a tract of land or course for playing golf consisting of a series of holes improved with tees, greens, fairways, hazards, and accessory golf support facilities. The term does not include driving ranges or miniature golf.

Greenhouse or Nursery, Retail means a retail establishment offering for sale plants grown on premises and off premises, and associated products related to the care and maintenance of landscapes (e.g., soil, planters, pruners, mulch, or rock, but not power equipment).

Greenhouse or Nursery, Wholesale means a facility for the storage, growing and care of plants and landscape materials for sale to retail nurseries, landscapers, or other commercial buyers (sales to the general public are minimal or incidental).

Group Training Home means a residence providing full-time supervision and training in daily living activities and homemaking skills to a small number of residents other than a family; no infant care is provided.

Gross Leasable Area (GLA) means the total floor area of a commercial building designed for tenant occupancy and exclusive use, including basements, mezzanines and upper floors, expressed in square feet as measured from the centerline of joint partitions and from outside wall faces.

Guest Room means any room or rooms used or intended to be used by a guest for sleeping purposes. Every 100 square feet of superficial floor area in a dormitory shall be considered a guestroom.

Headshop means any retail establishment open to the public that presents, displays, or offers for sale paraphernalia, items, equipment, or products commonly used, intended to be used, or commonly known to be used, for the ingestion, inhalation, preparation, or injection of illegal substances, to include any device which has

been fabricated, constructed, altered, adjusted, or marked especially for the use in the smoking or ingestion of marijuana, hashish, cocaine, methamphetamine, any other "controlled substance," "synthetic controlled substance," or substance or chemical that mimics the effect of THC such as synthetic cannabis or other controlled substances, or any other substance that violates local, state, or federal law, and is adapted to that purpose by virtue of a distinctive feature or combination of features associated with drug paraphernalia, notwithstanding that it might also be possible to use the device for some other purpose.

Health/Fitness Club means uses that involve instruction or facilities for physical fitness or related activities. Such uses include membership gymnasiums (with or without personal training instruction), and instruction in yoga, dance, boxing, weight training, aerobic exercise, martial arts, or similar uses. The term may include enclosed facilities for the training of sports including but not limited to basketball, wrestling, soccer, tennis, volleyball, racquetball, or handball. The term does not include Arena/Stadium.

Health Service means a charitable or governmental operated facility offering to the public medical examination, diagnosis, and limited treatment not for profit.

Heavy Industry means manufacturing, processing, repair, maintenance, storage, treatment of materials, or fabrication operations that may be conducted in enclosed facilities or open areas with outside storage. Such operations often involve the use of heavy machinery, hazardous materials, and/or activities which may generate noise or dust, perceptible ground vibration, smoke, odor, glare, or other environmental effects. Heavy industry includes all other types of manufacturing, processing, repair, maintenance, storage, treatment of materials, or fabrication operations not specifically regulated herein and that exceed the intensity, scale, or impact associated with light industry uses. For illustrative purposes, heavy industry uses include, but is not limited to:

1. Concrete or asphalt batch plants;
2. Sawmills and pulp mills;
3. Meat and seafood processing plants;
4. Oil tool manufacturing;
5. Recycling facility or scrap metal processing;
6. Outdoor equipment or vehicle dismantling;
7. Electroplating facilities;
8. Hazardous or toxic waste processing;
9. Railroad yards; and
10. Drycleaner processing plants that use PERC (the chemical solvent Perchloroethylene, an alternate name for Tetrachloroethylene, that is also commonly referred to as "dry-cleaning fluid") or comparable petrochemical solvents.

Home Occupation means any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling purposes and which is carried on in the main dwelling unit or in a garage not exceeding two normal car bays and is not detrimental or injurious to the economic or aesthetic value of adjoining property. Customary home occupations shall not include barber shops, beauty shops, carpenter shops, electrician shops, plumber shops, radio shops, tinner shops, transfer or moving van offices, auto repairing, auto painting, furniture repairing, sign painting, food service of any kind except cottage food production as defined herein, or any form of merchandising activity that brings customers to the home for the purpose of transacting any business.

Hospital means a legally authorized institution in which there are complete facilities for diagnosis, treatment, surgery, laboratory, X-ray, nursing, and the prolonged care of bed patients.

Hotel/Motel means an establishment offering lodging for transient occupancy. These establishments may provide ancillary uses such as conference and meeting rooms, ballrooms, restaurants, and similar amenities. The term does not include a bed and breakfast establishment or boarding or lodging house.

Incidental use means a building, structure, container or use of property that is directly related to the operation and function of the main or principal use. See accessory use.

Industrial or Research Park means a tract of land developed according to a master site plan for the use of a family of industries and their related commercial uses, and that is of sufficient size and physical improvement to protect surrounding areas and the general community and to assure a harmonious integration into the neighborhood.

Junk or Salvage Yard means a lot upon which waste or scrap materials are bought, sold, exchanged, stored, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A junk or salvage yard includes an automobile wrecking yard and an automobile parts yard. A junk or salvage yard does not include such uses conducted entirely within a completely enclosed building.

Kenel means an establishment for the boarding of four or more over four months old dogs, cats or other domestic household animals, at which establishment provisions are made for the enclosures of such animals in runs, cages, yards, or pens and are kept for compensation or not.

Landscaping means the planting and maintenance of live plants including trees, shrubs, ground cover, flowers, or other low-growing plants that are native or adaptable to the climatic conditions of the Webster area. In addition, the landscape design may include some natural and manufactured materials including but not limited to rocks, fountains, reflecting pools, works of art, screens, walls, fences, benches and other types of street furniture.

Library means a building containing printed and electronic information, and pictorial material for the public use and purpose of study, reference, and recreation.

Light Industry means the use of property for the conduct of manufacturing, assembly, testing, fabrication, servicing, maintaining, packaging, or storing of products and raw or semi-finished materials in which all activities are confined to the inside of a structure with no outside operations, negligible external effects or risks, and limited outside storage screened from public view. Vehicles associated with the operations may be parked on the property overnight as needed. For illustrative purposes, light industry uses include, but is not limited to:

1. Assembly, disassembly, or refurbishing of products, instruments, electronics, office and computing machines, and fixtures from pre-manufactured components;
2. Manufacture of textiles or apparel;
3. Screen printing of apparel;
4. Data centers, server farms, and telephone exchange buildings;
5. Food and beverage production and packing such as commercial bakeries, ice plants, bottling plants, canning facilities, and similar businesses, but excludes meat and seafood processing;
6. Furniture making or refinishing;
7. Printing and publishing operations, except printing presses that require a Texas Clean Air Act Permit or a Federal Clean Air Act Permit (this is heavy industry);
8. Commercial cleaning, dyeing or laundry plant;
9. Machine Shops; and
10. Aerospace industry support services, except full-scale manufacturing or fabrication of aircraft, spacecraft, or propulsion systems.

Lot means a physically undivided tract of land or parcel of land having frontage on a public street or other approved facilities and which is, or in the future may be offered for sale, conveyance, transfer, or improvement, which is designated as a distinct and separate tract which has been properly recorded.

Lot Area means that area of a horizontal plane bounded by the front, side, and rear lot lines of a building lot, including any portion of an easement which exists within such property lines and exclusive of street rights-of-way.

Lot corner means a lot situated at the intersection of two streets.

Lot, Coverage means the amount of lot area covered by structures measured by the footprint of the foundation or slab.

Lot Depth means the length of a line connecting midpoints of the front and rear lot lines. Lot depth is measured as the mean horizontal distance between the front and rear lot lines.

Lot Double Frontage means a lot which is not a corner lot, which adjoins the right-of-way lines of two streets. Both right-of-way lines shall be deemed front lot lines.

Lot, Interior means a lot other than a corner lot.

Lot Line means a boundary of a lot.

Lot Line, Front means that boundary of a lot which is the right-of-way line of an existing or dedicated street.

Lot Line, Side means any boundary of a lot which is not a front lot line or a rear lot line.

Lot Line, Rear means any boundary of a lot which is most distant from the front lot line and which is most nearly parallel to the front lot line.

Lot of Record means an area of land designated as a lot or a plat of a subdivision recorded pursuant to statute with the county clerk of Harris County, Texas, or an area of land held in single ownership described by metes and bounds upon a deed recorded or registered with the county clerk of Harris County, Texas.

Lot, Reverse Corner means a corner lot, the rear lot line of which abuts the side lot line of the lot to its rear.

Lot Width means the length of a line, drawn perpendicular to the lot depth line at its point of intersection with the building line, connecting the side lot lines. Lot width is measured at the front building line.

Lumber Yard with Outside Storage means an establishment primarily engaged in the sale, storage and distribution of finished or rough-cut lumber and lumber products, but not including the active manufacturing or fabrication of lumber, or processing raw materials on-site. Outside storage of lumber is permitted provided all materials are stored in a manner that does not create visual or environmental impacts on adjacent properties. The term does not include home improvement stores/centers, which is considered commercial retail, sales and service.

Luminance means the brightest of an object, expressed in terms of foot-candles, determined from a point five feet above grade on an other premises or the public right-of-way, but no closer than 20 horizontal feet from the object measured.

Manufactured Home Park (mobile home) See Manufactured Home, Mobile Home Parks, and Recreational Vehicle Parks Ordinance (Chapter 50, City of Webster Code of Ordinances).

Major Arterial Street means a street connecting a major collector street to a freeway or state highway, as described in the Thoroughfare Plan/Comprehensive Plan.

Major Collector Street means a street connecting residential areas to major arterial streets, as described in the Thoroughfare Plan/Comprehensive Plan.

Marquee or Canopy means a roof-like structure of a permanent nature which projects from the wall of a building.

Massage Establishment means a place of business in which massage therapy is practiced by a massage therapist, as defined by Texas law. "Massage therapy," as a health care service, means the manipulation of soft tissue for therapeutic purposes. The term, includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body massage. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub shower, or cabinet baths. Equivalent terms for massage therapy are "massage," "therapeutic massage," "massage technology," "myotherapy," or any derivation of those terms. The terms "therapy" and "therapeutic" do not include diagnosis, the treatment of illness

or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.

Medical Office Facility means a building in which a physician, dentist and/or allied medical professional or group of physicians, dentists and/or allied medical professionals are associated for the purposes of treating and diagnosing ill or injured out-patients. The medical office facility may include a medical or dental laboratory and excludes animal clinics.

Mini-Storage Facility means a building or group of buildings that are used for the indoor storage of personal property or records, where individual owners or tenants control individual storage spaces.

Minor Collector Street means a street serving multiple-family residential areas as described in the Thoroughfare Plan/Comprehensive Plan.

Minor Residential Street means a street serving single-family residential areas as described in the Thoroughfare Plan/Comprehensive Plan.

Mobile Food Truck means a food service establishment that operates as a restaurant from a catering truck or a vehicle with attached trailer that is readily mobile at all times. This type of establishment primarily prepares and sells food for patrons.

Model Home means a dwelling temporarily uses as a sales office for residential development under construction, said home being used for on-site sales and not for general real estate business.

Modular home means a factory-built home, other than a manufactured home, which meets all of the following requirements:

Is designed only for erection or installation on a site-built permanent foundation;

Is not designed to be moved once so erected or installed;

Is designed and manufactured to comply with a nationally recognized model building code or an equivalent local code, or with a state or local modular building code recognized as generally equivalent to a building codes for site-built housing; or

To the manufacturer's knowledge, is not intended to be used other than on a site-built permanent foundation.

Mortuary, Funeral Home means an establishment in which the dead are prepared for burial or cremation. The facility shall be permitted to include a chapel for the conducting of funeral services and spaces for a funeral service and informal gatherings, and/or display of funeral equipment.

Freight Terminal means a building or area in which freight brought by motor truck is assembled and is stored for riding in interstate and intrastate shipment by motor truck. A freight terminal is a truck terminal or freight depot.

Municipal or Public Building means a building or group of buildings owned, leased, or operated by the city, county, state, or federal government. The term includes, but is not limited to, city halls, administrative buildings, courthouses, police and fire stations, and public works facilities.

Museum means an establishment operated as a nonprofit, noncommercial repository for a collection of scientific, natural, or literary curiosities or objects of interest or works of art, not including the regular sale or distribution of the objects collected.

Natural Waterways means those areas, varying in width along streams, creeks, springs, gullies or washes, which are natural drainage channels as determined and identified by the jurisdiction.

Nonconforming Use means a building or premises occupied by a use that does not conform to the regulations of use in the zoning district in which it is located.

Northern Boundary means the lot line lying generally to the north side of a lot which is the most nearly perpendicular to cardinal north.

Nursing/Convalescent Facility means an establishment meeting the requirements of Chapter 242, Health and Safety Code, that furnishes in one or more facilities, food and shelter to four or more persons who are unrelated to the proprietor of the establishment. These Facilities shall provide:

1. Minor treatment under the direction and supervision of a physician licensed by the Texas Medical Board, or other services that meet some need beyond the basic provision of food, shelter, and laundry.

Office means uses in which professional, business, information processing or financial services are provided. The term does not include bail bond service uses. The term includes uses such as:

1. Accounting, auditing and bookkeeping;
2. Administration of businesses (e.g., corporate headquarters);
3. Advertising and graphic design;
4. Architectural, engineering, urban planning and surveying services;
5. Attorneys and court reporters;
6. Banks, Mortgage companies and financial services;
7. Call centers;
8. Computer programming;
9. Counseling services;
10. Data processing and word processing services;
11. Detective agencies;
13. Insurance Sales (excluding claim centers);
14. Interior design;
15. Real estate sales and leasing;
16. Research and development that does not include hazardous materials handling or operations; and
17. Travel agencies.

Off-Street Parking, Temporary For Special Events means an area used for required parking of automobiles and pickup size trucks, providing four or more parking spaces, not within the public right-of-way, none of which are required off-street parking.

Open Space means that part of a building lot, including courts or yards, which is open and unobstructed from its lowest level to the sky, which is accessible to all residents upon a building lot, which is not part of a roof, and which does not include court recesses.

Open/Outside Storage means the storage of any equipment, machinery, building materials, or commodities, including raw, semi-finished, and finished materials, the storage of which is not accessory to a residential use, and which is visible from any point on the building lot when viewed from ground level. Vehicular parking is not open storage.

Park means a non-commercial, not-for-profit facility designed to serve the recreation needs of the residents of a community, subdivision, or development. Such facilities include neighborhood parks, community parks, and regional parks. Such use may include play equipment for children, ball fields, court games, picnic tables, restroom facilities, open-air structures, and similar facilities.

Park and Ride Joint Use Facilities means provision of parking lot for transit customers in an area which is required off-street parking, which dual use is agreed to be the transit operator and the person in control of the property; the joint use is utilized for more than 30 consecutive days.

Park and Ride Temporary Facilities means the temporary provisions of parking for transit customers using service provided by the municipalities in conjunction with temporary civic activities.

Parking Space means a surfaced area of concrete or asphalt that is fully weatherproof, enclosed or unenclosed and sufficient in size to store one automobile.

Patio Home means a detached, single-family dwelling located on an individual lot with the slab coincident with a side lot line. The lot includes a patio or side yard oriented toward the opposite side of the dwelling entirely enclosed by the dwelling wall, lot line wall of the neighboring dwelling, or other fences and walls.

Pawnshop means a business meeting the definition of a pawnshop, as that term is defined by Section 371.003 of the Texas Finance Code, and has been licensed to transact business by the Consumer Credit Commissioner, and is engaged in the business of:

1. Lending money on the security of pledge goods; or
2. Purchasing goods on condition that the goods may be redeemed or repurchased by the seller for a fixed price within a fixed period.

Personal Service Shop means an establishment primarily engaged in providing services directly to individuals on a one-on-one basis, not selling products. The term includes barber shops, beauty and nail salons, tailors, tanning salons, psychic reading, and other similar service uses. The term does not include a medical office facility, massage establishment, tattoo shop, sexually oriented business, or other service related uses specifically regulated herein.

Person(s) means every person, firm, co-partnership, association, partnership, corporation or society, and shall include both singular and plural, and masculine shall include the feminine gender.

Petroleum Storage Facility means the storage of petroleum products in above ground or below ground storage containers used in industrial processes designed for wholesale distribution or mass consumption, and may be distributed by closed-circuit piping.

Pharmaceutical And Medical Manufacturing means the use of property for the conduct of research and development, testing, manufacturing, assembling, packaging, storing, or shipping pharmaceutical or medical products or devices as classified as a Biosafety Level 2 facility as regulated by the Center for Disease Control (CDC) and/or classified as a General License Title 25 Texas Administrative Code (TAC) Sec. 289.251(k)(2) category facility by the Texas Department of Health. Activities must be confined to the inside of a structure with no outside operations or storage of any kind, except that vehicles associated with the operations may be parked on the property overnight as needed.

Place of Private Assembly means a structure, or part of a structure, that can be temporarily rented for private gatherings (e.g., receptions, private parties, reunions, meetings/conferences).

Planned Development Plan means a development intended by developers on one contiguous piece of property and in a planned development (PD) district.

Poker Club means a private for-profit business located in a building or place that contains one or more gaming tables.

Poker Club, Operator means an individual who operates a cash register, cash drawer, or other depository on the premises of a poker club or of a business at which is kept the money earned, or any credit card or other transaction records generated, from the operation of and activities conducted in a poker club.

Poker Club, Owner means a person who:

- (1) Has ownership interest in, or receives the profits from, a poker club;
- (2) Is a partner, director, or officer of a business, including a company or corporation, that has an interest in a poker club;
- (3) Is a shareholder who holds more than ten percent of the outstanding shares of a business, including a company or corporation, that has an ownership interest in a poker club.

Poker Game means a card game in which:

- (1) A member of a poker club physically present at the poker club places a bet based on the highest or lowest ranking hand of cards held by the member or on a combination of highest and lowest cards held by the member;
- (2) Each member participating in the game has an opportunity to benefit from personal winnings;
- (3) Except for the advantage of skill or luck, the risks of losing and the chances of winning are the same for all members participating in the game.

Poker Gaming Table means a recreational table at which members of a poker club participate in a live poker game. The term does not include a table that offers any video, mechanical, electronic, or online version of a poker game.

Pools, swimming, hot tubs and spas.

Above-ground/on-ground pool. See "Private swimming pool."

Barrier means a fence, a wall, a building wall, the wall of an aboveground swimming pool or a combination thereof, which completely surrounds the swimming pool and obstructs access to the swimming pool.

Hot tub. See "Private swimming pool."

In-ground pool. See "Private swimming pool."

Power safety cover means a pool cover, which is placed over the water area, and is opened and closed with a motorized mechanism, activated by a control switch.

Precious Metal Dealer means a retail establishment that primarily buys coins or secondhand items containing precious metal, including but not limited to, jewelry, watches, eating utensils, candlesticks, and religious and decorative objects. This use is typically referred to as a "gold exchange" business.

Private Swimming Pool means any structure that contains water over 18 inches in depth and which is used, or intended to be used, for swimming or recreational bathing in connection with an occupancy in residential use zones and which is available only to the family and guests of the householder. This includes inground, aboveground and on-ground swimming pools, hot tubs and spas.

Private Swimming Pool, Indoor means any private swimming pool that is totally contained within a private structure and surrounded on all four sides by walls of said structure.

Private Swimming Pool, Outdoor means any private swimming pool that is not an indoor pool.

Public Swimming Pool means any swimming pool other than a private swimming pool.

Spa. See "Private swimming pool."

Professional Building means any structure used solely for the housing of professional offices of recognized professions and incidental uses as provided in the district regulations.

Professions, Recognized means members of a recognized profession including those persons and customary staff normally considered as professional, and shall be deemed to include lawyers, architects, certified public accountants, registered engineers, and related professions registered under the laws of the State of Texas.

Public Improvement means any drainage ditch, storm sewer or drainage facility, sanitary sewer, water main, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement or other facility for which the local government may ultimately assume the responsibility for maintenance and operation or for which the local government responsibility is established.

Public Right-of-Way means the total area of land deeded, reserved by plat, or otherwise acquired by the city, the county, or the state, primarily for the use of the public for the movement of people, goods, and vehicles.

Public Utility Facility, Major means a large-scale facility owned or operated by the city, or a utility provider franchised or authorized by the city, used for the production, treatment, storage, or transmission of public utility services to multiple neighborhoods or the entire community. The term may include water or wastewater treatment plants, power generation plants, electric substations, and similar facilities that generally produce external impacts, or have heightened environmental or safety considerations.

Public Utility Facility, Minor means a facility owned or operated by the city, or a utility provider franchised or authorized by the city, used for the local distribution of utility services to an individual neighborhood or small service area, and having minimal operational impact on surrounding properties. The term may include water pump stations, lift stations, underground vaults, small utility boxes, and similar small-scale facilities. These facilities must be fully screened from public view and designed to minimize noise and visual impact, unless the city determines that such screening is impractical due to operational or safety constraints.

Recreation, Outdoor means an area free of buildings except for restrooms, dressing rooms, equipment storage, maintenance buildings, open-air pavilions, and similar structures used primarily for recreational activities.

Recreation Facility, Public means a city-owned or city-operated facility that provides indoor or outdoor recreation opportunities for the public (open to the community). The term includes uses such as:

1. Community recreation centers;
2. Gymnasiums;
3. Community swimming pools; or
4. Tennis, racquetball and handball courts, or ball fields (not part of a park).

Recreational Area means an area devoted to facilities and equipment for recreational purposes, swimming pools, tennis courts, playgrounds, community clubhouses, and other similar uses.

RV Park means any duly licensed plot of ground upon which space is provided for a minimum of six recreational vehicles in conformance with an approved plan as provided in the Manufactured Home, Mobile Home Parks, and Recreational Vehicle Parks Ordinance (Chapter 50, City of Webster Code of Ordinances). Spaces provided in such a park may accommodate recreational vehicles. Individual spaces are provided for the parking of one recreational vehicle per space for temporary portable housing purposes, whether or not a charge is made for such accommodation.

Recycling Bin means a container located outside and used for storing and sorting metal, glass, and paper products, the materials of which will be recycled for further economic uses.

Recycling Facility means any location whose primary use is where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled or handled, including, but not limited to, scrap metals, paper, rags, tires and bottles, and other such materials.

Research and Development means an investigation or experimentation aimed at discovery of new products and/or practical application of new products.

Residential Use means single-family residential uses, two-family residential uses, and multiple-family residential apartment or townhouse uses.

Restaurant shall have the same meaning as Restaurant, Drive-in/Through; Restaurant, Full Service; Restaurant, Limited Service or Fast Food; and Restaurant Quick Serve.

Restaurant, Drive-in/Through means a restaurant or refreshment stand, which has one or more of the following:

No inside tables or counters for customers to eat, and food is served with any dishes and utensils which are customary for eating food; or

Carhop service to parked vehicles; or

Outside tables which are not completely surrounded by buildings or fences at least six feet high and suitable to stop blowing of papers.

Restaurant, Full Service means a dining establishment at which food services are provided to patrons who order and are served while seated (e.g. waiter/waitress service) and pay after eating. These establishments may provide this type of food services to patrons in combination with selling alcoholic beverages, providing takeout services, or presenting live non-theatrical entertainment.

Restaurant, Limited Service or Fast Food means a dining establishment that provides food services where patrons generally order to select items and pay before eating. Most establishments do not have waiter/waitress service, but may provide limited service, or off-site delivery.

Restaurant, Quick Serve means a dining establishment with no added services and less than 1,000 square feet of gross floor area. Quick Serve establishments offer limited seating with a focus on "take away" or delivery.

Retirement Home / Senior Living Facility means a specialized facility for the elderly who are generally independent or self-sufficient, but may require minimal assistance with daily activities. These facilities may provide services and activities, fostering social interaction, and promoting a sense of community for their residents. The term does not include a community home, or a nursing/convalescent facility.

School, College or University means an institution that provides full-time or part-time education beyond high school that grants associate, bachelor, or higher degrees.

School, Private means an institution operated by a private individual, corporation, or organization for primary and secondary educational purposes, and offering a curriculum similar to the public schools of the state. The term does not include commercial schools, colleges, or universities.

School, Public means an institution that is maintained at public expense for education of children of a community or district and constitutes a part of a system of free public education commonly including primary and secondary schools.

School, Trade or Vocational means a school that offers instruction in skilled trades or technologies or an educational institution offering a two-year course that is generally the equivalent of the first two years of a four-year undergraduate course.

Screening Device means, unless stated otherwise, a barrier of stone, brick, pierced brick or block, uniformly colored wood, or other permanent material of equal character, density, and acceptable design, at least six feet in height, where the structure is solid in preventing a view. Such screening device shall be continuously maintained.

Sexually Oriented Business or Enterprise means businesses as regulated in chapter 12, miscellaneous business regulations, article VII, sections 12-201 through 12-232 and any amendments thereafter.

Shopping or Mixed Use Center means a project built and intended to be used for two or more independent retail shops, department stores, offices, restaurants, cinemas and other allied businesses. The term "shopping center" also includes shopping malls and strip centers.

Sign. See appendix B, Code of Ordinances of the City of Webster for the definition of "sign."

Site Development Plan means an accurate plan at a scale of at least one inch to 100 feet which covers at least one lot and specifies:

For a subdivision—The site, proposed use, pedestrian and vehicular ingress and egress, any internal circulation requirements and, for each lot, maximum building height, minimum building setback, and maximum total dwelling units and/or nonresidential uses' maximum floor ratio.

For building permits—In addition to information required for a subdivision, exact structure locations, structure (including sign) elevations and dimensions, parking facilities, loading facilities, any energy

conservation features of the plan (e.g., appropriate landscaping, building heights and siting for solar access, provision for non-auto transportation, or energy conservation building construction), and proposed schedule for development.

Smoke Shop means any retail establishment that sells primarily tobacco related products, but does not fall under the definition of a headshop. Examples of a smoke shop include a cigar shop or a retail tobacco store.

Solid Wall or Fence means a continuous non-transparent vertical surface kept in good repair. A chain link fence with a single layer of inserts is not a solid wall or fence unless present and expected development outside the fenced premises will not bring the public close to the fence and the development will not be residential.

Story means that part of a building between the surface of a floor and the ceiling immediately above. A basement is considered a story when more than one-half of such basement height is above the curb level.

Story, Half means a space under a sloping roof at the top of the building, the floor of which is not more than two feet below the plate. Such space shall be counted as a half-story when not more than 60 percent of the floor area is used for rooms, bath, or toilets. A half-story containing an independent dwelling unit shall be counted as a full story.

Street means that portion of a public right-of-way or thoroughfare, which is primarily devoted to vehicular use. Such right-of-way or thoroughfare normally shall provide access to abutting property.

Street Frontage means the boundary between a premises and a public right-of-way, whether or not direct access is allowed from the public right-of-way segment to the premises.

Structure means anything constructed, the use of which requires permanent location of the ground or attachment to something having a permanent location on the ground. See building.

Stucco means a finish coating of plaster and/or reinforcing fabric and synthetic plaster for the exterior of buildings. See the definition and standards for stucco contained in the building code of the city.

Subdivision means the division of a tract, lot or parcel of land into two or more lots, plats, sites or other division of land.

Tattoo Shop means a business that places designs, letters, figures, symbols or other marks upon or under the skin of any person, using ink or other substances which result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin. The term does not include permanent or semi-permanent cosmetic procedures such as microblading and microshading, lip blushing, and similar procedures.

Theater means a building used primarily for the presentation of live stage productions, performances or motion pictures.

Townhouse means a row of single-family attached units which constitute an architectural whole, and in aggregate, shall be considered a multiple-family use for the purpose of this chapter.

Transit facilities means the following uses, if conducted off the public right-of-way; bus passenger terminal, bus maintenance facility, transit transfer center, and park-and-ride joint-use facilities.

Truck/Trailer Sales or Rental means a business engaged in the sale or rental of commercial vehicles and trailers.

Use means the activity occurring on a lot or parcel, for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied, including all accessory uses.

Use, Change Of means the change within the classified use of a structure or premise.

Use, Non-Conforming means a use which lawfully occupied a building or land at the time this code became effective, which has been lawfully continued and which does not now conform with the use regulations.

Use, Principal means a use, which fulfills a primary function of a household, establishment, institution or other entity.

Use, Temporary means a use that is authorized by this Code and the Building Official, per adopted building codes, to be conducted for a fixed period of time. Temporary uses are characterized by such activities as the sale of agricultural products, contractor's field offices and equipment sheds, carnivals, Christmas tree sales, and flea markets. The Building Official may permit other temporary uses that are similar to those described herein; however, temporary uses, as approved by the Building Official, may not exceed a total operating period of 180 days.

Variance means a deviation from the height, area, setback, or other dimensional yard requirements established by this Code. Dimensional yard requirements include lot width and depth, lot coverage, and other spatial characteristics of a lot or site.

Warehouse, Wholesale or Storage means a building or premises in which goods, merchandise or equipment are stored for eventual distribution. The terms does not include a mini-storage facility.

Washateria means an establishment where facilities are available for customers to complete their own laundering with limited assistance.

Wedding Chapel means an establishment that primarily provides the facilities and services for weddings on a commercial basis. The term does not include churches and similar congregations where weddings are an ancillary use.

Wireless Telecommunication Facility means any exterior apparatus, located on property other than city rights-of-way, designed for wireless radio, television, microwave, or telephonic communication through the sending and/or receiving of electromagnetic spectrum waves.

Yard means an open space, other than a court, on a lot, unoccupied and unobstructed from the ground upward unless specifically otherwise permitted in this chapter.

Yard, front means a yard extending along the whole length of the front lot line between the side lot lines and being a maximum horizontal distance between the front lot line and the main building or any projections thereof other than steps and unenclosed porches.

Yard, Rear means a yard extending across the rear of a lot between the side lot lines and being the minimal distance between the rear lot line and the rear of the principal building and projections thereof other than steps, unenclosed balconies, or enclosed porches.

Yard, Side means a yard extending along the side lot line from the front yard to the rear yard, being the minimum horizontal distance between any building or projections except steps and the side lot line.

Zero lot line dwelling: See patio home.

Zoning Board of Adjustment means the zoning board of adjustment shall mean that board authorized to hear appeals and render decisions as provided for in V.T.C.A., Local Government Code § 211.008.

Zoning Official means the person otherwise duly designated to administer the provisions of this chapter.

Zoning District Map means the official map upon which the boundaries of the zoning districts are drawn and which is an integral part of this chapter.

(Ord. No. 98-03, § 1(Exh. A, § 11), 3-17-98; Ord. No. 03-04, § 2, 2-18-03; Ord. No. 99-59, § 1, 12-7-99; Ord. No. 07-10, § 2, 8-21-07; Ord. No. 12-06, § 1, 6-19-12; Ord. No. 13-06, § 1, 4-2-13; Ord. No. 13-10, § 1, 8-6-13; Ord. No. 14-03, § 1, 4-1-14; Ord. No. 19-10, § 1, 8-20-19; Ord. No. 22-04, § 1, 6-21-22; Ord. No. 25-01, § 1, 1-23-25; Ord. No. 25-08, § 1, 9-2-25)

Sec. 98-5. Zoning of newly annexed lands.

All territory which may hereafter be annexed to the city shall be classified as R-1 residential district, unless otherwise zoned by the governing body of the city. The commission shall, as soon as practicable after annexation of any territory to the city, institute proceedings on its own motion to give the newly annexed territory a zoning designation that is consistent with the master plan, and recommend the same to the city council, and the procedure shall be the same as is provided for by law for the adoption of original zoning regulations.

The commission shall not approve any final plat of any subdivision within the corporate limits of the city until the area contained in the proposed plat has been zoned.

In the event the council holds a hearing on proposed annexation, it may, at its discretion and in conformance with the master plan, at the same time hold a hearing upon the permanent zoning that is to be given to the area or tract to be annexed.

(Ord. No. 98-03, § 1(Exh. A, § 9(9.01)), 3-17-98)

Sec. 98-6. Certificate of occupancy and compliance.

No building hereafter erected or structurally altered, and no land hereafter occupied or used shall be used, occupied, or changed in use, and no building previously erected or land occupied or used shall be changed in use, until a certificate of occupancy has been issued by the building official stating that the building or proposed use of a building or premises complies with the requirements of an inspection made pursuant to the building code.

(Ord. No. 98-03, § 1(Exh. A, § 9(9.02)), 3-17-98)

Sec. 98-7. Zoning of vacated streets and alleys.

Whenever a street or alley that formed a district boundary is vacated by the city council, the more restrictive district adjacent to the vacated street or alley shall be extended to cover the area so vacated.

(Ord. No. 98-03, § 1(Exh. A, § 9(9.03)), 3-17-98)

Sec. 98-8. Conflict with other laws.

Wherever these zoning regulations require a greater width, depth, or size of yards, courts, or other open spaces, or require a lower height of building or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose higher standards than are required in any other statute or local ordinance or regulation, the provisions of this zoning ordinance shall govern. Wherever the provisions of any other statute or local ordinance or regulation requires a greater width, depth, or size of yards, courts, or other open spaces, or require a greater percentage of lot to be left unoccupied, or impose higher standards than are required by this zoning ordinance, the provisions of such statutes or local ordinance or regulation shall govern.

If, because of error or omission on the zoning district map, any property in the city is not shown and included in a zoning district, such property shall be classified as R-1, residential until changed by amendment in accordance with the requirements of this chapter.

No building, structure, or use which was not lawfully existing at the time of adoption of this chapter shall be, become, or be made legal solely by the adoption of this chapter.

(Ord. No. 98-03, § 1(Exh. A, § 1(1.04)), 3-17-98)

Sec. 98-9. Separability of provisions.

It is hereby declared to be the intention of the mayor and city council of the city that the several provisions of this chapter are separable, in accordance with the following:

- (1) If any court of competent jurisdiction shall judge any provision of this chapter to be invalid, such judgment shall not affect any other provision of this chapter not specifically included in said judgment.
- (2) If any court of competent jurisdiction shall judge invalid the application of any provision of this chapter to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

(Ord. No. 98-03, § 1(Exh. A, § 1(1.05)), 3-17-98)

Sec. 98-10. Effect of the chapter.

All buildings erected hereafter, all uses of land or buildings established or changed hereafter, and all structural alterations, enlargements, relocations, and restorations of existing buildings occurring thereafter shall be subject to the requirements and regulations of this chapter, and no land shall be used for and no building shall be erected for or converted to any use other than provided in the regulations prescribed for the district in which it is located, except as herein provided.

Where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this chapter, and provided that construction is begun within 90 days of such effective date and diligently pursued to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further, upon completion, may be occupied under a certificate of occupancy by the use for which originally designated, subject thereafter to all applicable provisions of this chapter.

(Ord. No. 98-03, § 1(Exh. A, § 1(1.06)), 3-17-98)

Secs. 98-11—98-20. Reserved.

ARTICLE II. DISTRICTS AND BOUNDARIES

Sec. 98-21. Districts.

The City of Webster, Texas, is hereby divided into 11 zoning districts. They are of such shape and area as have been deemed best suited to carry out the purposes of V.T.C.A., Local Government Code ch. 211. Within such districts, this section hereby regulates and restricts the erection, construction, reconstruction, alteration, repair, and use of buildings, structures, and land, as herein set forth. While the regulations in one district differ from those in other districts, all such regulations are uniform for each class or kind of building throughout each district. These districts shall be known as:

- R-1 Single-family Residential District
- R-1 A Enhanced Single-family Residential District
- R-2 Multiple-family Residential District
- O Office District

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- C-1 First Commercial District
 - C-2 Second Commercial District
 - C-3 Third Commercial District
 - M-1 First Industrial District
 - M-2 Second Industrial District
 - PD Planned Unit Development District
 - NP NASA Parkway District

Note: The specific uses for each district are in article IV, table 1, schedule of permitted uses.

(Ord. No. 98-03, § 1(Exh. A, § 2(2.01)), 3-17-98; Ord. No. 11-13, § 1, 11-15-11)

Sec. 98-22. Zoning district map.

The boundaries of the districts are as shown on the official zoning district map, which is hereby declared to be adopted as part of this chapter as if the boundaries of districts, notations, and information contained thereon were included totally herein. The original official zoning district map in its original condition, or a certified photographic, microfilm, or computer generated digital record shall be kept as a permanent record in the office of the city secretary. A copy of the official zoning district map shall be kept on file in the office of the zoning official together with all amendments that have been approved in accordance with the provisions of this chapter. It shall be the duty of the zoning official to keep any other maps used for administrative purposes up to date, clearly showing all changes, variances, and special use permits. These maps shall be available to the public for inspection. Where uncertainties exist with respect to the boundaries of the various districts as shown on the official zoning district map, the following rules shall apply.

(Ord. No. 98-03, § 1(Exh. A, § 2(2.02)), 3-17-98)

Sec. 98-23. Delineation of district boundaries.

- (a) On subdivided property, a plat of which is recorded in the Plat Records of Harris County, Texas, on the effective date of this chapter, the district boundaries are intended to be streets, alleys, or property lines. Where the districts designated on the official zoning district map are bounded approximately by a street, alley, or property line, then the street, alley, or property line nearest the district boundary shall be construed to be the boundary of the district. If a boundary is not, by use of the map scale, within 100 feet of a street, alley, or property line, the boundary shall remain as shown by the map scale, except as may be varied in accordance with subsection (b) below.
- (b) Where a district boundary traverses a large parcel of land or acreage reserve in a recorded subdivision, such large parcel or acreage reserve having been divided by metes and bounds without indication upon the recorded plat of same, or where it may hereafter be divided into blocks or lots, the district boundaries shall be construed to be the street, alley, or property line resulting from such subdivision nearest to the district boundary shown on the official zoning district map, provided the district boundary is not varied more than 100 feet from its location on the official zoning district map.
- (c) In unsubdivided property, the district boundaries on the official zoning district map shall be determined by use of the map scale appearing on the map, and where district boundaries on the official zoning district map are approximately the property lines of the unsubdivided property, the district boundary line shall be construed to be the property line, provided the district boundary is not varied more than 100 feet from its location on the official zoning district map.

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- (d) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
 - (e) Boundaries indicated as approximately following city limit lines shall be construed as following the city limit line.
 - (f) Boundaries indicated as following shore lines shall be construed to follow such shore line, and in the event of change of shore line, shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerline of streams, creeks, gullies, or canals shall be construed as following such centerline.

(Ord. No. 98-03, § 1(Exh. A, § 2(2.03)), 3-17-98)

Secs. 98-24—98-40. Reserved.

ARTICLE III. ZONING DISTRICT REGULATIONS²

Sec. 98-41. Regulations applicable to all districts.

- (a) *Uses*: A building or premises shall be used only for the purposes shown in table 1, herein.
- (b) *Maximum height and area*: All lots and structures shall comply with table 2, schedule of yards, lot dimensions, and building height/area requirements herein.
- (c) *Parking*: Off-street parking shall be provided in accordance with tables 3 and 4 herein, and the regulations in article VIII.
- (d) *Landscaping*: Requirements for landscaping are found in chapter 90, article II "Landscaping" of the Code of Ordinances.
- (e) *Signs*: Signs shall comply with the requirements of chapter 66 "Signs" of the Code of Ordinances of the City of Webster.
- (f) All area and security lighting shall be located to minimize glare and be oriented to prevent illumination of adjoining properties and rights-of-way.
- (g) *Special access restrictions adjacent to residential areas*: When any use other than single-family residential occupies a lot across the street from land zoned for or used as single-family residential, and that use has access from another street which is not across the street from single-family residential property, no access to the property shall be permitted from the street on which the residential property is located.
- (h) *Outside storage*: Materials, products, or equipment which are stored outside of a fully-enclosed building are considered an accessory use and shall not encompass an area greater than 20 percent of the floor area of the principal use or building to which they are related. Landscaping nurseries, auto dealers, and other land uses which may require a greater amount of outside use may exceed the 20 percent maximum with a special use

²Editor's note(s)—Ord. No. 10-03, § 1, adopted June 1, 2010, amended Art. III to read as set out herein. Former Art. III, §§ 98-41—98-52, pertained to similar subject matter and derived from Ord. No. 98-03, § 1(Exh. A, § 3(3.01—3.011)), adopted Mar. 17, 1998; Ord. No. 98-09, §§ 1—9, 10—17, adopted June 2, 1998; Ord. No. 98-17, §§ 1, 3, 4, adopted Aug. 4, 1998; Ord. No. 98-25, §§ 2—20, adopted Oct. 6, 1998; Ord. No. 00-25, §§ 1—10, adopted July 5, 2000; Ord. No. 00-45, §§ 1—4, adopted Nov. 21, 2000; Ord. No. 08-02, § 1, 3, adopted Jan. 15, 2008; Ord. No. 08-15, § 1, adopted Aug. 19, 2008.

permit. The site plan required by article VII, section 98-123 shall identify the location and amount of outside use on the property.

(i) *Screening requirements:*

- (1) All open storage of materials, vehicles, and equipment shall be screened from view from the public street by a six-foot wood or masonry fence.
- (2) An eight-foot masonry wall must be placed on the common property line by the developer when a commercial, multifamily residential, or mixed use is developed or enlarged adjacent to a property which is zoned or used for single-family residential purposes.
- (3) Trash receptacles and dumpsters must be closed at all times except when loading garbage or refuse and, when visible from a public street, screened by a six-foot wood or masonry fence.

(j) *Maintenance of screening devices:* When a wood or masonry fence or wall is required under the terms of this chapter, the developer responsible for its construction, as well as any subsequent owners of the property, are also responsible for its perpetual maintenance.

(k) *Sidewalks:* Continuous sidewalks not less than four feet in width shall generally be provided along all public streets, except freeways, as defined in the Thoroughfare Plan, abutting any part of the lot or site. On NASA Parkway, these sidewalks shall be no less than six feet in width. The sidewalks shall be designed and constructed in conformance with the city sidewalk design standards. Where existing sidewalks are less than six feet in width, the developer may match the existing sidewalk width, but in no case shall any sidewalk be less than four feet in width.

(Ord. No. 10-03, § 1, 6-1-10; Ord. No. 11-02, § 1, 6-21-11)

Sec. 98-42. R-1 Single-family Residential District.

Intent: This district is intended to be composed of single-family detached dwellings on large or intermediate sized lots to create basic neighborhood units. The "R-1" district is also considered to be the proper zoning classification for large areas of undeveloped land, and for farms involved in the growing of agricultural crops and products, excluding the raising of animals, swine or poultry. The principal use of "R-1" property in the city is for single-family dwelling use, in order to protect and encourage the continued development of such areas for such use. It is anticipated that some changes of portions of vacant land to other districts will occur as development of these open areas occurs. R-1 is considered an appropriate temporary zoning for newly annexed lands and those properties which are not being developed.

(Ord. No. 10-03, § 1, 6-1-10)

Sec. 98-43. R-1A Enhanced Single-family Residential District.

(a) *Intent:* This district is intended to provide large lots in planned subdivisions for exclusive use by single-family detached dwellings. The "R-1A" district incorporates open green space, community recreation facilities, and may include security gates and controlled access.

(b) *Special regulations:* The following special conditions shall apply to uses in the R-1A district:

- (1) The principal residential structure shall contain a living area, exclusive of garages, porches, and porticos, of not less than 1,600 square feet.
- (2) The exterior walls of the principal structure shall be constructed with a minimum of 40 percent masonry. In this section, masonry means brick, stone, cementitious stucco, or a combination thereof.

Sec. 98-44. R-2 Multifamily Residential District.

- (a) *Intent:* This district is intended to allow multifamily development in a medium-density, suburban environment, with an emphasis on long-term viability and minimal impact to public infrastructure. Specifically, the district is intended for development which consists of durable exterior building materials and is designed to alleviate future maintenance concerns. Further, the district regulations are intended to prevent congestion and undue strain on city utilities.
- (b) *Uses:* This district is designed for the following uses and as shown in table 1:
 - (1) Duplexes, patio homes, townhouses, apartments and condominiums.
 - (2) Accessory buildings and uses, including residential garages, swimming pools, tennis courts, play yards with or without playground equipment, garden houses, green houses and similar accessory uses customarily associated with multiple-family residential development.
- (c) *Maximum height and area:* Buildings on multiple-family sites shall be set back from the property line adjacent to single-family residential districts a distance of two feet for every one foot in building height. All lots and structures shall comply with table 2, herein.
- (d) *Special regulations:* The following special conditions apply to multiple-family structures located in this zoning district.

- (1) Density: The maximum density of multiple-family developments shall be as follows:

Patio homes	6 units per acre
Duplexes	8 units per acre (maximum of four buildings)
Townhouses	12 units per acre
Condominiums	18 units per acre
Apartments	14 units per acre

- (2) On any building lot, exterior walls of any dwelling structure or structures shall be separated by a minimum of at least ten feet, which shall be measured from the closest point of any wall, roof, overhang, or projection.
 - (3) If one or more of the above mentioned walls comprises the front of any unit, then the walls shall be separated by a distance equal to at least ten feet plus one-half, the combined height of the two walls; however, this distance need not exceed 40 feet.
 - (4) At least 65 percent of the exterior walls of all multiple-family buildings shall be of brick, stucco, or stone, exclusive of doors, windows, and patios.
 - (5) Apartment developments shall have a maximum of 180 units.
 - (6) New apartment developments shall not be located within 2,000 feet of apartment developments existing on the effective date of this section.
 - (7) Developers of condominiums shall provide the zoning official with documentation of the recorded condominium declaration prior to the occupation of any units in the development.
- (e) *Screening requirements:*

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- (1) Except as provided herein a steel picket fence of at least eight feet but not more than nine feet in height, shall be placed along all property lines. The fence shall be complete and in place before the property may be occupied.
 - (2) All entrances and exits shall have controlled access gates with associated mechanical equipment screened from view.
 - (3) All such screening devices, access control gates, and apparatus shall be kept in good repair.

(Ord. No. 10-03, § 1, 6-1-10; Ord. No. 13-10, § 1, 8-6-13)

Sec. 98-45. O Office District.

- (a) *Intent:* This district is intended for use by office buildings not generally dependent upon retail trade or retail traffic for their operation. This district is designed to permit the location of offices of any recognized profession, trade, or service near their clients and minimize the effect upon residential and commercial areas. Uses in this district can generally allow locations within many neighborhoods consistent with the nature of the use and the design of the facility. The height, setbacks, sign controls and parking regulations are intended to allow maximum flexibility in design and maintain aesthetic and neighborhood quality. Under special conditions established by special use permits other designated commercial uses may be permitted to locate in the "O" district when the effects of those uses as experienced by adjacent users and neighbors is no greater than those experienced by the uses permitted as a matter of right.
- (b) *Special regulations:* The following special regulations shall apply to structures located in this zoning district.
 - (1) No building in this district shall be constructed or altered to produce a store front, show window or display window, and there shall be no merchandise visible from the exterior of the building.

(Ord. No. 10-03, § 1, 6-1-10)

Sec. 98-46. C-1 First Commercial District.

Intent: This district is intended to allow the smaller, neighborhood type of commercial uses to locate in the general proximity of their primary customers. Small shopping areas, convenience stores, limited automobile services, entertainment facilities, and personal services that cater to the everyday needs of residents and neighborhoods are considered compatible with this district. The regulations in this district are designed to make permissible uses compatible with adjacent residential areas, particularly of a multifamily type.

(Ord. No. 10-03, § 1, 6-1-10)

Sec. 98-47. C-2 Second Commercial District.

Intent: This district is intended to allow larger, more community-level retail uses in general proximity to residential areas. It is particularly intended for those uses which are dependent upon higher traffic volumes and locations along or adjacent to major arterial streets. The regulations in this district are designed to provide maximum convenience and ease of access to and around such uses. This district is appropriate for the larger retail centers along major highways.

(Ord. No. 10-03, § 1, 6-1-10)

Sec. 98-48. C-3 Third Commercial District.

- (a) *Intent:* This district is intended for the retail and wholesale trade in larger goods and the heavier service industries, such as auto body shops, that generate significant noise, and in general are incompatible with residential and neighborhood level commerce. The regulations in this district are intended to allow for adequate setbacks, storage, and operations of such uses while retaining a quality of design that is in keeping with the master plan.
- (b) *Sexually oriented businesses:* Prohibited locations. Notwithstanding any other provisions of the zoning regulations of the city, it shall be unlawful for any owner or operator to cause or permit the establishment of a sexually oriented enterprise within the city if one or more of the following conditions exist:
 - (1) The enterprise is located within 1,500 feet of any school, church, licensed day care center, public park, residential structure, or any area zoned for residential use. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the enterprise to the nearest point on the property line of such school, church, day care center, park, residential structure or residential area or lot.
 - (2) The enterprise is located within 1,500 feet of any other enterprise for which there is a permit. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the applicant's enterprise to the nearest point on the property line of any other enterprise.

(Ord. No. 10-03, § 1, 6-1-10)

Sec. 98-49. M-1 First Industrial District.

- (a) *Intent:* This district is intended to accommodate those industries that do not generate great amounts of materials, noise, heat, or outside activity. Uses in this district conduct the vast majority of operations inside of buildings and are generally consistent with adjacent commercial districts. Typical uses in this district include metal fabrication, machining, mass production of assembled products and heavy service operations such as vehicle storage, material storage and the like. The regulations in this district are intended to establish adequate space and setbacks, parking, and loading, to create campus type industrial areas.
- (b) *Special regulations:* The following special regulations shall apply to structures located in this district:
 - (1) No odors of any kind are detectable outside the building(s).
 - (2) No emissions of any particulate matter, gas, fluid, or other substance regulated by either the state or the federal government, in any measurable amount using appropriate detection equipment, occur outside the confines of buildings or structures.

(Ord. No. 10-03, § 1, 6-1-10)

Sec. 98-50. M-2 Second Industrial District.

Intent: This district is intended to allow the location of heavy industrial uses in those areas of the city where maximum flexibility and access to rail facilities and interstate highways is necessary. Performance standards consistent with those of the environmental protection agency and the occupational health and safety administration are enforced. The regulations in this district are intended to allow the placement of any lawful industrial or commercial use consistent with the requirements of this chapter.

(Ord. No. 10-03, § 1, 6-1-10)

Sec. 98-51. PD Planned Development District.

- (a) *Intent:* This district is created to accommodate planned associations of uses developed as integral land use units, either of single-family and multifamily residential, mixed residential and commercial uses, or industrial and commercial uses. It is designed to permit flexibility and encourage a more creative, efficient, and aesthetically desirable design and placement of buildings, open spaces, circulation patterns, and parking facilities in order to best utilize the special features of topography, size, or shape. Although more flexible than standard zoning districts, PD districts shall include features rendering them superior in design to standard districts and shall in no instance be utilized with the intent of circumventing the standard zoning regulations.
- (b) *Zoning application process:* The creation of a PD district shall be initiated by the submittal of a standard rezoning application. In addition to the information normally required in an application, the applicant shall provide a list of permitted land uses or identify a standard zoning district in the city that has the same permitted uses as the proposed PD. This land use information will be included in an ordinance which is required for rezoning of the property. The decision by the commission and council to approve the ordinance/rezoning shall be predicated on the following:
- (1) Conformance with the city's comprehensive plan;
 - (2) The general compatibility of the proposed uses with surrounding uses and zoning districts;
 - (3) Attributes of the property lending it to PD zoning. These attributes normally include relatively large size (in no case less than 10 acres) and prominent location (on a major road or waterway, for example) and may also include other unique physical characteristics.
- (c) *Development plan approval process:* In order for development of a PD district to occur, a development plan must first be submitted. This may be done simultaneously with the rezoning application or separately. The plan must receive a recommendation from the planning and zoning commission and approval by the city council in order to move forward through the typical building permit process. Approval or disapproval of a plan shall be based on its possession or lack of elements rendering it superior in design compared to what would be required in a standard zoning district. At a minimum, the following information must be provided in the submittal:
- (1) Statement of intent.
 - (2) General land and/or site plan.
 - (3) Height regulations.
 - (4) Building setback information.
 - (5) Lot coverage provisions.
 - (6) Parking requirements.
 - (7) Driveway locations.
 - (8) Fencing and screening wall locations, if applicable.
 - (9) Dumpster locations and screening provisions, if applicable.
 - (10) Pedestrian amenities.
 - (11) Lighting plan and/or provisions.
 - (12) Landscape plan.

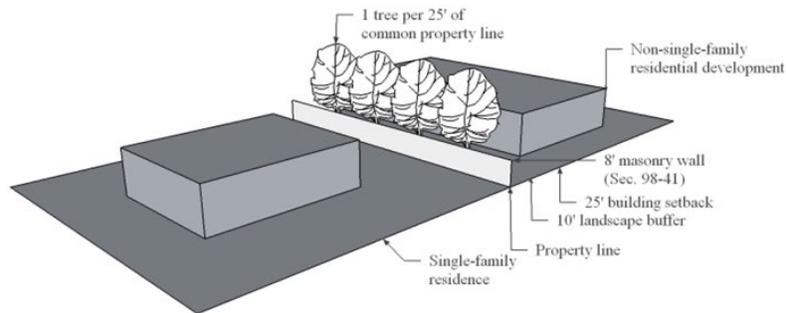
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- (13) Landscaping provisions, including trees, shrubs for parking lot screening, green space, and parking setbacks.
 - (14) Building elevations, if applicable.
 - (15) Building design criteria, including requirements for exterior materials and fenestration.
 - (16) Signage plan.
 - (17) Signage requirements.
 - (18) Definitions.
- (d) *Expiration:* If a building permit application related to the development of the district has not been submitted within one year of the effective date of the approval of a development plan under subsection (c), the development plan expires. The PD zoning will remain in place, however, and another development plan must be submitted and approved in order for any construction to occur.
- (e) *Additional PD district regulations:*
- (1) Apartment developments in a PD district shall meet the following requirements:
 - a. Maximum of 14 units per acre.
 - b. Maximum of 180 units.
 - c. Minimum of 2,000 feet from apartment developments existing on the effective date of this section.
 - d. Exterior not less than 95 percent masonry exclusive of doors and windows. In this section, masonry means brick, stone, cementitious stucco, or a combination thereof. Masonry shall not be painted.
 - (2) Developers of condominiums shall provide the zoning official with documentation of the recorded condominium declaration prior to the occupation of any units in the development.
 - (3) Utilities:
 - a. All privately owned utilities shall be placed underground.
 - b. All publicly owned utilities (electrical, telephone, cable TV ext.) will be installed along the rear lot line whenever possible.

(Ord. No. 10-03, § 1, 6-1-10)

Sec. 98-52. NP NASA Parkway District.

- (a) *Intent:* This district is intended for urban-scale, largely commercial development consistent with the goals and objectives of the NASA Parkway revitalization plan, adopted in 2009. In no case shall development of the district be contrary to the above intent of urban development and/or redevelopment of the NASA Parkway corridor.
- (b) *District regulations:*
 - (1) Requirements related to land use, height, area, landscaping, lighting, access, screening, and sidewalks shall be consistent with other districts, per section 98-41, unless otherwise noted in these district regulations.
 - (2) Protection of existing neighborhoods:

- a. At a minimum, a ten-foot landscape buffer shall be provided adjacent to all single-family residential lot lines.
- b. In accordance with the following illustration, one tree is required for every 25 feet along a common property line with a single-family residential lot:



(Ord. No. 10-03, § 1, 6-1-10; Ord. No. 23-13, § 1, 5-16-23)

Sec. 98-53. Principal and accessory buildings and uses.

- (a) All residential uses and buildings, and guest houses are principal uses and buildings.
- (b) Accessory buildings, except servants' quarters and guest houses, located in districts where permitted, shall not be used for dwelling purposes.
- (c) Commercial and industrial developments may include a single-family residential dwelling unit for the purpose of providing a residence for on-site management and/or full time security as an accessory or incidental use provided such dwelling unit shall not encompass greater than 25 percent of the overall building square footage and shall be approved by the commission as a special use and subject to the permit approval process as defined in article VII; and that the dwelling unit shall be totally contained within a commercial or industrial structure; and limited to the use of owners or full time employees of the owner or tenant of the property. Additionally, off-street parking on the premises of the principal use must be provided sufficient for three vehicles. These uses must be shown in the site plan of the development.
- (d) In addition to those uses listed as accessory uses in the various district regulations, the following are also accessory uses to appropriate principal uses:
 - (1) Storage of goods used or produced by manufacturing activities upon the building lot occupied by such activities, unless such storage is prohibited by the district regulations.
 - (2) The production, processing, cleaning, servicing, altering, testing, repairing, or storing of merchandise normally incidental to a retail service or business use if conducted by the same ownership as the principal use.
 - (3) Accessory sheds, tool rooms, and similar buildings or structures provided they are not used for income producing or commercial purposes of any kind and do not exceed 20 percent of the square footage of the principal structure.
 - (4) Fully enclosed weatherproof storage boxes and semitrailers may be used for temporary storage of inventory and supplies for commercial and industrial uses provided they are screened from view from the principal street of the business; they do not encroach into any required yard; are not used for direct sales of merchandise; are limited to no more than 14 days of continuous use in any 60-day period; and they are approved by the zoning official. The movement of such storage containers on the

lot, or the replacement of one with another shall not result in the extension of the time limitation beyond the 14 days allowed under this section.

- (e) Conformance with regulations. All accessory uses shall comply with the regulations for the districts in which they are located.
- (f) *Home occupations*: All home occupations shall be subject to the following restrictions and limitations without exception:
 - (1) They shall be conducted entirely within the dwelling unit which is the bona fide residence of the practitioner or entirely within an authorized accessory building.
 - (2) Not more than one person other than a family member who resides in the residence shall participate in the activity on the premises.
 - (3) The residential character and appearance of the lot and dwelling shall be maintained. Neither the interior or exterior shall be structurally altered to accommodate the activity, nor shall any buildings be added to accommodate the activity.
 - (4) The activity shall not create customer related or delivery related vehicular traffic in excess of three vehicles in a 24-hour day in the residential neighborhood except for garage, yard or estate sales.
 - (5) No outside storage of equipment, materials, supplies or inventory related to the business shall be allowed.
 - (6) The activity shall not produce any external noise, vibrations, smoke, dust, odor, glare, fumes, electrical interference, or waste run-off outside the dwelling unit or on the property surrounding the dwelling unit.
 - (7) No vehicle used in connection with the activity that requires a commercial driver's license to operate shall be parked on the premises or on any street adjacent to the residential property.
 - (8) The activity shall not be advertised by any signs on the premises, nor shall the street address of the resident be advertised through signs, billboards, television, radio, newspaper, bulletin boards, coupon books, internet, flyers or public mailouts, except for garage, yard, and estate sales and telephone directories. Signs displayed or used upon vehicles permanently stationed or regularly used at a fixed location to serve the same or similar purpose of a permanent are not permitted.
 - (9) No baby sitting is allowed where more than three children not of the household are kept.
 - (10) No repair or building of automobiles, motorcycles, boats, airplanes, or any equipment with engines larger than one cylinder which are not owned, (for the purposes of this section, ownership requires title to the vehicle or equipment is in the name of the occupant) and operated by the occupant is permitted.
 - (11) No more than one garage, estate or yard sale is allowed in any three-month period. These may be no longer than three consecutive days in length.

(Ord. No. 10-03, § 1, 6-1-10)

Sec. 98-54. Government buildings' access to streets.

Federal, state, and local governmental buildings may access any public street, regardless of any contrary regulation on access to streets contained in this Code.

(Ord. No. 10-03, § 1, 6-1-10)

Secs. 98-55—98-70. Reserved.

ARTICLE IV. SCHEDULE OF USES

Sec. 98-71. Table of uses.

TABLE 1. SCHEDULE OF PERMITTED USES

P—Permitted by right.

S—Permitted with special use permit only.

PSR—Permitted, except that a special use permit is required when the subject property is within 200 feet of a lot which is used or zoned for residential purposes.

S2+—Permitted with special use permit only. Second floor and above only.

Permitted uses in a planned development (PD) district shall be identified in the ordinance that establishes that particular district.

(1) See section 98-72 for specific distance separation requirements.

Uses	Districts									
	R-1	R-1A	R-2	O	C-1	C-2	C-3	M-1	M-2	NP
Residential Uses										
Accessory Dwelling Unit				S	S	S	S	S	S	S
Apartments/Condominiums (1)			P							
Cottage Food Production	P	P	P	P	P	P	P	P	P	P
Farm								P	P	
Home Occupation	P	P	P							
Manufactured Home Park			S							
Patio Home			P							
Dwelling, Single-Family	P	P								
Townhouse			P							S
Dwelling, Two-Family/Duplex			P							
Amusement, Recreational, and Fitness Uses										
Commercial Amusement, Indoor					P	P	P	P	P	P
Commercial Amusement, Outdoor						P	P	P	P	P
Health/Fitness Club				S	P	P	P	P	P	P
Park	P	P	P	P	P	P	P	P	P	P
Recreation Facility, Public			P	P	P	P	P	P	P	P
Auto and Related Uses										
Auto Sales or Rental							P	P	P	
Automotive Accessories Shop						P	P	P	P	

Automotive Full-Service Station						P	P	P	P	
Automotive Repair, Major							P	P	P	
Automotive Repair, Minor						P	P	P	P	
Automotive Self-Service Station					P	P	P	P	P	
Car Wash						P	P	P	P	
Junk or Salvage Yard									S	
Truck/Trailer Sales or Rental							P	P	P	
Commercial Uses										
Animal Hospital, Veterinarian with Outside Kennels								P	P	
Animal Hospital, Veterinarian Without Outside Kennels					P	P	P	P	P	
Arena/Stadium							S	S	P	S
Bail bond Service (1)					S	S	S	P	P	
Commercial School							P	P	P	P
Credit Access Business (1)						S	S	P	P	
Day Care Center			S	P	P	P	P	P		P
Fine Arts Instruction				P	P	P	P	P		P
Greenhouse or Nursery, Wholesale						S	P	P		
Greenhouse or Nursery, Retail					P	P	P	P		
Headshop (1)								P	P	
Massage Establishment (1)					S	S	S	S	S	
Mini-Storage Facility (1)							P	P	P	
Mortuary, Funeral Home				S	P	P	P	P		
Office				P	P	P	P	P	P	P
Pharmaceutical And Medical Manufacturing				P	P	P	P	P		
Place of Private Assembly					P	P	P	P		P
Precious Metal Dealer (Gold Exchange) (1)							S	P	P	
RV Park						S				
Sexually Oriented Businesses, Adult Amusement Establishment, Adult Book Store, Adult Photo Studio, and Adult Theaters							S			
Shopping or Mixed Use Center					P	P	P	P	P	P
Tattoo Shop (1)						S	S	P	P	
Washateria					P	P	P	P	P	
Wedding Chapel					P	P	P	P	P	P
Medical and Care Facilities										

Assisted Living Facility			P	P	P					
Clinical Massage/Therapy Office				P	P	P	P	P		P
Community Residential Program							S	S	S	
Community Home (1)	P	P	P	P	P					
Hospital				P	P	P	P	P		P
Medical Office Facility				P	P	P	P	P		P
Nursing/Convalescent Facility			P	P	P					
Retirement Home/Senior Living Facility			P	P	P	P	P			
Industrial Uses										
Contractor's Shop (1)							P	P	P	S
Freight Terminal								S	P	
Heavy Industry									P	
Light Industry							P	P	P	
Lumber Yard with Outside Storage							P	P	P	
Petroleum Storage Facility								P	P	
Warehouse, Wholesale or Storage							P	P	P	
Institutional and Public Uses										
Church	S	S	S	P	P	P	P	P		S
Community Residential Corrections Program							S	S	S	
Golf Course	S	S	S	S	S	S	S	S	S	
Library	P	P	P	P	P	P	P	P	P	P
Municipal or Public Building	S	S	-P	P	P	P	P	P	P	P
Public Utility Facility, Major			S	S	S	S	S	P	P	
Public Utility Facility, Minor	P	P	P	P	P	P	P	P	P	P
Wireless Telecommunication Facility				S		S	S	S	S	
School, Private			P	P	P	P	P	P		P
School, Public	P	P	P	P	P	P	P	P	P	P
Transit Facilities					P	P	P	P	P	
Retail Uses										
Bar, Nightclub or Dance Hall					PSR	PSR	PSR	PSR		PSR
Bed and Breakfast Establishment	S	S	P	P	P	P	P	P	P	P
Boarding or Lodging House	S	S	P	P	P	P	P	P	P	P
Boat and RV Storage Facility							P	P	P	
Boat Sales, Rental or Service							P	P	P	
Commercial Retail, Sales and Services					P	P	P	P	P	P
Dry Cleaner				P	P	P	P	P	P	P

Hotel/Motel				P	P	P	P	P	P	P
Pawnshop						S	S	P	P	
Personal Service Shop				P	P	P	P	P	P	P
Poker Club							S			
Restaurant				P	P	P	P	P	P	P
Smoke Shop (1)					P	P	P	P	P	

(Ord. No. 98-03, § 1(Exh. A, § 4), 3-17-98; Ord. No. 98-11, § 1, 6-16-98; Ord. No. 98-25, § 1, 10-6-98; Ord. No. 99-05, § 1, 2-16-99; Ord. No. 00-01, § 1, 1-4-00; Ord. No. 00-15, § 1, 5-2-00; Ord. No. 00-31, § 1, 9-5-00; Ord. No. 02-11, § 1, 8-6-02; Ord. No. 03-04, § 1, 2-18-03; Ord. No. 03-06, § 1, 3-18-03; Ord. No. 06-06, § 1, 4-4-06; Ord. No. 06-25, § 1, 10-17-06; Ord. No. 09-17, § 1, 11-3-09; Ord. No. 10-03, § 1, 6-1-10; Ord. No. 11-02, § 1, 6-21-11; Ord. No. 12-06, § 1, 6-19-12; Ord. No. 13-10, § 1, 8-6-13; Ord. No. 14-03, § 1, 4-1-14; Ord. No. 17-03, § 1, 4-4-17; Ord. No. 19-10, § II, 8-20-19; Ord. No. 22-04, § 1, 6-21-22; Ord. No. 23-13, § 2, 5-16-23; Ord. No. 25-08, § 1, 9-2-25)

Sec. 98-72. Supplemental Use Standards

Location restrictions: The following distance separation requirements shall be measured in a straight line in all directions from the building; unless the existing use is located in a multi-tenant building, then a straight line measurement in all directions shall be measured from the tenant space or in the case of a public school this measurement shall be from the parcel(s) of the school (including play areas).

- (1) *Apartments/Condominiums:* A new apartment/condominium development shall not be located within 2,000 feet of an existing apartment/condominium development.
- (2) *Bail Bond Service:* A new bail bonds service shall not be located within 2,000 feet of a public school or an established bail bonds service.
- (3) *Credit Access Business:* A new credit access business shall not be located within 2,000 feet of a public school or an established credit access business.
- (4) *Community Home:* A new community home shall not be located within one-half mile of an existing community home.
- (5) *Headshop:* A new headshop shall not be located within 2,000 feet of a public school or an established headshop business.
- (6) *Precious Metal Dealer (gold exchange):* A new precious metal dealer (gold exchange) shall not be located within 2,000 feet of a public school or an established precious metal dealer.
- (7) *Tattoo Shop:* A new tattoo shop business shall not be located within 2,000 feet of a public school or an established tattoo shop.
- (8) *Smoke Shop:* A new smoke shop shall not be located within 2,000 feet of a public school or an established smoke shop.
- (9) *Mini-Storage Facility* Any new mini-storage facility, shall not be located within 2,000 feet of an established mini-storage facility . The distance separation shall be calculated from nearest property line of each business measured in a direct line.
- (10) *Massage Establishment:* A new massage establishment described by definition contained in section 98-4, shall not be located within 2,000 feet of a public school or an established massage business:

-
- a. *Additional services.* Any existing business or establishment pursuing the addition of services to perform massages shall comply with the 2,000-foot distance separation requirement from a public school or an established massage business.
 - b. *Licensee.* The person to whom a license has been issued to own or operate a massage establishment as defined herein.
 - 1. *Massage therapist.* An individual who holds a valid license issued by the State of Texas to practice or perform massage therapy. All massage therapists must have a valid license issued by the State of Texas.
 - c. *Inspection.* City law enforcement personnel, fire marshal and chief building official during business hours and at other reasonable times to ensure compliance with this ordinance, may inspect the premises of each massage establishment. The refusal to permit such an inspection shall be sufficient reason for revocation of a massage establishment license by the aforementioned city representatives.
 - d. *Revocation.* Any massage establishment which has been issued a special use permit under this article may be revoked by the city manager or his/her designee for a violation of this chapter, any ordinance of the city, or any law of the state.
 - e. *Nontransferable permits.* No person shall operate a massage establishment under the authority of an approved special use permit by the mayor and city council at any place other than the address of the massage establishment stated in the application for the special use permit. Additionally, a special use permit to operate a massage establishment may not be transferred from person to person.
- (11) *Poker Club:* A new poker club described by definition contained in section 98-4, shall not be located within 2,000 feet of a public school or an established poker club:
- a. *Additional restrictions.* In the event an existing Poker Club ceases to operate, changes the name, or changes ownership, a special use permit will be required to re-establish the operations under this article.

(Ord. No. 14-03, § 1, 4-1-14; Ord. No. 17-03, § 1, 4-4-17; Ord. No. 19-10, § III, 8-20-19; Ord. No. 22-04, § 1, 6-21-22; Ord. 25-08, § 1, 9-2-25)

Sec. 98-73. Reserved.

Ord. No. 23-02, § 1, adopted Jan. 3, 2023, repealed § 98-73, which pertained to mobile food truck regulations and derived from Ord. No. 13-06, § 1, adopted Apr. 2, 2013; Ord. No. 14-03, § 1, adopted Apr. 1, 2014)

Secs. 98-74—98-80. Reserved.

ARTICLE V. YARDS, LOTS, HEIGHT, AND AREA³

Sec. 98-81. Requirements.

The following table delineates the minimum requirements for yards, lot dimensions, building height and area requirements within each zoning district. A lot of record, which on March 17, 1998, had an area or width less than herein required, but not less than 40 feet in width, may be used for a permitted single-family dwelling or a permitted non-residential use, unless the adjacent property is under the same ownership and is undeveloped and could be replatted to make conformity possible.

TABLE 2. SCHEDULE OF YARDS, LOT DIMENSIONS, AND BUILDING HEIGHT/AREA REQUIREMENTS

All requirements are minimum unless otherwise noted.

Measured in feet unless otherwise specified.

- Maximum height of fire unprotected/protected buildings.
- Refer to NASA Parkway (NP) district regulations.
- There is no maximum building height in the office (O) district per city ordinance; this does not, however, relieve developments from having to comply with any applicable Federal Aviation Administration (FAA) height regulations.
- R-2 minimum lot area applies to condominium and apartment complexes only, not to patio homes, duplexes or townhouses.

Yards, lot dimensions and building height/area requirements in the PD district shall be established by the approved development plan.

Requirement	District									
	R1	R-1A	R2	O	C1	C2	C3	M1	M2	NP
Front yard feet from property line/row	20	25	25	20	25	25	25	25	25	25
Rear yard feet from property line	15	30	15	15	15	15	15	0	0	15

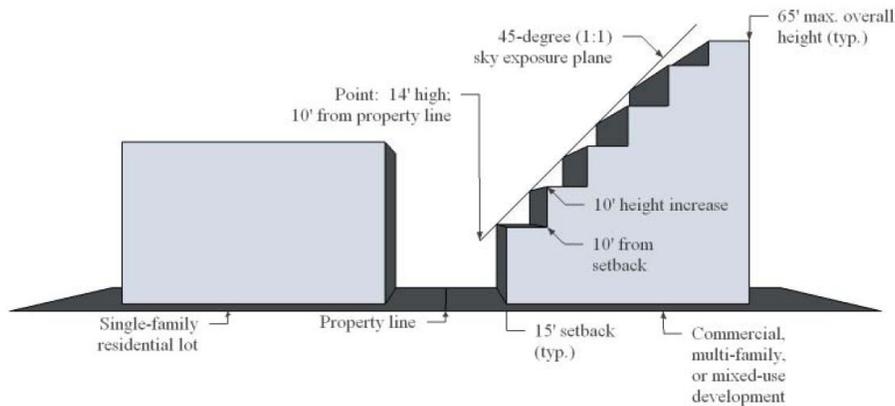
³Editor's note(s)—Ord. No. 10-03, § 1, adopted June 1, 2010, amended Art. V to read as set out herein. Former Art. V, §§ 98-81—98-84, pertained to similar subject matter and derived from Ord. No. 98-03, § 1(Exh. A, § 5(5.01—5.04)), adopted Mar. 17, 1998; Ord. No. 99-15, § 1, adopted Apr. 20, 1999; Ord. No. 99-25, § 1, adopted June 1, 1999; Ord. No. 99-37, § 1, adopted Aug. 7, 1999; Ord. No. 99-58, § 1, adopted Dec. 7, 1999; Ord. No. 05-09, § 1, adopted May 18, 2005; Ord. No. 06-25A, § 1, adopted Oct. 17, 2006; and Ord. No. 07-23, § 1, adopted Oct. 16, 2007.

Rear yard accessory building and garage	5	5	5	5	5	5	5	0	0	5	
Side yard, interior lot, lot line to foundation	5	10	5	5	0	0	0	0	0	0	
Side yard, corner lot	15	25	15	10	10	10	10	35	35	10	
Side yard accessory building and garage	5	10	5	10	10	10	10	5	0	10	
Side yard, corner lot, main accessory building and garage	15	25	15	10	10	10	10	35	35	10	
Lot width minimum	50	60	90								
Lot depth	100	100	100								
Lot square footage minimum	5000	6000	18000	•••• 435600							
Units per acre maximum	7	6	4	18							
Maximum height in feet (excluding chimney, roof gables, vent, and steeple)	•40/50	•35/45	•35/45	•40/45	•••n/a	•55/65	•55/65	204	85	85	55/65
Lot coverage maximum	52%	45%	40%	50%	50%	60%	60%	70%	50%	70%	70%

(Ord. No. 10-03, § 1, 6-1-10; Ord. No. 13-10, § 1, 8-6-13; Ord. No. 23-13, § 3, 5-16-23)

Sec. 98-82. Sky exposure plane.

In addition to the maximum heights set forth in table 2 of this article, the height of buildings in commercial, multifamily or mixed-use developments within 200 feet of a single-family residential lot line shall not exceed that of a 45-degree sky exposure plane, beginning at a point 14 feet above ground level and ten feet from the nearest single-family residential lot line, and going up one foot in height for every one foot in distance away from said single-family residential lot line, illustrated as follows:



(Ord. No. 10-03, § 1, 6-1-10)

Sec. 98-83. Permitted obstructions in required yards.

The following shall not be considered to be obstructions when located in the required yards or open space specified:

- (1) *In all required yards and open space.*
 - a. Open terraces not over four feet above the average level of the adjoining ground but not including a permanently roofed-over terrace or porch;
 - b. Awnings and canopies;
 - c. Steps four feet or less above grade which are necessary to provide access to a permitted building or for access to a building lot from a street or alley;
 - d. Chimneys projecting 24 inches or less into the yard, but not occupying more than two percent of the required yard area;
 - e. Recreational equipment;
 - f. Clotheslines;
 - g. Flag poles;
 - h. Off-street parking spaces as regulated by table 3, schedule of off-street parking regulations; and

-
- i. Fences and walls, either structural or nonstructural, not exceeding eight feet in height, and including walls required to be erected as buffers between land uses and districts as regulated by this chapter. In no case shall a fence or wall or other screening device be of a height or placed in such a position so as to cause danger to traffic by obstructing the view. Notwithstanding the above no fence or wall greater than four feet in height may be located in a required front yard in an R-1 or R-1A district.
 - (2) *In front yards.* Bay windows, balconies, overhanging eaves or gutters, none of which shall project more than four feet into the required yards, and fences not exceeding four feet in height, except for multi-family developments which are required to have an eight to nine-foot tall steel picket fence in the front yard.
 - (3) *In side yards.* Overhanging eaves or gutters projecting three feet or less into the required yards, but in no case shall such eaves or gutters be closer than one foot to the side lot line. Enclosed, attached, or detached off-street parking structures, when accessory to multiple-family residential projects, but in no case shall such structures be closer than five feet to the side lot line.
 - (4) *In rear yards.* Enclosed, attached, or detached off-street parking structures, greenhouse, open off-street parking spaces, accessory sheds, tool rooms, and similar buildings for domestic or agricultural storage, balconies, breezeways and open porches, one story bay windows, swimming pools, and overhanging eaves or gutters.

(Ord. No. 10-03, § 1, 6-1-10; Ord. No. 13-10, § 1, 8-6-13)

Sec. 98-84. Reverse corner lots.

On a reverse corner lot in any district, the rear line of which abuts a lot zoned or designated for residential purposes, no structure or portion thereof shall be located within five feet of any part of said rear lot line. Further, any portion of a structure which is located within fifteen feet of such rear lot line shall observe the same yard requirements on its side street side as are specified by this chapter for the lot which abuts it to its rear.

(Ord. No. 10-03, § 1, 6-1-10)

Sec. 98-85. Double frontage lots in residential districts.

- (a) On double frontage lots, a minimum front yard shall be required on both streets, provided, however, that when a principal structure on a double frontage lot will back up to a major thoroughfare, the minimum rear yard in a R-1, R1-A or R-2 residentially zoned district may be reduced to 20 feet, when:
 - (1) The front and rear yards and building lines therefor are designated on a plat approved by the commission and recorded in the plat records of Harris County, Texas, and a screening device is erected along the entire length of the rear property line of all lots backing up to the major thoroughfare.
 - (2) Double frontage lots which abut major thoroughfares shall not be permitted to have driveways or other vehicular access to the major thoroughfare. In such cases all access shall be from the interior minor street.

[(b) Reserved.]

(Ord. No. 10-03, § 1, 6-1-10)

Secs. 98-86—98-100. Reserved.

ARTICLE VI. NONCONFORMING USE REGULATIONS

Sec. 98-101. Intent.

- (a) Within the districts established by this chapter or amendment thereto, there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this chapter was adopted, enacted, amended, or otherwise made applicable to such lots, structures or uses, but which do not conform to the regulations of the district in which it is located. It is the intent of this chapter to permit such nonconforming uses to continue under regulations herein contained until the same are removed, but not to encourage their survival.
- (b) Nonconforming uses shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- (c) Nonconforming uses are hereby declared to be incompatible with the permitted uses in the districts involved.

(Ord. No. 98-03, § 1(Exh. A, § 6(6.01.01)), 3-17-98)

Sec. 98-102. Nonconforming uses regulated.

Except as herein provided, no nonconforming use of land or building, nor any nonconforming structure shall be enlarged, changed, altered or repaired except in conformity with the regulations contained in this article.

(Ord. No. 98-03, § 1(Exh. A, § 6(6.01.02)), 3-17-98)

Sec. 98-103. Nonconforming status.

Any use or structure which does not conform with the regulations of the zoning district in which it is located shall be deemed a nonconforming use when:

- (1) Such use or structure was in existence and lawfully operating at the time of the passage of this chapter and has since been in regular and continuous use; or
- (2) Such use or structure is a lawful use at the time of the adoption of any amendment to this chapter but by such amendment is placed in a district wherein such use is otherwise not permitted; or
- (3) Such use or structure was in existence at the time of annexation to the city and has since been in regular and continuous use.

(Ord. No. 98-03, § 1(Exh. A, § 6(6.01.03)), 3-17-98)

Sec. 98-104. Continuing lawful use of property.

- (a) The lawful use of land existing at the time of the passage of this chapter, although such does not conform to the provisions hereof, may be continued; but if said nonconforming use is discontinued, any future use of said premises shall be in conformity with the provisions of this chapter.

-
- (b) A legal nonconforming use, when discontinued or abandoned, shall not be resumed. Discontinuance or abandonment shall be defined as follows:
- (1) When land used for a legal nonconforming use shall cease to be used in a manner for a period of thirty calendar days; or
 - (2) When a building or other structure designed or used for a nonconforming use shall cease to be used in such manner for a period of six months. The zoning board of adjustments shall have the power to grant one extension, not to exceed six calendar months upon the presentation of evidence and the rendering of findings as provided for herein.

(Ord. No. 98-03, § 1(Exh. A, § 6(6.01.04)), 3-17-98; Ord. No. 99-31, § 1, 7-6-99)

Sec. 98-105. Changing nonconforming uses.

- (a) A nonconforming use of a building may be changed to another nonconforming use of the same or more restrictive classification, after approval by the city council, provided that when a nonconforming use is changed to a nonconforming use of a higher or more restrictive classification, it shall not later be reverted to the former less restrictive classification.
- (b) No nonconforming use shall be changed to another nonconforming use which requires more off-street parking spaces or off-street loading space than the original nonconforming use unless additional off-street parking and loading space is provided so as to comply the requirements of this chapter.

(Ord. No. 98-03, § 1(Exh. A, § 6(6.01.05)), 3-17-98)

Sec. 98-106. Extension of nonconforming uses.

- (a) A nonconforming use of a building may be extended throughout the building, provided:
 - (1) No structural alteration may be made on the building, except those required by law; and
 - (2) The number of dwelling units or rooms in a nonconforming residential use shall not be increased so as to exceed the number of dwelling units or rooms existing at the time said use became a nonconforming use.
- (b) No nonconforming use within a building may be extended to occupy any land outside the building.
- (c) No nonconforming use of land shall be enlarged nor extended to occupy a greater area of land than was occupied at the time the land became a nonconforming use.
- (d) In shopping centers and multiple tenant buildings and complexes, and multiple building complexes, each structure and tenant shall be considered individually, and no nonconforming use in one part of such multiple tenant building, or one single building that is part of a larger development may be expanded beyond that portion of the building or complex.

(Ord. No. 98-03, § 1(Exh. A, § 6(6.01.06)), 3-17-98)

Sec. 98-107. Restoration of damaged property.

Nothing in this chapter shall be taken to prevent restoration of a single building destroyed to the extent of not more than 50 percent of its reasonable value by fire, explosion, or other casualty or act of God, or public enemy, nor the continued occupancy or use of such building or part thereof which existed at the time of such

partial destruction. In determining the extent of loss of a structure the methods established in the city building code shall be utilized.

(Ord. No. 98-03, § 1(Exh. A, § 6(6.01.07)), 3-17-98)

Sec. 98-108. Termination of nonconforming uses.

The right to operate a nonconforming use shall cease and such use shall be terminated under any of the following circumstances:

- (1) When such use is abandoned, as herein provided;
- (2) When any provision of this or any other ordinance of the city is violated with respect to a nonconforming use;
- (3) When a nonconforming use is changed to a conforming use by rezoning;
- (4) When the structure in which a nonconforming use is housed, operated or maintained is damaged to the extent of more than 50 percent of its value, as provided in subsection (f) hereof;
- (5) When the right to maintain or operate a nonconforming use has been terminated by the zoning board of adjustments as provided in subsection 98-192(4) hereof.

(Ord. No. 98-03, § 1(Exh. A, § 6(6.01.08)), 3-17-98)

Sec. 98-109. Registration of nonconforming uses.

The city's zoning official shall register all uses not in conformance with section 98-71 schedule of uses within 12 months of its becoming nonconforming, by issuing a certificate of zoning-nonconforming, even though a previous certificate of occupancy has been issued. Such certificate of zoning-nonconforming, shall be considered legal evidence of the legal existence of a nonconforming use as contrasted to an illegal use or violation of this chapter.

(Ord. No. 98-03, § 1(Exh. A, § 6(6.01.09)), 3-17-98)

Secs. 98-110—98-120. Reserved.

ARTICLE VII. SPECIAL USE PERMITS

Sec. 98-121. Intent.

Certain uses are considered appropriate in more restrictive districts under special conditions of design, operation and appearance and may be permitted in designated districts when specifically authorized by this section after recommendation by the planning and zoning commission and approval by the city council. Such special use permits may be granted in order that the city may develop in accordance with the intent and purpose of this chapter, that land may be fully utilized for a lawful purpose, and that substantial justice may be done.

(Ord. No. 98-03, § 1(Exh. A, § 7(7.01.01)), 3-17-98)

Sec. 98-122. Criteria for granting of special use permits.

In reaching a decision on any application for a special use permit, the city council shall determine:

- (1) That the requested special use permit will establish only those uses permitted under this chapter;
- (2) That the location of proposed activities and improvements are clearly defined on a site plan filed by the applicant; and
- (3) That the special use permit will be wholly compatible with the use and permitted development of adjacent properties either as filed or subject to such requirements as the city council may find necessary to protect and maintain the stability of adjacent properties. The city council may also determine conditions to be met to meet the intent of this chapter. They may include hours of operation.
- (4) Granting of the special use permit will not adversely affect the character and appropriate use of the area or neighborhood in which it is proposed to locate; will not substantially depreciate the value of adjacent and nearby properties for use in accordance with the regulations of the zoning district in which they are located; will be in keeping with the spirit and intent of this chapter; will not adversely affect the implementation of the comprehensive plan; and will not adversely affect traffic, public utilities, public health, public safety, and the general welfare.
- (5) No special use permit for the use of buildings or lands shall be approved until a site plan has been submitted and recommended by the planning and zoning commission and approved by the city council. The site plan may be submitted concurrently with the special use permit application or separately following the initial recommendation and approval.

(Ord. No. 98-03, § 1(Exh. A, § 7(7.01.02)), 3-17-98)

Sec. 98-123. Site plans requirements.

Such required site plans shall show, at a minimum, the following:

- (1) The location of the building or buildings to be constructed or altered;
- (2) All parking, loading, and driveways to be constructed or altered;
- (3) The location and dimensions of all screening devices, lighting equipment, exterior located equipment such as cooling systems, trash containers, signs, fire hydrants, and sidewalks;
- (4) The location and details of all landscaping and plant materials to be installed;
- (5) Elevations and floor plans of the buildings showing materials, treatments of exteriors, location of balconies, overhangs, and patios;
- (6) A copy of any maintenance agreements or homeowners association requirements to insure the perpetual maintenance of all facilities within the development; and
- (7) Such other details of the development as the commission may deem necessary to evaluate the impact of the development on adjoining and surrounding properties.

(Ord. No. 98-03, § 1(Exh. A, § 7(7.01.03)), 3-17-98)

Sec. 98-124. Authorized special use permits.

Uses shown in table 1 shall be permitted as special use permits in the districts as shown.

(Ord. No. 98-03, § 1(Exh. A, § 7(7.01.04)), 3-17-98)

Sec. 98-125. Applications for special use permits.

Upon receipt of an application for a special use permit, the application shall be referred to the zoning official for investigation as to the manner in which the proposed location and character of the special use permit will affect the master plan of the city. The zoning official shall report the results of his investigation to the planning and zoning commission, and thereafter the commission shall, after notice and hearing in accordance with section 98-213 make a recommendation to the city council denying or granting the permit, including the imposition of conditions of use which the commission may deem essential to insure that the special use permit is consistent with the spirit, purpose, and intent of the chapter. After review and recommendation by the planning and zoning commission, the city council, after publication as required by section 98-213 herein may approve, deny, or approve the special permit with such conditions as they may deem necessary to protect and implement the master plan of the city.

(Ord. No. 98-03, § 1(Exh. A, § 7(7.01.05)), 3-17-98)

Secs. 98-126—98-140. Reserved.

ARTICLE VIII. PARKING AND LOADING STANDARDS

Sec. 98-141. General requirements.

- (a) All parking of vehicles in R2, C1, C2, C3, O, M1, M2, NP and PD districts shall be limited to an asphalt or concrete paved area located on a lot associated with the use.
 - (1) The required off-street parking spaces in R1 and R1A districts shall be limited to an asphalt or concrete paved area connected to a public street or alley by a asphalt or concrete paved driveway not less than ten feet wide.
- (b) A commercial off-street parking space is a surfaced area on a lot sufficient in size to store one automobile, connected to a public street or alley by a surfaced driveway not less than ten feet wide and so arranged as to permit entry and exit of the automobile at all times without moving any other automobile parked adjacent to the parked space.
- (c) Floor area calculations shall be based on gross floor area. Where fractional spaces result, the parking spaces required shall be construed to be the next higher whole number.
- (d) Parking spaces shall be a minimum of nine feet wide by 18 feet long, unless otherwise specified in section 98-144, Size of off-street parking space (Parking Standards Diagram).
 - (1) It shall be unlawful to park a vehicle in any area not designed and designated for parking of vehicles, or to park any vehicle in such a manner that two or more parking spaces are being utilized at the same time by that vehicle.
 - (2) All on-site parking, loading/unloading and collection of materials or refuse shall be accessed and conducted using an internal circulation system or an alley.
- (e) In the residential districts and in commercial or industrial districts within 50 feet of an R district, no required parking space may be located in a front yard or side yard adjacent to the residential district.
- (f) Parking spaces may be provided as follows:

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- (1) In side and rear yards only in R districts.
- (g) In the commercial and industrial districts, the required parking space may be provided on a separate lot, if such lot is within 300 feet of the building or buildings for which such parking spaces are intended. Two or more owners may join together in the provision of this parking space provided that such arrangement meets all requirements identified as follows:
- (1) Where peak parking demand hours differ among different uses, it may be possible to reduce the total number of parking spaces required by allowing parking spaces to be shared among those uses. The minimum number of off-street parking spaces required when there is a parking arrangement among different uses within and among non-residential developments shall follow a shared parking credit schedule and formula.

Uses	Weekdays			Weekends	
	Midnight to 9:00 a.m.	9:00 a.m. to 4:00 p.m.	9:00 p.m. to Midnight	9:00 a.m. to 4:00 p.m.	4:00 p.m. to 9:00 a.m.
	Percentage				
Retail/Commercial	5	50	90	100	70
Hotel	80	80	100	80	100
Office/Industrial	5	100	10	10	5
Restaurant	10	50	100	50	100
Entertainment/Theaters/Recreation	10	40	100	80	100

The formula for calculating parking requirements shall utilize the above table as follows:

- † Determine the minimum amount of parking required for each use as if it were required to meet all parking requirements;
 - † Multiply each amount by the corresponding percentage for each of the five time periods above to arrive at the minimum number of parking spaces per use required in each of the time periods;
 - † Calculate the total for all of the applicable uses and add the totals for each time period; and
 - † The highest value for all time periods represents the minimum number of spaces required for all uses.
 - † A non-exclusive reciprocal easement agreement, specifically setting forth the areas which will be used solely for parking shall be established and recorded as part of any shared parking arrangement concept approval.
- (h) Parking space for any use specifically permitted in an R district may be provided on a lot adjoining that use, provided there is compliance with all requirements in section 98-4 (definitions) and subsection (d) above.
- (i) Whenever a building or use constructed or established after the effective date of this chapter is changed or enlarged in floor area, the number of employees, number of dwelling units, seating capacity, or otherwise to create a need for an increase of ten percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this chapter is enlarged to the extent of 50 percent or more in floor area or in the area used, said building or use shall thereafter comply with the parking requirements set forth herein.
- (j) In the case of mixed or joint uses, the parking space required shall equal the sum of the requirements of the various uses computed separately.
- (k) The parking space requirement for a use not specifically mentioned herein shall be determined by the zoning board of adjustment based upon the recommendation of the zoning official.

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- (l) No off-street parking or loading space shall be located, either in whole or in part, within any fire lane required by any ordinance of the city or within aisles, driveways or maneuvering areas necessary to provide reasonable access to any parking space.
 - (m) No required off-street parking or loading space shall be used for sales, non-vehicular storage, repair or service activities.
 - (n) The parking of recreational vehicles or boats for more than three days in an R1-A district is specifically prohibited unless such vehicle or boat is behind the required building line.
 - (o) The overnight parking of commercial vehicles and/or equipment is prohibited in any residential district and the O office district at any time.
 - (p) Vans and service vehicles used for work and transportation such as those customarily associated with licensed repair services, including but not limited to air conditioning, plumbing, lawn maintenance, appliance repair, and the like are not classified as commercial vehicles for the purpose of limiting their parking in residential districts. Parking of such vehicles though permitted in residential and office districts are limited to one such vehicle per residence. Tractors, tractor trailers, gooseneck trailers, and trailers of more than two axles and dump trucks may not be parked in single-family districts.
 - (q) Parking in office, commercial or industrial districts shall be limited to those vehicles directly related to the permitted uses located in those districts. Within each business site such vehicles shall be parked in a designated parking space within a designated parking area that is screened from view from all public rights-of-way.
 - (r) A parking analysis demonstrating compliance with this article shall be required when there is a change of use, occupancy, tenant space alteration, building expansion, shared parking arrangement/agreement/easement and/or otherwise, if alteration to an existing parking lot, space, landscaped area and/or access or circulation is requested. The parking analysis shall consist of an accurately prepared site plan for all properties involved at a scale of at least one inch to 100 feet that illustrates all existing, required and proposed parking and loading spaces, drive aisles, ingress, egress, circulation and landscaped islands, medians and peninsulas. In the instance of shopping centers and/or mixed use centers, the analysis shall contain a matrix identifying tenant usage, square footages per tenant space and the percentage of floor area dedicated to restaurants, entertainment or theaters.
 - (s) Walkways shall form an on-site circulation system that minimizes the conflict between pedestrians and traffic at all points of pedestrian access to on-site parking and building entrances. Walkways shall be provided when the pedestrian access point onto the site, or any parking space, is more than 75 feet from the building entrance or principal on-site destination and as follows:
 - (1) All developments which contain more than one building shall provide walkways between the principal entrances of the buildings;
 - (2) All non-residential buildings set back more than 100 feet from the public right-of-way shall provide for direct pedestrian access from the building to buildings on adjacent lots; and
 - (3) Walkways across parking areas shall be located as follows:
 - (a) Walkways running parallel to parking rows shall be provided for every six rows.
 - (b) Walkways running perpendicular to the parking rows shall be no further than twenty parking spaces.
 - (4) All permitted non-residential uses shall provide pedestrian and bicycle access within and onto the site. Access points onto the site shall be provided as follows:
 - (a) Approximately every 800 to 1,000 feet along existing and proposed perimeter sidewalks and walkways; and

- (b) At all arrival points to the site, including abutting street intersections and crosswalks. In addition, access points to and from adjacent lots shall be coordinated to provide circulation patterns between developments.

(Ord. No. 98-03, § 1(Exh. A, § 8(8.01)), 3-17-98; Ord. No. 99-32, § 1, 7-6-99; Ord. No. 00-43, § 1, 11-7-00; Ord. No. 02-13, § 1, 8-6-02; Ord. No. 07-10, § 2, 8-21-07; Ord. No. 07-12, § 1, 8-21-07; Ord. No. 11-13, § 1, 11-15-11)

Sec. 98-142. Off-street parking.

TABLE 3. SCHEDULE OF OFF-STREET PARKING REGULATIONS		
Use*	Unit	Minimum No. of Spaces
One and two-family dwellings	Dwelling	2
Multifamily dwellings and townhouses	Bedroom	1 per bedroom or 2 per unit, whichever is greater
Rooming and boardinghouses	Bedroom	1
Bed and breakfast establishment	Sleeping room	1:1
Fraternity or sorority house	Bedroom	5
Private club or lodge	Floor area	1:200 sq. ft.
Church or temple	Seats	1:4
Elementary school	Students	1:20
Middle school	Students	1:20
High school	Classrooms	22:1
Trade or vocational school	Classrooms	10:1
College or university	Classrooms	15:1
Country club or golf course	Members	1:5
Community center, library, museum, art gallery (less than 2,000 square ft.)	Minimum	10
(Greater than 2, 000 square ft.)	Square feet	1:300
Hospital (acute care)	Beds	1.5:1
Hospital (chronic care)	Beds	1:6
Theater or auditorium	Seats	1:4
Sports arena, stadium, gym	Floor area	1:100
Recreation establishment, indoor	Square feet	1:250
Recreation establishment or amusements, outdoor	Square feet of structural area	1:250
Miniature golf	Hole	2:1
Hotel	Sleeping room or suite	1:1

* If the hotel includes meeting, conference, ballroom and/or full-service restaurant, additional space is required	Square feet GFA per usage	1:200
Dance hall, assembly or exhibit hall	Square feet	1:100
Day care center	Square feet	1:250
Business or professional office	Square feet	1:250
Medical office facilities	Square feet	1:225
Studio, banks and other financial institutions	Square feet	1:250
Bowling alley	Lanes	5/lane
Restaurant, full service	Square feet	12:1,000
** Restaurant, limited service or fast food	Square feet	8:1,000**
Restaurant, quick serve	Square feet	4:1,000
Retail stores or personal service	Square feet	1:250
Shopping or mixed use center (30,000 sq. ft. or less)		
• 0 to 10 percent of the gross floor area dedicated to restaurants, entertainment or theaters	Square feet	4.2:1,000
• 10.1 to 20 percent of the gross floor area dedicated to restaurants, entertainment or theaters	Square feet	4.5:1,000
• 20.1 percent or more of the gross floor area dedicated to restaurants, entertainment or theaters	Square feet	5.1:1,000
Shopping or mixed use center (between 30,001 and 100,000 sq. ft.)		
• 0 to 10 percent of the gross floor area dedicated to restaurants, entertainment or theaters	Square feet	4.2:1,000
• 10.1 to 20 percent of the gross floor area dedicated to restaurants, entertainment or theaters	Square feet	4.3:1,000
• 20.1 percent or more of the gross floor area dedicated to restaurants, entertainment or theaters	Square feet	4.7:1,000
Shopping or mixed use center (100,001 sq. ft. or more)		
• 0 to 10 percent of the gross floor area dedicated to restaurants, entertainment or theaters	Square feet	4.2:1,000
• 10.1 to 20 percent of the gross floor area dedicated to restaurants, entertainment or theaters	Square feet	4.3:1,000
• 20.1 percent or more of the gross floor area dedicated to restaurants, entertainment or theaters	Square feet	4.5:1,000
Mortuary or funeral home	Seats	1:5
Appliance store, hardware, wholesale, machinery, or equipment sales or service shop	Square feet	1:250
Furniture store	Square feet	1:500
Printing or plumbing shop or similar services	Square feet	1:250
Manufacturing, industrial, research or testing	Square feet	1:1,000
Bar, dance hall, nightclubs, drink establishments, entertainment, private club, or lodge	Square feet	10:1,000
Automobile sales, new or used	Square feet	1:250
Automobile rental	Square feet	1:250
Automotive repair and service	Square feet	1:200**
Sports club, health spa, fitness club	Square feet	1:150
Service station	Square feet	1:250 min. of 10
Repair shop (indoor shop)	Square feet	1:500**

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Auto parts sales	Square feet	1:1,000**
Car wash, full service	Spaces	1:1***
Car wash, self service	Wash bay	1:1**
Retirement home with kitchen facilities	Dwelling units	.75:1
• Without kitchen facilities	Beds	1.6-plus 1 per employee on largest shift
Nursing center or hospice	Beds	.33:1****
Storage facilities (No truck rental allowed unless additional spaces are provided)	Employees	1:1
	Customers	6
Warehouse facilities — Under 25,000 square feet	Employees	1:1
	Square feet	1:2000 sq. ft.
Warehouse facilities — 25,001—50,000 square feet	Employee	1:1
	Square feet	1:3000 sq. ft.
Warehouse facilities — 50,001—100,000 square feet	Employees	1:1
	Square feet	1:4000 sq. ft.
Warehouse facilities over 100,000 square feet	Employees	1:1
	Square feet	1:5000 sq. ft.

* All uses listed are freestanding (stand alone) facilities, unless otherwise identified as a shopping or mixed use center.

** Minimum of five spaces.

*** Minimum of ten spaces.

**** Minimum of 20 spaces.

(Ord. No. 98-03, § 1(Exh. A, § 8(8.01)), 3-17-98; Ord. No. 98-38, § 1, 8-17-99; Ord. No. 00-44, § 1, 11-7-00; Ord. No. 06-05, § 1, 4-4-06; Ord. No. 07-10, § 2, 8-21-07; Ord. No. 10-03, § 1, 6-1-10; Ord. No. 13-10, § 1, 8-6-13; Ord. No. 15-06, § 1, 4-7-15)

Sec. 98-143. Off-street loading regulations.

Every building or part thereof erected or occupied for retail business, service, manufacturing, storage, warehousing, hotel, mortuary, or any other use similarly involving the receipt or distribution by vehicles of material or merchandise, shall provide and maintain on the same premises loading space in accordance with the following regulations:

- (1) In the commercial and industrial districts, one loading space for each 10,000 square feet or fraction thereof, of floor area in the building.
- (2) No more than five off-street loading spaces for any commercial or industrial use shall be required, except in the case of wholesale distribution and freight terminals which shall be required to provide loading spaces in accordance with the requirements of a special use permit.
- (3) Off-street facilities shall be provided and maintained for receiving and loading of merchandise, supplies, and materials within a building or on the premises, in accordance with table 4, schedule of minimum off-street loading standards.
- (4) Required off-street loading spaces may be adjacent to a public alley or private drive, or may consist of a berth within a structure.

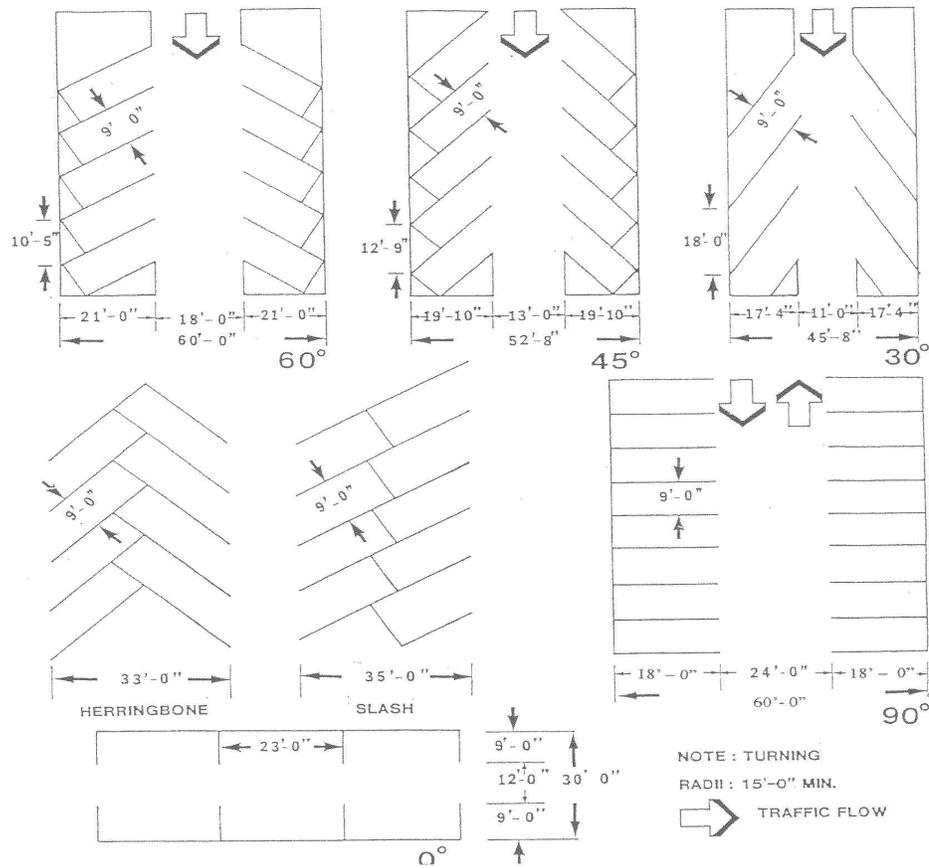
- (5) No portion of a loading space may extend into a public right-of-way or into an off-street parking area elsewhere herein required.
- (6) The off-street loading spaces or truck berths herein required shall have the following minimum dimensions:
- a. At least one-half shall be not less than ten feet by 40 feet.
 - b. The remainder shall be not less than ten feet by 20 feet.

TABLE 4. SCHEDULE OF MINIMUM OFF-STREET LOADING REQUIREMENTS		
Use	Gross Floor Area in Square Feet	Minimum No. of Loading Berths
Retail, commercial and industrial uses	Less than 25,000	1
	25,000 to 84,000	2
	84,001 to 156,000	3
	156,001 to 236,000	4
	236,001 to 325,000	5
	Each additional 100,000	1 additional
Hotels, office buildings, restaurants and similar uses	Less than 150,000	1
	150,001 to 300,000	2
	300,001 to 500,000	3
	500,001 to 1 million	4
	Each 500,000 additional	1 additional

(Ord. No. 98-03, § 1(Exh. A, § 8(8.02)), 3-17-98)

Sec. 98-144. Size of off-street parking space.

PARKING STANDARDS



Parking	Width of Stall	Minimum Depth of Stall	Driveway Width	Length of Curb Per Car
0	9'	23'-0"	12'	23'-0"
30 degree	9'	17'-4"	11'	18'-0"
45 degree	9'	19'-10"	13'	12'-9"
60 degree	9'	21'-0"	18'	10'-5"
90 degree	9'	18'-0"	24'	9'-0"

(Ord. No. 07-10, § 2, 8-21-07)

Secs. 98-145—98-160. Reserved.

ARTICLE IX. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. ADMINISTRATION

Sec. 98-161. Zoning official.

A zoning official shall be appointed in accordance with the personnel policy of the city and shall have the following duties and powers:

- (1) Receive and review all applications for zoning changes, special use permits, variances, and exceptions as provided for in this chapter.
- (2) Have custody and maintain all records, maps, and plans required by this chapter.
- (3) Appear on behalf of the city in all public hearings before the zoning board of adjustment and present facts and information to assist the board in reaching a decision.
- (4) To present the decision of the zoning board of adjustment along with recommendations pertaining to the decision to the city council, when the decision is believed to be in error. If the city council finds that the conditions and issues of the decision warrant an appeal, in accordance with state statutes, the zoning official shall represent the city in such appeals under the direction of the city council and city attorney.
- (5) Establish administrative procedures and maintain all records of the planning and zoning commission and the zoning board of adjustment.

(Ord. No. 98-03, § 1(Exh. A, § 10(10.01)), 3-17-98)

Sec. 98-162. City council.

The authority of the city council shall be that granted by state statutes and the Codes of Ordinances of the City of Webster. The city council shall have the powers and duties set forth in the City Charter.

(Ord. No. 98-03, § 1(Exh. A, § 10(10.02)), 3-17-98)

Secs. 98-163—98-170. Reserved.

DIVISION 2. PLANNING AND ZONING COMMISSION

Sec. 98-171. Purpose.

The planning and zoning commission is responsible for carrying out the duties delegated to it by V.T.C.A., Local Government Code ch. 211; the City Charter and such other duties as the city council, from time to time, may determine.

(Ord. No. 98-03, § 1(Exh. A, § 10(10.03.01)), 3-17-98)

Sec. 98-172. Powers and duties.

- (a) To formulate a comprehensive master plan for the development of the city, containing the commission's recommendations for growth, development, and beautification of the city; to review the same every three years and render recommendations thereon to the city council in the manner provided for in the City Charter of the city;

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- (b) To recommend approval or disapproval of plats of proposed subdivisions submitted in accordance with city ordinances;
 - (c) To perform those duties and responsibilities granted to it in administering this chapter; and
 - (d) Such other duties as may be delegated to it by the city council.

(Ord. No. 98-03, § 1(Exh. A, § 10(10.03.02)), 3-17-98)

Sec. 98-173. Membership and appointment.

The commission shall be composed of five regular members, each of whom shall, at the time of his appointment and at all times while serving as a member of such commission, be a qualified voter of the city. The members of the commission shall be appointed by the city council.

(Ord. No. 98-03, § 1(Exh. A, § 10(10.03.03)), 3-17-98)

Sec. 98-174. Terms of office.

Each person appointed to the commission shall serve a term of two years unless sooner removed by the city council. The terms of office of the commission shall be for two-year overlapping terms with three members to be appointed to serve terms ending on the 30th day of June in even numbered years (two regular members and one alternate member), and four members shall be appointed to fill two-year terms ending the 30th day of June in each odd numbered year (three regular members and one alternate member).

(Ord. No. 98-03, § 1(Exh. A, § 10(10.03.04)), 3-17-98)

Sec. 98-175. Vacancies.

Vacancies on the commission shall be filled by the city council. Unless sooner removed by the city council, a person appointed to fill a vacancy shall serve for the remainder of the time for which his predecessor on the commission was appointed. Newly appointed members shall be installed at the first regular meeting of the commission following their appointment.

(Ord. No. 98-03, § 1(Exh. A, § 10(10.03.05)), 3-17-98)

Sec. 98-176. Organization.

The commission shall hold its organizational meeting in July of each year. At such meeting the commission shall elect a chairman, vice chairman, and secretary from among its own members. The commission may elect a parliamentarian if it desires and any member, other than the chairman, may be so elected.

(Ord. No. 98-03, § 1(Exh. A, § 10(10.03.06)), 3-17-98)

Sec. 98-177. Rules of procedure.

The commission shall prepare and adopt rules of procedure setting out the requirements for applications for approvals and permits under this chapter; establishing the administrative regulations for the filing of applications; establishing the procedures for the conduct of its meetings; and establishing the requirements for the submission of testimony and evidence presented to it in carrying out the duties of its responsibilities. Such rules of procedure

shall be written and available to any member of the public upon request and shall be reviewed and approved by the city attorney prior to adoption.

(Ord. No. 98-03, § 1(Exh. A, § 10(10.03.07)), 3-17-98)

Sec. 98-178. Quorum.

A majority of the members of the commission shall constitute a quorum for the transaction of business.

(Ord. No. 98-03, § 1(Exh. A, § 10(10.03.08)), 3-17-98)

Sec. 98-179. Compensation.

The commission shall serve without compensation; however each member shall be entitled to reimbursement of actual expenses incurred in the discharge of official duties on the commission, subject to the rules and procedures of the city council.

(Ord. No. 98-03, § 1(Exh. A, § 10(10.03.09)), 3-17-98)

Sec. 98-180. Conflict of interest.

No member of the commission shall vote or participate in any proceeding before the commission that involves any matter or property in which the member has a personal or pecuniary interest or which the decision of the commission will have affect. In the event any such possible conflict should arise, the member affected shall make disclosure of such fact to the commission, which disclosure shall be duly noted in the minutes of the commission, and disqualify themselves from any further participation in the commission's consideration of such matter. Nothing herein, however, shall prohibit any member of the commission from registering opposition or filing a protest against any application for any action which will affect property or land in which the member holds an interest so long as the member shall disqualify themselves from any participation in the decision of the commission.

(Ord. No. 98-03, § 1(Exh. A, § 10(10.03.10)), 3-17-98)

Secs. 98-181—98-190. Reserved.

DIVISION 3. ZONING BOARD OF ADJUSTMENT

Sec. 98-191. Members.

The zoning board of adjustment shall consist of five members who are citizens of the city and who are not members of the city council or the planning and zoning commission, each to be appointed by the city council for a term of two years and removable for cause by the appointing authority. At the request of the appointed individual, a public hearing may be held to determine the merits of the written charges submitted. The city council shall appoint two alternate members of the board of adjustment who shall serve in the absence of one or more regular members.

(Ord. No. 98-03, § 1(Exh. A, § 10(10.04)), 3-17-98)

Sec. 98-192. Powers and duties.

The zoning board of adjustment shall have the following powers:

- (1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the zoning official in the enforcement of this chapter.
- (2) To authorize upon appeal in specific cases, such variances from the terms of this chapter as will not be contrary to the public interest, where owing to special physical conditions of the property, and not created by the owner or applicant for the personal convenience or desired use of the property, a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of the chapter shall be observed and substantial justice done.
- (3) To require the discontinuance of a nonconforming use under any plan whereby full value of the structure can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this chapter. In determining the value to be amortized the board may use the values established on the latest rendition of the property, appraisals, or other methods acceptable under law.

(Ord. No. 98-03, § 1(Exh. A, § 10(10.04.01)), 3-17-98; Ord. No. 02-14, § 1, 8-6-02)

Sec. 98-193. Vacancies.

Vacancies on the zoning board of adjustment shall be appointed in the same fashion as the planning and zoning commission.

(Ord. No. 98-03, § 1(Exh. A, § 10(10.04.02)), 3-17-98)

Sec. 98-194. Quorum.

The attendance of four members shall constitute a quorum for the transaction of business.

(Ord. No. 98-03, § 1(Exh. A, § 10(10.04.03)), 3-17-98)

Sec. 98-195. Vote necessary for decision of zoning board of adjustment.

The concurring vote of four members of the zoning board of adjustment shall be necessary to reverse any order, requirement, decision, or determination of the official from whom the appeal is taken, or to decide in favor of the applicant for a variance or any other matter upon which the board is empowered to act.

(Ord. No. 98-03, § 1(Exh. A, § 10(10.04.04)), 3-17-98)

Sec. 98-196. Rules and meetings.

The zoning board of adjustment shall adopt Rules of Procedure in accordance with the provisions of this chapter. Meetings of the zoning board of adjustment shall be held at the call of the chairman and at such other times as the board may determine. Such chairman, or in his absence the vice chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public and minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the city secretary and shall be open to the public.

(Ord. No. 98-03, § 1(Exh. A, § 10(10.04.05)), 3-17-98)

Sec. 98-197. Appeals.

Appeals to the zoning board of adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decision of the building official. Such appeal shall be taken within ten days, by filing with the building official from whom the appeal is taken and with the zoning board of adjustment a notice of appeal specifying the grounds thereof. The official from whom the appeal is taken shall forth with transmit to the zoning board of adjustment all papers constituting the record upon which the action appealed from was taken. The city attorney shall represent all officials and bodies of the city in all appeals before the zoning board of adjustment.

- (1) *Time for and notice of hearing of appeal.* The zoning board of adjustment shall fix a reasonable time for the hearing of appeals, give public notice thereof, as well as notice to the parties in interest, and decide the same within a reasonable time. Upon hearing, any party may appear in person or by agent or attorney.
- (2) *Action on appeal.* In exercising the powers set forth herein, the zoning board of adjustment may, in conformity with the provisions of this chapter, reverse or affirm, in whole or in part, or may modify the order, requirement decision or determination as ought to be made, and to that end shall have the powers of the official from whom the appeal is taken.
- (3) *Appeals from the zoning board of adjustment.* Any persons, jointly or severally, aggrieved by any decision of the zoning board of adjustment, may present to a court of competent jurisdiction a petition for a writ of certiorari as provided by V.T.C.A., Local Government Code § 211.011, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented within ten days of the date of the decision of the zoning board of adjustment.

(Ord. No. 98-03, § 1(Exh. A, § 10(10.04.06)), 3-17-98; Ord. No. 17-03, § 1, 4-4-17)

Sec. 98-198. Applications for variances.

In cases where the literal interpretation of the height, area, setback or yard requirements of the zoning ordinance would result in an unnecessary hardship, and where such hardship is not created by the action or desire of the owner, the zoning board of adjustment may grant such variance as they deem necessary to remove the hardship. Variances are only allowable to permit the modification of height, area, setback or yard requirements. In order to establish such hardship the applicant must show, and the board of adjustment must hand down written findings that:

- (1) There are special circumstances existing on the property on which the application is made related to size, shape, area, topography, surrounding conditions or location that do not apply generally to other property in the same zoning district and that such circumstances or conditions are such that the strict application of the height, area, setback or yard requirements in this chapter would deprive the applicant of the reasonable use of such land;
- (2) That granting of the variance on the property would not adversely affect any feature of the comprehensive plan of the city;
- (3) That, the variance, if granted, will be of no material detriment to the public welfare or cause injury to the use, enjoyment or value of property in the vicinity; and
- (4) That the variance to be granted is the minimum variance necessary to relieve the hardship.

(Ord. No. 98-03, § 1(Exh. A, § 10(10.04.07)), 3-17-98)

Secs. 98-199—98-210. Reserved.

DIVISION 4. AMENDMENTS

Sec. 98-211. Amendments to chapter.

The city council may on its own motion or on petition, amend, supplement, change, modify, or repeal the regulations, restrictions, and boundaries herein established. Applications for changes in zoning district classifications (rezoning) shall be accepted only upon the motion of the city council, the planning and zoning commission or from the owner of the property on which a change is being proposed.

In addition, a comprehensive review of the zoning ordinance text and maps shall be made by the planning and zoning commission at least once every three years, and a report and recommendation thereon shall be filed with the city manager, mayor and city council.

(Ord. No. 98-03, § 1(Exh. A, § 10(10.05)), 3-17-98)

Sec. 98-212. Public hearing before the planning and zoning commission.

Before taking any action on any proposed amendment, supplement, change, or modification, the city council shall submit the same to the planning and zoning commission which shall hold a public hearing thereon before making a report and recommendation to the city council.

(Ord. No. 98-03, § 1(Exh. A, § 10(10.05.01)), 3-17-98)

Sec. 98-213. Notification.

- (a) Written notice of all public hearings before the planning and zoning commission on proposed changes in classification shall be sent to the owners of real property lying within 200 feet of the property within the city on which the change is proposed, such notice to be given, not less than 15 days before the date set for hearing, to each owner, as indicated by the most recently approved municipal tax roll. Such notice may be served by depositing same, properly addressed, and postage paid, in the city branch of the United States Post Office. In addition, notice of public hearing stating the time and place of the hearing shall be published in a paper of general circulation at least 15 days before a hearing is conducted by the city council to consider a change in zoning classification.
- (b) In the event a public hearing shall be held by the planning and zoning commission in regard to a change of the zoning ordinance not involving particular property but involving a change in the ordinance generally, notice of such hearing shall be given not less than 15 days before the date set for hearing by publication once in a newspaper of general circulation in the city stating the time and place of such hearing.
- (c) On every parcel of land being rezoned, unless the rezoning is initiated by the city, the applicant shall post a sign that is clearly visible along each side of the property that abuts a public street, sidewalk, road, or highway.
 - (1) Notification signs shall be placed on each property that abuts a public street, sidewalk, road, or highway with at least one sign for each roadway frontage.

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- (2) The signs shall be erected within seven days after the filing of the rezoning application and remain until the application has been approved or denied by the city council.
 - (3) The signs shall be a minimum of five feet in height. The display area shall be a minimum of three feet high by four feet wide in size. The lettering shall be a minimum of three inch in height stating:
 - a. An application for a zoning change from _____ to _____ has been filed with the City of Webster for this property on ____/____/____.
 - b. For more information on this application you may contact the City of Webster Zoning Official at 281-332-1826.
 - (4) If the zoning official determines that the signs have not been erected pursuant to this section, a written notice shall be issued to the applicant identifying the deficiencies and no action shall be taken on the application until the signs have been erected as required.
- (d) Planned development districts, the applicant shall post a sign that is clearly visible along each side of the property that abuts a public street, sidewalk, road, or highway.
- (1) Notification signs shall be placed on each property that abuts a public street, sidewalk, road, or highway with at least one sign for each roadway frontage.
 - (2) The signs shall be erected within seven days after the filing of the planned development district application and remain until the application has been approved or denied by the city council.
 - (3) The signs shall be a minimum of five feet in height. The display area shall be a minimum of three feet high by four feet wide in size. The lettering shall be a minimum of three inches in height stating:
 - a. An application for a planned development district has been filed with the City of Webster for this property on ____/____/____.
 - b. For more information on this application you may contact the City of Webster Zoning Official at 281-332-1826.
- (e) Amendments to planned development districts, the applicant shall post a sign that is clearly visible from the main entrances of the planned development district that are on a public street, sidewalk, road, or highway.
- (1) The signs shall be erected within seven days after the filing of the planned development district application and remain until the application has been approved or denied by the city council.
 - (2) The signs shall be a minimum of five feet in height. The display area shall be a minimum of three feet high by four feet wide in size. The lettering shall be a minimum of three inches in height stating:
 - a. An application for an amendment to the Planned Development Guidelines of _____ has been filed with the City of Webster for this property on ____/____/____.
 - b. For more information on this application you may contact the City of Webster Zoning Official at 281-332-1826.

(Ord. No. 98-03, § 1(Exh. A, § 10(10.05.02)), 3-17-98; Ord. No. 99-16, § 1, 4-20-99; Ord. No. 17-03, § 1, 4-4-17)

Sec. 98-214. Approval over the recommendation of the planning and zoning commission.

Any application to change the zoning classification of real property which has been recommended for denial by the planning and zoning commission shall require the affirmative majority vote of the governing body to approve the requested change.

(Ord. No. 98-03, § 1(Exh. A, § 10(10.06)), 3-17-98)

Sec. 98-215. Reserved.

Ord. No. 17-03, § 1, adopted April 4, 2017, repealed former § 98-215, which pertained to protests, and derived from Ord. No. 98-03, § 1(Exh. A, § 10(10.07)), adopted March 17, 1998.

Secs. 98-216—98-220. Reserved.

DIVISION 5. ENFORCEMENT

Sec. 98-221. Penalty for violation and other remedies.

Any person, firm, or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor, and upon final conviction thereof shall be fined a sum not to exceed \$2,000.00 for each offense. Each day such violation continues to exist shall constitute a separate offense. But in case any person, firm, or corporation violates any of the provisions of this chapter or fails to comply therewith, the City of Webster, in addition to imposing the penalties above provided, may institute any appropriate action or proceedings in court to prevent, restrain, correct, or abate or to prevent any illegal act, conduct, business or use in or about any land; and the definition of any violation of the terms of this chapter as a misdemeanor shall not preclude the city from invoking the civil remedies given it by law in such cases, but same shall be cumulative of and in addition to the penalties prescribed for such violation.

(Ord. No. 98-03, § 1(Exh. A, § 10(10.08)), 3-17-98)

Sec. 98-222. Fees.

Fee: No application for rezoning of any land, building, or structure, or application for annexation, or a special use permit, or variance, or any other permit required by this chapter shall be processed or accepted for processing unless accompanied by the fee as established by the city council in its most recent fee ordinance. Such fee shall be paid by cash, check or money order drawn upon a recognized financial institution authorized to do business in the State of Texas.

(Ord. No. 98-03, § 1(Exh. A, § 10(10.09)), 3-17-98; Ord. No. 99-06, § 1, 2-16-99)