Village of Salado Texas

ZONING ORDINANCE

Amended
February 19, 2015

I. GENERAL PROVISIONS

Section 1.1: Enacting Clause

A. THIS ORDINANCE IS HEREBY ENACTED AND ADOPTED AS THE ZONING ORDINANCE FOR THE VILLAGE OF SALADO, TEXAS. TO READ AS FOLLOWS:

Section 1.2: Title and Purpose

A. **Title:** This article shall be known and may be cited as the Village of Salado's "Zoning Ordinance".

B. **Purpose:** As authorized by Chapter 211 of the Texas Local Government Code, the zoning regulations and districts as herein established have been made in accordance with an adopted comprehensive plan for the purpose of promoting the public health, safety, morals and general welfare, and protecting and preserving places and areas of historical, cultural and/or architectural importance and significance within the Village. They have been designed to lessen the congestion in the streets; to secure safety from fire, panic and other dangers; to ensure adequate light and air; to prevent the overcrowding of land and thus avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, wastewater treatment, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, for the character of each zoning district and its particular suitability for the uses specified; and with a view to conserving the value of buildings and attributes and to encouraging the most appropriate use of land throughout the Village.

Section 1.3: Zoning District Map

A. **Division Into Zoning Districts:** The Village is hereby divided into zones, or districts, and the boundaries of zoning districts set out herein are delineated upon the Zoning District Map of the Village, which may also be cited as the "Zoning Map", said map being adopted as a part of this Ordinance as fully as if the same were set forth herein in detail.

1. One original of the Zoning District Map shall be filed in the office of the Village Secretary and labeled as "Zoning Map of the Village of Salado, Texas - Ordinance No. 2008.11"z. This copy shall be the official Zoning District Map and shall bear the signature of the Mayor, attested by the Village Secretary, and shall bear the seal of the Village under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 1.3 of the Zoning Ordinance of the Village of Salado, Texas, adopted on the 3rd day of April, 2008". The original map shall not be changed in any manner. In case of any question, this copy, together with amending ordinances, shall be controlling.
2. A copy of the original Zoning District Map shall be placed in the office of the Mayor/Village Administrator or his/her designee. The map copy shall be used for reference and shall be maintained

up-to-date by posting thereon all subsequent amendments. Reproductions for informational purposes may only be made of the official Zoning District Map or this copy.

B. **Zoning Map Changes/Amendments:** Any changes/amendments made to the zoning district boundaries shall be made on the map copy promptly after the amendment has been approved by the Board of Aldermen, together with a descriptive entry on the map as follows: "On the 7th day of November, 2013, by official action of the Board of Aldermen of Salado, Texas, the following change(s) was made on the Village's official Zoning District Map: no changes to zoning map were made, Ordinance No. 2013.08, effective date November 7, 2013. The descriptive entry shall be signed by the Mayor and attested by the Village Secretary.

Section 1.4: Zoning District Boundaries

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

1. Boundaries indicated as approximately following the centerline of streets, highways or alleys shall be construed to follow such centerline.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following Village limits shall be construed as following Village limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the right-of-way lines.
5. Boundaries indicated as following the centerline of creeks, streams or drainage ways shall be construed to follow such centerline, and in the event of change in the centerline shall be construed to move with such centerline.
6. Boundaries indicated as parallel to or extensions of features indicated within Subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the Zoning District Map shall be determined by the scale of the Map.
7. Whenever any street, alley or other public way is vacated by official action of the Board of Aldermen or whenever such area is franchised for building purposes, the zoning district line adjoining each side of such street, alley or other public way shall be automatically extended to the centerline of such vacated street, alley or public way and all areas so involved shall then and henceforth be subject to all regulations of the extended districts.
8. The zoning classification applied to a tract of land adjacent to a street shall extend to the centerline of the street unless, as a condition of zoning approval, it is stated that the zoning classification shall not apply to the street.

Section 1.5: Compliance Required and Application of Regulations

A. **Compliance Hereafter:** All land, buildings, structures or appurtenances thereon located within the Village of Salado, Texas which are occupied, used, constructed, erected, removed, placed, demolished, or converted after the effective date of this ordinance shall be occupied, used, erected, altered, removed, placed, demolished or converted in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located, as hereinafter provided, or such shall be subject to penalties provided in Section VI of this Ordinance. All of the standards and regulations prescribed herein shall be considered as the minimum requirement unless explicitly stated otherwise. No building shall hereafter be erected or altered:

1. To have more narrow or smaller front, side or rear yards than those required by this Ordinance;
2. To exceed the maximum height allowed by this Ordinance;
3. To occupy a greater percentage of lot area than allowed by this Ordinance; or
4. To accommodate or house a greater number of families than is specified within this Ordinance for the zoning district in which such building is located.

B. **Use Conflicting With Other Regulations:** No use(s) shall be allowed that is prohibited by State or Federal law or that operates in excess of State or Federal environmental, pollution or performance standards as determined by the U.S. Environmental Protection Agency (EPA), Texas Air Control Board (TACB), Texas State Department of Health (TSDH), Texas Commission on Environmental Quality (TCEQ), Federal Aviation Administration (FAA), Federal Communications Commission (FCC), or any other applicable State or Federal agency, as the case may be.

C. **Setbacks, Yards, & Open Spaces:** No lot upon which a building has been erected shall later be so reduced in area that the setbacks, yards and/or open spaces shall be smaller than those required by this Ordinance, nor shall a part of a yard or other open space required by this Ordinance for any building or lot be included as a part of a yard or other open space similarly required for another building or lot.

D. **Applications in Relation to Zoning:** No preliminary or final plat applicable to land that is located within the Village limits shall be submitted for approval until the area contained within the plat has been zoned for the proposed use of the property.

E. **Existing Uses:** All existing uses that may be nonconforming after the effective date of this ordinance shall comply with Section 2.1 of this Ordinance.

F. **Characteristic of the Land:** Zoning is considered to be a characteristic of the land rather than a characteristic of the landowner. Zoning cannot be bought or sold.

Section 1.6: Zoning Upon Annexation

A. As soon as practical following annexation, but in no event more than one hundred and twenty (120) days thereafter, the Board of Aldermen shall, on its own motion or by property owners of the annexed area, initiate proceedings to establish zoning on the newly annexed territory, thereupon the Village shall commence public notification and other standard procedures for zoning amendments as set forth in Section 2.4 of this Ordinance. Said proceedings to establish zoning may be undertaken concurrently with annexation procedures. However zoning approval and formal adoption of the ordinance establishing zoning must occur after annexation approval and adoption has occurred and as a separate and distinct action by the Board of Aldermen.

1. The initial zoning of a land parcel after annexation, whether by initiation of the landowner or by initiation of the Village, must meet the requirements for notification and public hearings as set forth in Section 2.4 of this Ordinance and all other applicable State laws.
2. The owner of land to be annexed may submit an application for zoning the property simultaneously with submission of the petition for annexation, but no such annexation application may be made conditioned upon the approval of any particular zoning classification.

II. ZONING PROCEDURES & ADMINISTRATION

Section 2.1: Nonconforming Uses and Structures

A. **Intent of Provisions:**

1. Within the districts established by this Ordinance or amendments thereto, there may exist lots, structures, uses of land and structures, and characteristics of use which were lawfully in existence and operating before this Ordinance was enacted, amended or otherwise made applicable to such lots, structures or uses, but which do not now conform to the regulations of the district in which they are located. It is the intent of this Ordinance to permit such nonconforming uses to continue, as long as the conditions within this Section and other applicable sections of the Ordinance are met.
2. Nonconforming uses shall not be enlarged upon, expanded or extended, and shall not be used as a basis for adding other structures or uses prohibited elsewhere in the same district, except as otherwise provided herein.
3. Nonconforming uses are hereby declared to be incompatible with the permitted uses in the districts involved.
4. Other than in the case of a fire or natural disaster, the owner of a manufactured home may remove the manufactured home from its location and place another manufactured home on the same property only once, provided that the replacement is a newer manufactured home and the new manufactured home is at least as large in living space as the prior manufactured home.

B. **Nonconforming Status:**

1. Any use, platted lot or structure which does not conform with the regulations of this zoning ordinance on the effective date hereof or any amendment hereto, except as expressly provided in Subsection 3 below, shall be deemed a non-conforming use, lot or structure provided that:
    a. Such use, platted lot or structure was in lawful existence prior to this zoning ordinance; or
    b. Such use, platted lot or structure was in existence at the time of annexation to the Village, was a legal use of the land at such time, and has been in regular and continuous use since such time.
2. Any other use, platted lot, or structure which does not conform with the regulations of the zoning district in which it is located on the effective date of this ordinance or any amendment thereto, and except as provided in Subsection 3 below, shall be deemed to be in violation of this ordinance, and the Village shall be entitled to enforce fully the terms of this ordinance with respect to such use, platted lot, or structure.

C. **Continuing Lawful Use of Land and Structures:**

1. A nonconforming use or structure may continue to be used, operated or occupied in accordance with the terms of the regulations by which it was established, or in the case of annexed property, in accordance with the regulations under which it annexed.
2. A nonconforming structure occupied by a nonconforming use may be re-occupied by a conforming use, following abandonment of the nonconforming use.

D. **Abandonment of Nonconforming Uses:**

1. If a nonconforming use is abandoned, any future use of the premises shall be in conformity with the provisions of this Ordinance, as amended, prior to the time the use was abandoned.
2. A nonconforming use shall be deemed abandoned in the following circumstances:
3. The use ceases to operate for a continuous period of six (6) months;
4. Where the use occupies a structure, the structure remains vacant for a continuous period of six (6) months; or
5. In the case of a temporary use, the use is moved from the premises.

E. **Changing Nonconforming Uses:**

1. A nonconforming use shall not be changed to another nonconforming use.
2. A nonconforming use may be changed to a conforming use; provided that, once such change is made, the use shall not be changed back to a nonconforming use.
3. A conforming use located in a non-conforming structure may be changed to another conforming use.

F. **Expansion of Nonconforming Uses and Structures:**

1. A nonconforming use may be extended throughout the structure in which it is located, provided that:
    a. No alteration shall be made to the structure occupied by the nonconforming use, except those required by law to preserve the integrity of the structure; and
    b. The number of dwelling units occupying the structure shall not exceed the number of dwelling units existing at the time the use became nonconforming.
2. A non-conforming use occupying a structure shall not be extended to occupy land outside the structure.
3. A nonconforming use shall not be enlarged, increased or extended to occupy a greater area of land than was occupied at the time the use became nonconforming, except to provide additional off-street parking or loading areas required by the zoning ordinance.

G. **Restoration of Nonconforming Structure:**

1. If more than fifty percent (50%) of the total appraised value of a nonconforming structure, as determined from the records of the Bell County Appraisal District, has been destroyed, it may be rebuilt only in conformity with the standards of this ordinance.
2. If less than fifty percent (50%) of the total appraised value of a nonconforming structure is destroyed, it may be reconstructed to its original dimensions.
3. If a nonconforming structure that is totally or partially destroyed was occupied by a nonconforming use, the nonconforming use may be re-established subject to the limitations on expansion set forth in this Section.

H. **Right to Proceed Preserved:** Nothing contained in this Section 2.1 is intended to alter any rights that may have accrued to proceed under prior regulations, pursuant to Texas Local Government Code Section 43.002, or Sections 245.001 to 245.006.

Section 2.2: Planning & Zoning Commission

A. **General:**

1. The Planning and Zoning Commission (also referred to as the "Commission") shall function according to the following criteria that establish membership and operating procedures.

B. **Created; Membership; Officers; Rules & Bylaws:**

1. There is created, in accordance with Chapter 211 of the Texas Local Government Code, the "Planning and Zoning Commission", hereafter sometimes referred to as the "Commission", which shall consist of five (5) people residing within the Village of Salado or in the Village's ETJ. At least three (3) members of the Commission must reside within the Village of Salado. There shall be two (2) alternates made up of residents who reside within the Village limits.
2. Members shall be nominated by the Aldermen of the Village of Salado, and each person so nominated must be approved by a simple majority vote of the Board of Aldermen before being appointed as a member of the Commission.

3. All appointments to the Commission shall serve as a member of the Commission for a term of office of three (3) years, except as noted below. Members may be reappointed with no limitation on the number of terms one member may serve. Upon adoption of this ordinance, the Board of Aldermen shall appoint two (2) members to two (2) year terms, and three (3) members to three (3) year terms. After the initial terms expire, all members shall serve three (3) year terms.
4. Any vacancy(s) on the Commission shall be filled via appointment by a simple majority vote of the Board of Aldermen.
5. Members of the Planning and Zoning Commission may be removed from office at any time by a simple majority vote of the full Board of Aldermen either upon its own motion or upon recommendation of the Planning and Zoning Commission. Failure to attend three (3) consecutive scheduled meetings shall be deemed as neglect and cause for removal from office, unless such absences were due to unusual circumstances beyond the member's control such as sickness of the member or someone within the member's immediate family. A vote to remove a Commission member shall be placed on the appropriate agenda as a regular item, and shall be voted upon accordingly.
6. The members of the Commission shall regularly attend meetings and public hearings of the Commission, shall serve without compensation, and shall not hold any other office within, or serve as an employee of, the Village while serving on the Commission. The Commission shall meet a minimum of once per month at a time established by the Board of Aldermen. If there have been no applications filed for review by the Commission, the Village Secretary shall notify the Chairman and no meeting shall be required for that month.
7. The Chairperson and a Vice-Chairperson shall be appointed by the Commission membership, and each officer shall hold office for one (1) year or until replaced by a simple majority vote of the full ZBA or full Board of Aldermen. The Mayor/Village Administrator's designee shall serve as Secretary to the Commission, and shall keep minutes of all meetings held by the Commission as well as the full record of all recommendations made by the Commission to the Board of Aldermen.
8. The Commission shall have the power to make rules, regulations and bylaws for its own governance, which shall conform with those set forth by the Board of Aldermen, and such rules, regulations and bylaws shall be subject to approval by the Board of Aldermen. Such rules and bylaws shall include, among other items, provisions for the following:
    a. Regular and special meetings, open to the public;
    b. A record of its proceedings, to be open for inspection by the public;
    c. Reporting to the Board of Aldermen and the public, from time to time and annually; and
    d. Reviewing the Comprehensive Plan annually with a full update every five years.

Sections 2.2(A) and 2.2(B) added by Acts 2014, Board of Aldermen, Ord. 2014.09, Sec. 2.2, eff. December 11, 2014.

C. **Parliamentary Procedure; Quorum; Voting:**

1. The Commission will follow the parliamentary procedure adopted by the Board of Aldermen, and procedures shall not be in conflict with the laws applicable to the Commission on the following:

a. **Quorum -** A quorum shall consist of a majority of the membership of the Commission, and any issue to be voted upon shall be resolved by a majority of those members present.

b. **Voting -** All Commission members, including the Chairperson, shall be entitled to one vote each upon any question, a quorum being present. Voting procedures shall be in accordance with the parliamentary procedures adopted by the Board of Aldermen.

c. **Conflict of Interest -** If any member has a conflict of interest regarding any item on the Commission's agenda, that member shall remove himself or herself from the room and shall refrain from voting only on the item for which a conflict exists. Refer to Chapter 171 of the Texas Local Government Code and any applicable Village ethics policies or regulations.

D. **Meetings; Public Record:**

1. The Planning and Zoning Commission shall meet in the Municipal Building or in some other specified location as may be designated by the presiding Chair person, and at such intervals as may be necessary to orderly and properly transact the business of the Commission but not less than once each month.

2. Meetings shall be conducted in accordance with the Open Meetings Law (refer to Chapter 551 of the Texas Government Code).

E. **Establishing Extraterritorial Jurisdiction:**

1. Statutes of the State of Texas authorizing and empowering cities to regulate the platting and recording of subdivisions or additions within the Village's corporate limits and establishing extraterritorial jurisdiction are hereby adopted, and the Commission, acting through its duly authorized officials, shall have all the rights, powers, privileges and authority authorized and granted by and through said statutes pertaining to regulation of subdivisions in the Village limits and extraterritorial jurisdiction.

F. **Powers and Duties:**

1. The Commission shall have all the rights, powers, privileges and authority authorized and granted by the Board of Aldermen and through the Statutes of the State of Texas authorizing and granting cities the power of zoning and subdivision regulation as found in Chapter 211 and 212 of the Texas Local Government Code, as amended from time to time.

2. The Commission shall be an advisory body and adjunct to the Board of Aldermen, and shall make recommendations regarding amendments to the Comprehensive Plan, changes of zoning, zoning ordinance amendments, and zoning to be given to newly annexed areas, and shall make recommendations regarding the approval of plats of subdivisions as may be submitted to it for review and other planning related matters. The Commission shall conduct an annual review of the Village's Comprehensive Plan and shall be prepared to make recommendations to the Board of Aldermen as deemed necessary to keep the Village's Comprehensive Plan current with changing conditions and trends and with the planning needs of the Village. The Commission shall also serve in an advisory capacity on any planning related item(s) in the Village.

G. **Procedure on Zoning Hearings:**

1. The procedure and process for zoning changes or amendments shall be in accordance with Section 2.4 of the Zoning Ordinance of the Village of Salado.

H. **Joint Meetings with the Board of Aldermen:**

1. Whenever the Board of Aldermen and the Commission are required by the laws of the State of Texas to conduct public hearings in matters pertaining to planning, zoning or subdividing property, and at other times when it is in the best interest of the Village to do so, the Board of Aldermen and the Commission are hereby authorized, after published notice as required by law, to hold joint meetings and to conduct joint public hearings.

Section 2.3: Zoning Board of Adjustments

A. Creation

1. There is hereby created a Zoning Board of Adjustments, hereafter referred to as the "ZBA", for the purpose, in appropriate cases and subject to appropriate conditions and safeguards, to make special exceptions to the terms of this Ordinance that are consistent with the general purpose and intent of this Ordinance. The ZBA may be composed of the members of the Board of Aldermen of the Village of Salado as authorized by Chapter 211.008(g) of the Local Government Code.

B. Members; Terms of Office

1. The Zoning Board of Adjustments may consist of members of the Board of Aldermen, and shall operate in accordance with Sections 211.008 through 211.011 of the Texas Local Government Code, as amended. The Board of Aldermen may also choose by a simple majority vote to appoint Zoning Board of Adjustments members.

   The ZBA shall consist of the five (5) Village of Salado Board of Aldermen and the Mayor. Up to 4 alternate members may be appointed to serve in the absence of one or more of the regular board members on an Alternating basis such that all alternate members have equal opportunities to serve on the board. Alternate members shall be appointed by the Board of Aldermen by a simple majority vote. Alternate board of adjustment members shall count toward the establishment of a quorum, and have full voting rights during the meeting for which the alternate is designated.

2. Members of the ZBA shall serve as a member for a term of office of two (2) years, to run concurrently with the member's term of office as members of the Board of Aldermen. The Zoning Board of Adjustments shall elect a Chairperson and a Vice-Chairperson from among its membership, and each officer shall hold office until replaced by a simple majority vote of the full ZBA. The Mayor/Village Administrator's

designee shall serve as Secretary to the Zoning Board of Adjustments, and shall keep minutes of all meetings held by the ZBA.

3. The Zoning Board of Adjustments shall have the power to make the rules, regulations and bylaws for its own government.

Sections 2.3(A) and 2.3(B) added by Acts 2014, Board of Aldermen, Ord. 2014.09, Sec. 2.2, eff. December 11, 2014.

C. Meetings:

1. Meetings of the Zoning Board of Adjustments shall be held at the call of the Chairperson or Secretary and at such other times as the ZBA may determine. All meetings of the ZBA shall be open to the public. All cases to be heard by the Zoning Board of Adjustments shall always be heard by at least seventy-five percent (75%) of the members.
2. When meeting as the Zoning Board of Adjustments, the ZBA cannot function as the Board of Aldermen. Zoning Board of Adjustments hearings must be separate from Board of Aldermen hearings.

D. Training:

1. Prior to serving on the ZBA, prospective members must complete a course of training as prescribed by the Board of Aldermen.

E. Authority of Zoning Board of Adjustments:

1. The Board of Adjustments shall have the authority, granted in Sections 211.008 through 211.011 of the Texas Local Government Code and those established herein, to exercise powers and to perform duties including the following:
    a. Hear and decide an appeal that alleges error in an order, requirement, decision or determination made by an administrative official in the enforcement of this Ordinance;
    b. Authorize, in specific cases, a variance from the terms of this Ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the Ordinance would result in unnecessary hardship, and so that the spirit of this Ordinance is observed and substantial justice is done;
    c. In exercising its authority under Subsection 1 above, the Zoning Board of Adjustments may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision or determination from which an appeal is taken and make the correct order, requirement, decision or determination, and for that purpose the Board has the same authority as the administrative official;
    d. The concurring vote of at least seventy-five percent (75%) of the full Zoning Board of Adjustments is necessary to:
        (1) Reverse an order, requirement, decision or determination of an administrative official;
        (2) Decide in favor of an applicant on a matter on which the Board is required to review under this Zoning Ordinance;

(3) Authorize a variance from the terms of this Zoning Ordinance; or
(4) Hear and decide special exceptions to this Zoning Ordinance.

F. Limitations on Authority of Zoning Board of Adjustments:

1. The Zoning Board of Adjustments may not grant a variance authorizing a use other than those permitted in the district for which the variance is sought, except as provided in Section 2.3.F below.
2. The Zoning Board of Adjustments shall have no power to grant or modify Conditional Use Permits authorized under Section 3.17 of these regulations.
3. The Zoning Board of Adjustments shall have no power to grant a zoning amendment. In the event that a written request for a zoning amendment is pending before the Planning and Zoning Commission or the Board of Aldermen, the Zoning Board of Adjustments shall neither hear nor grant any variances with respect to the subject property until final disposition of the zoning amendment.
4. The Zoning Board of Adjustments shall not grant a variance for any parcel of property or portion thereof upon which a site plan, construction plat, or final plat, where required, is pending on the agenda of the Commission and, where applicable, by the Board of Aldermen. All administrative and procedural remedies available to the applicant shall have been exhausted prior to hearing by the Zoning Board of Adjustments.

G. Variances:

1. The Zoning Board of Adjustments may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the Board shall prescribe only conditions that it deems necessary for, or desirable to, the public interest. In making the findings herein below required, the Board shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work within the proposed use, and the probable effect such variance will have upon traffic conditions and upon the public health, safety, convenience and welfare of the community.

2. **Conditions Required for Variance:**

   a. No variance shall be granted without first having given public notice and having held a public hearing on the written variance request in accordance with this Ordinance and unless the Zoning Board of Adjustments finds:

      (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of the land; and
      (2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
      (3) That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area; and
      (4) That the granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this Ordinance.

   b. Such findings of the Zoning Board of Adjustments, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Zoning Board of Adjustments meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this Ordinance so that the public health, safety and welfare may be secured and that substantial justice may be done.

3. **Findings of Undue Hardship**:

   a. In order to grant a variance, the Zoning Board of Adjustments must make written findings that an undue hardship exists, using the following criteria:

      (1) That literal enforcement of the controls will create an unnecessary hardship or practical difficulty in the development of the affected property; and
      (2) That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district; and
      (3) That the relief sought will not injure the permitted use of adjacent conforming property; and
      (4) That the granting of a variance will be in harmony with the spirit and purpose of these regulations.

   b. A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely upon economic gain or loss, nor shall it permit any person the privilege of developing a parcel of land not permitted by this Ordinance to other parcels of land in the particular zoning district. No variance may be granted which results in undue hardship upon another parcel of land.

c. The applicant bears the burden of proof in establishing the facts that may justify a variance.

4. **Special Exceptions for Nonconforming Uses and Structures:** Upon written request of the property owner, the Zoning Board of Adjustments may grant special exceptions to the provisions of Section 2.3, limited to the following, and in accordance with the following standards:

   a. Expansion of a nonconforming use within an existing structure provided that, in the case of a nonconforming residential use, such expansion does not increase the number of dwelling units to more than the number existing when the use first became nonconforming; or

   b. Expansion of the gross floor area of a nonconforming structure provided that such expansion does not decrease any existing setback.

   c. Change from one nonconforming use to another, re-construction of a nonconforming structure that has been totally destroyed, or resumption of a nonconforming use previously abandoned, only upon finding that the failure to grant the special exception deprives the property owner of substantially all use or economic value of the land.

   d. In granting special exceptions under this Section 2.3, the ZBA may impose such conditions as are necessary to protect adjacent property owners and to ensure the public health, safety and general welfare, including but not limited to conditions specifying the period during which the nonconforming use may continue to operate or exist before being conformed to the standards of the zoning ordinance.

H. Appeals to the Zoning Board of Adjustments:

1. The appellant must file with the Zoning Board of Adjustments and the official from whom the appeal is taken a written notice of appeal specifying the grounds for the appeal. The appeal must be filed within sixty (60) days after the decision has been rendered. Upon receiving the notice, the official from whom the appeal is taken shall immediately transmit to the Zoning Board of Adjustments all papers constituting the record of action that is appealed. An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the Zoning Board of Adjustments facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the Zoning Board of Adjustments or a court of record on application, after notice to the official, if due cause is shown. The appellant party may appear at the appeal hearing in person or by agent or attorney. The Zoning Board of Adjustments shall decide the appeal within forty-five (45) days after the written request (notice of appeal) was received, after which time the written request shall be deemed automatically approved if no formal action is taken. The Zoning Board of Adjustments may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision or determination from which an appeal is taken, and may make the correct order, requirement, decision or determination.

2. A member or members of the Zoning Board of Adjustments may not bring an appeal on behalf of a property owner other than himself/herself to the Zoning Board of Adjustments. An appeal must be requested by the owner of the property being considered.

I. Procedures:

1. **Application and Fee:** An application for a variance by the Zoning Board of Adjustments shall be made in writing using forms prescribed by the Village, and shall be accompanied by an application fee, a site plan and such additional information as may be requested in writing in order to properly review the application. Such information may include, but is not limited to, plat plans, site building plans, photographs, topographic contour maps, and other similar documents. All drawings must be to scale.
2. **Review and Report by the Village:** The Mayor/Village Administrator or his/her designee, shall visit the site where the proposed variance will apply and the surrounding area, and shall report his or her findings to the Zoning Board of Adjustments.
3. **Notice and Public Hearings:** The Zoning Board of Adjustments shall hold a public hearing for consideration of the written variance request no later than forty-five (45) days after the date the application for action, or an appeal, is filed. Notice of the public hearing shall be provided to all property owners within two hundred feet (200') of the affected property at least ten (10) days prior to the public hearing, and also published in the official local newspaper at least ten (10) days prior to the public hearing.
4. **Action by the Zoning Board of Adjustments:** The Zoning Board of Adjustments shall not grant a variance unless it finds, based upon evidence, that each of the conditions in Section 2.3.F has been established. The Zoning Board of Adjustments may impose such conditions, limitations and safeguards as it deems appropriate upon the granting of any variance. Violation of any such condition, limitation or safeguard shall constitute a violation of this Ordinance.

J. Finality of Decisions; Judicial Review:

1. All decisions of the Zoning Board of Adjustments are final and binding. However, any person aggrieved by a decision of the Zoning Board of Adjustments may present a verified petition to a court of record which states that the decision of the Zoning Board of Adjustments is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition must be presented within ten (10) days after the date the decision is filed in the Village Secretary's office. Subject to the provisions of Chapter 211.011 of the Texas Local Government Code, only a court of record may reverse, affirm or modify a decision of the Zoning Board of Adjustments.

Section 2.4: Changes and Amendments to Zoning Ordinances and Districts, and Administrative Procedures

A. Declaration of Policy and Review Criteria:

1. The Village declares the enactment of these regulations governing the use and development of land, buildings, and structures as a measure necessary to the orderly development of the community. Therefore, no change shall be made in these regulations or in the boundaries of the zoning districts except:
    a. To correct any error in the regulations or map;
    b. To recognize changed or changing conditions or circumstances in a particular locality;

c. To recognize changes in technology, the style of living, or manner of conducting business;

d. To change the property to uses in accordance with the approved Comprehensive Plan; or

e. To make changes in order to implement policies within the Comprehensive Plan

2. In making a determination regarding a written requested zoning change, the Commission and the Board of Aldermen shall consider the following factors:

a. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the Village as a whole;

b. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area;

c. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the Village, and any special circumstances which may make a substantial part of such vacant land unavailable for development;

d. The recent rate at which land is being developed in the same zoning classification as the written request, particularly in the vicinity of the proposed change;

e. How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved; and

f. Any other factors which will substantially affect the public health, safety, morals, or general welfare.

B. **Authority to Amend Ordinance:**

1. The Board of Aldermen may from time to time, after receiving a final report thereon by the Commission and after public hearings required by law, amend, supplement, or change the regulations herein provided or the boundaries of the zoning districts specified on the Zoning District Map. Any Ordinance regulations or zoning district boundary amendment may be requested by the Board of Aldermen, the Commission, or, in writing by the owner of real property, or the authorized representative of an owner of real property. Upon such request, the item(s) shall be posted on the next Commission agenda after proper application and notification has been made.

2. Consideration for a change in any district boundary line or special zoning regulation may be initiated only by the property owner or his or her authorized agent or by the Commission or the Board of Aldermen on its own motion when it finds that public benefit will be derived from consideration of such matter. Proof of authorization by the property owner must be submitted with the zoning application. In the event the ownership stated on an application and that shown in Village records are different, the applicant shall submit proof of ownership or verification that he or she is acting as an authorized agent for the property owner.

C. Application:

1. Each application for zoning or for an amendment or change to the existing provisions of this Zoning Ordinance shall be made in writing on an application form available at the Village

in the office of the Village Secretary, filed with the Village, and shall be accompanied by payment of the appropriate fee. See Appendix C, Zoning Fee Schedule. The application shall also be accompanied by additional information materials, such as plans, maps, exhibits, legal description of property, architectural elevations, information about proposed uses, as deemed necessary by the Mayor/Village Administrator or his/her designee, in order to ensure that the written request is understood. A concept plan shall be submitted as prescribed in Section 2.6 of this Ordinance, along with any zoning request involving the formation of a Planned Development District.

Section 2.4(C)1 amended by Acts 2015, Board of Aldermen, Ord. 2015.04, eff. February 19, 2015.

2. All zoning change requests shall be accompanied by a notarized statement verifying land ownership and, if applicable, authorization of a land owner's agent to file the change request.

3. **Official Submission Date and Completeness of Application:**

    a. For the purpose of these regulations, the "official submission date" shall be the date upon which a complete application for a zoning change request, that contains all elements and information required by this Ordinance, is first submitted to the Mayor/Village Administrator or his/her designee. No application shall be deemed officially submitted until the Mayor/Village Administrator or his/her designee determines that the application is complete and a fee receipt is issued by the Village. Failure by the Mayor/Village Administrator or his/her designee to make a determination of incompleteness within fifteen (15) calendar days following the date on which the application was first received by the Village, shall result in the application being deemed complete, and the "official submission date" shall become the 16th calendar day following initial receipt of the application by the Village.

    b. Zoning change request applications which do not include all required information and materials will be considered incomplete, shall not be accepted for official submission by the Village, and shall not be scheduled on a Commission agenda until the proper information is provided to Village staff.

D. Public Hearing and Notice:

1. For zoning or rezoning requests involving real property, the Commission shall hold at least one public hearing on each zoning application. For proposed changes to zoning district boundaries including rezoning requests, notice of the Commission hearing shall be accomplished by publishing the purpose, time and place of the public hearing in the official newspaper of the Village before the 15th day before the date of the hearing date of the public hearing. Written notice of the public hearing to occur before the Planning and Zoning Commission shall also be sent to all owners of property, as indicated by the most recently approved Village tax roll, that is located within the area of application and within two hundred feet (200') of any property affected thereby, said written notice to be sent before the 10th day before the hearing date. Such notice may be served by using the last known address as listed on the most recently approved tax roll and depositing the notice, with first class postage paid, in the United States mail.

2. For requests involving proposed changes to the text of the Zoning Ordinance, notice of the Commission hearing shall be accomplished by publishing the purpose, time and place of the public hearing in the official newspaper of the Village not less than fifteen (15) days prior to the date of the

public hearing. Changes in the Ordinance text which do not change zoning district boundaries, do not establish zoning regulations for specific districts, or do not involve specific real property, do not require written notification to individual property owners.

3. The Village may, at its option, establish additional rules and procedures for public notification of proposed zoning changes or development proposals such as site plans, plats and developer agreements, which may include, but not be limited to, the posting of a sign(s) on any property that is proposed for a zoning change or development by the applicant or its agent(s). Adherence to such rules and procedures, if so established by the Village, shall be the responsibility of the applicant and shall be required as part of a zoning change or development application.
4. Parliamentary procedures shall be established by the Board of Aldermen.

E. Failure to Appear:

1. Failure of the applicant or representative to appear before the Commission or the Board of Aldermen for more than one hearing without an approved delay by the Mayor/Village Administrator or his/her designee, shall constitute sufficient grounds for the Planning and Zoning Commission or the Board of Aldermen to table or deny the application unless the Village is notified in writing by the applicant at least seventy-two (72) hours prior to the hearing.

F. Planning & Zoning Commission Consideration and Recommendation:

1. The Commission shall function in accordance with Section 2.2 of this Ordinance and with applicable provisions in the Village's Code of Ordinances.
2. The Commission shall hold a public hearing on a zoning or rezoning request, and/or a proposed text amendment to the Zoning Ordinance. After all public input has been received and the public hearing closed, the Commission shall make its recommendations on the proposed zoning request and concept plan, if submitted, stating its findings, its overall evaluation of the request, and its assessment regarding how the request relates to the Village's Comprehensive Plan. The Commission may, on its own motion or at the applicant's request, defer its decision recommendations until it has had an opportunity to consider other information or proposed modifications to the request which may have a direct bearing thereon. If the Commission elects to table the request, such tabling shall specifically state the time period of the tabling by citing the meeting date whereon the request will reappear on the Commission's agenda.
3. When the Commission is ready to act upon the zoning request, it may recommend approval of the request as it was submitted by the applicant, approval of the request subject to certain conditions as in the case of a Planned Development district or a Conditional Use Permit, or disapproval of the request. If the Commission's recommendation is to approve the request either as submitted or with additional conditions, then the request will be automatically forwarded to the Board of Aldermen for a second public hearing thereon.
4. If the Commission recommends denial of the zoning change request, it shall provide reasons to the applicant for the denial, if requested by the applicant. The Commission Chairperson shall inform the applicant of the right to receive reasons for the denial.

G. Board of Aldermen Consideration:

1. **Applications Forwarded from the Planning and Zoning Commission to the Board of Aldermen:** Every application or proposal which is recommended for approval or approval with conditions, by the Commission shall be automatically forwarded, along with the Commission's recommendation to the Board of Aldermen for setting and holding of public hearing thereon following appropriate public hearing notification as prescribed in Section 2.4.D. The Board of Aldermen may then approve the request, approve it with conditions, or disapprove it by a simple majority vote of the Board members present and voting.

    a. An application which is recommended by the Commission for denial shall not be forwarded to the Board of Aldermen unless the applicant files a written appeal with the Village Secretary within ten (10) days after the Commission's decision. Said appeal will, in that instance, be forwarded to the Board of Aldermen along with the Commission's reasons for denial of the request. The appeal shall be scheduled for the next possible Board of Aldermen agenda, following appropriate public notification as prescribed in Section 2.4.D. Ultimate approval of the request will require a three-fourths (3/4) majority vote of all members of the Board of Aldermen. No zoning change shall become effective until after the adoption of an ordinance for same.

2. **Board of Aldermen Action on Zoning, Rezoning and Text Amendment Requests:** After a public hearing is held before the Board of Aldermen regarding the zoning application, the Board of Aldermen may approve the request in whole or in part, deny the request in whole or in part, table the application to a future meeting, specifically citing the Board of Aldermen meeting to which it was tabled, or it may refer the application back to the Commission for further study.

    a. If the Board of Aldermen approves the request, then Section 2.4.G.4 will apply.

    b. If the Board of Aldermen denies the request, then no other zoning application may be filed for all or part of the subject tract of land, or for that portion of the Zoning Ordinance, for a waiting period of one (1) year following the denial, or in the case of a text amendment request submitted by a property owner or citizen, for a waiting period of three (3) months following the denial. In the instance that the request was initiated by the Board of Aldermen and involved a proposed amendment to the text of the Zoning Ordinance, then there is no waiting period before the request can be reconsidered.

    c. The Board of Aldermen may, at its option, waive the one-year waiting period if, after due consideration of the matter at a scheduled and posted meeting, it is determined that denial of the request was based upon erroneous or omitted information, or if substantial new information pertaining to the request is discovered.

3. **Protests:** For zoning requests involving real property, a favorable vote of three fourths (3/4) of all members of the Board of Aldermen shall be required to approve any change in zoning when written objections are received from twenty percent (20%) or more of the land area covered by the proposed change, or the land area within two hundred feet (200') of the subject property, in compliance with the provisions of Section 211.006 of the Texas Local Government Code. If a protest against such proposed amendment, supplement or change has been filed with the Village Secretary, duly signed and acknowledged by the owners of twenty percent (20%) or more, either of the area of the property owner included in such a proposed change or those immediately adjacent to the area thereof extending two hundred feet (200') there from, such amendments shall not become effective except by a three-fourths (3/4) vote of all members of the Board of Aldermen.

4. **Final Approval and Ordinance Adoption:** Upon approval of the zoning request by the Board of Aldermen, the applicant shall submit all related material with revisions, if necessary, to the

Mayor/Village Administrator or his/her designee for the preparation of the amending ordinance. The zoning request shall be deemed approved at the time the Board of Aldermen makes a decision to approve the request as submitted or with certain conditions. However, the amending ordinance will not be prepared or formally adopted until a correct description and all required exhibits have been submitted to the Mayor/Village Administrator or his/her designee.

Section 2.5: Certificates of Occupancy and Compliance

A. Certificates of Occupancy **shall be required for any of the following:**

1. Occupancy and use of a nonresidential building hereafter erected or structurally altered as described in Section 2.5.B below.
2. Change in use of an existing building to a use of a different classification
3. Change in the use of land to a use of a different classification
4. Occupancy and use of a rehabilitated or reconstructed residential structure that was previously damaged by at least forty percent (40%) of the structures appraised value by fire or natural disaster.

   No such use, or change of use, shall take place until a Certificate of Occupancy has been issued by the Village.

B. Procedure for New or Altered Buildings:

1. Written application for a Certificate of Occupancy for a new building or for an existing building which is to be altered shall be made at the same time as the application for the Building Permit for such building.
2. Said Certificate shall be issued after the building or structure has been inspected and no violations of the provisions of this Ordinance or other Village regulations have been found. Said Certificate shall be issued by after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this Ordinance.

C. Procedure for Vacant Land or a Change in Building Use:

1. Written application for a Certificate of Occupancy for the use of vacant land, a change in the use of land or a change in the use of a building, or for a change from a nonconforming use to a conforming use, shall be made to the Village.
2. If the proposed use is a conforming use, as herein provided, written application shall be made to the Village. If the proposed use is found to be in conformity with the provisions of this Ordinance, the Certificate of Occupancy shall be issued after the application for same has been made and all required inspections are completed and approved by the Village.

D. Contents: Every Certificate of Occupancy shall contain the following:

1. A building permit number;
2. The address of the building;
3. The name and address of the owner;
4. A description of that portion of the building for which the Certificate is issued;
5. A statement that the described portion of the building has been inspected for compliance with the requirements of the Village's Building Codes for the particular group and division of occupancy;
6. Use(s) allowed;

7. Maximum number of occupants;
8. The issue date of the Certificate of Occupancy, and
9. The zoning district in which the building is located.

E. Posting: The Certificate of Occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Village.

Section 2.6: Concept Plan and Site Plan Review Processes

A. **Purpose:** This Section establishes a site plan review process for all proposed non-residential and residential developments. The purpose of the review is to ensure efficient and safe land development, harmonious use of land, compliance with the Comprehensive Plan appropriate design standards, safe and efficient vehicular and pedestrian circulation, parking and loading, and adequate water supply, drainage and storm water management, sanitary facilities, coverage, and other utilities and services.

B. **Applicability:** Site plan review and approval shall be required for all non-residential and specified residential projects (refer to C below) and any Planned Development district or Conditional Use Permit public hearings may also be required, as set forth in Section 3.16 and Section 3.17.

1. No building permit shall be issued for any of the above developments until a site plan and all other required engineering or construction plans are first approved by the Village. No certificate of occupancy shall be issued until all construction and development conforms to the site plan and engineering/construction plans, as approved by the Village. The site plan review process shall include four (4) steps:
    a. Pre-Application Conference;
    b. Concept Plan Review;
    c. Site Plan Review;
    d. Planning and Zoning approval;
    e. Board of Aldermen approval

2. Site Plan Review; Planning and Zoning Approval, Board of Alderman Approval; Although the Concept Plan and Site Plan review steps are listed as separate steps in the approval process herein, these two steps can be combined. **Exemptions and Exceptions:** Site plan review shall not be required for single-family detached residential developments, unless the proposed subdivision will include a private amenity or facility comprised of one or more buildings, such as a private recreation or swimming facility or clubhouse or a golf course, or unless the proposed subdivision will have private (not public) streets. In these instances, site plan submission and approval, in accordance with this Section, will be required for the private amenity or facility, the golf course clubhouse/hospitality area, and the gated entrances.

C. **Concept Plan and Site Plan Submission Requirements:** The concept plan and site plan submission shall be comprised of the items set forth below. All required items and information must be received by the Mayor/Village Administrator or his/her designee in order for a concept plan or site plan

submission and zoning change request to be considered complete. Incomplete submissions will not be reviewed until all deficient items/information has been received:

1. An application form, in the format provided by the Village, with notarized signatures of the owner or his/her designated representative;
2. Filing fee;
3. Verification that all taxes and assessments on the subject property have been paid.
4. Copies of the concept plan or site plan, on 24" x 36" sheet, and drawn to a known engineering scale that is large enough to be clearly legible, and other required information, the quantity of which shall be determined by the Mayor/Village Administrator or his/her designee.
5. General layout for the required public improvements, including water, wastewater, grading and storm drainage, streets, water quality, alleys, fire lanes and hydrants, the quantity of which shall be determined by the Mayor/Village Administrator or his/her designee.
6. Reduced copies (11" x 17" or smaller) of the site plan as required by the Mayor/Village Administrator or his/her designee.
7. Landscaping and irrigation plans, the quantity of which shall be determined by the Mayor/Village Administrator or his/her designee.
8. Building facade (elevation) plans drawn to scale, the quantity of which shall be determined by the Mayor/Village Administrator or his/her designee.
9. Any additional information/materials, such as plans, maps, exhibits, legal description of property, information about proposed uses, as deemed necessary by the Mayor/Village Administrator or his/her designee, in order to ensure that the written request is understood.
10. If the application is for a single-family subdivision, a construction plat may qualify as a site plan, not withstanding other information contained herein that may still be deemed as required with the application.

D. **Official Submission Date and Completeness of Application:**

1. For the purpose of these regulations, the "official submission date" shall be the date upon which a complete application for approval of a concept plan or site plan, that contains all elements and information required by this Ordinance, is first submitted to the Mayor/Village Administrator or his/her designee. No application shall be deemed officially submitted until the Mayor/Village Administrator or his/her designee determines that the application is complete and a fee receipt is issued by the Village. Failure by the Mayor/Village Administrator or his/her designee to make a determination of incompleteness within fifteen (15) calendar days following the date on which the application was first received by the Village, shall result in the application being deemed complete, and the "official submission date" shall become the 15th calendar day following initial receipt of the application by the Village.
2. Concept plan and site plan applications which do not include all required information and materials will be considered incomplete, shall not be accepted for official submission by the Village, and shall not be scheduled on a Commission agenda until the proper information is provided to Village staff.

E. **Additional Information:** The Village's staff may require other information and data for specific concept plans and site plans. This data may include but is not limited to geologic information, water

yields, flood data and hydrological studies, environmental information, traffic impact analysis, road capacities, market information, historic structure(s) and/or land, economic data for the proposed development, hours of operation, elevations and perspective drawings, lighting, and similar information. Approval of a concept plan or site plan may establish conditions for construction based upon such information.

F. **Principles and Standards for Site Plan Review and Evaluation:** The following criteria have been set forth as a guide for evaluating the adequacy of proposed development within the Village of Salado, and to ensure that all developments are, to the best extent possible, constructed according to the Village's codes and ordinances.

1. The Mayor/Village Administrator or his/her designee shall review the concept plan or site plan for compliance with all applicable Village ordinances and with the Comprehensive Plan; for harmony with surrounding uses and with long-range plans for the future development of Salado; for the promotion of the health, safety, order, efficiency, and economy of the Village; and for the maintenance of property values and the general welfare.
2. Concept plan or site plan review and evaluation by the Mayor/Village Administrator or his/her designee shall be performed with respect to the following:
    a. The plan's compliance with all provisions of the Zoning Ordinance and other ordinances of the Village of Salado.
    b. The impact of the development relating to the preservation of existing natural resources on the site and the impact on the natural resources of the surrounding properties and neighborhood.
    c. The relationship of the development to adjacent uses in terms of harmonious design, facade treatment, setbacks, building materials, maintenance of property values, and any possible negative impacts.
    d. The provision of a safe and efficient vehicular and pedestrian circulation system.
    e. The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.
    f. The sufficient width and suitable grade and location of streets designed to accommodate prospective traffic and to provide access for fire fighting and emergency equipment to buildings.
    g. The coordination of streets so as to arrange a convenient system consistent with the Transportation Plan of the Village of Salado.
    h. The use of landscaping and screening to provide adequate buffers to shield lights, noise, movement, or activities from adjacent properties when necessary, and to complement and integrate the design and location of buildings into the overall site design.
    i. Exterior lighting to ensure safe movement and for security purposes, which shall be arranged so as to minimize glare and reflection upon adjacent properties.
    j. The location, size, accessibility, and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
    k. Protection and conservation of soils from erosion by wind or water or from excavation or grading.
    l. Protection and conservation of watercourses and areas subject to flooding.

m. The adequacy of water, drainage, sewerage facilities, solid waste disposal, and other utilities necessary for essential services to residents and occupants.

n. Consistency with the Comprehensive Plan.

G. **Approval Process:**

1. **Pre-application Conference:** The applicant(s) shall consult with the Mayor/Village Administrator, the Village Engineer, and/or other designated administrative officers before preparing a concept plan or a site plan in order to save time, money and to avoid potential unnecessary delays.

   a. Prior to formal application for approval of any concept plan or site plan, the applicant(s) shall request and attend a pre-application conference with the Mayor/Village Administrator or his/her designee, the Village Engineer, and any other pertinent Village official(s) in order to become familiar with the Village's development regulations and the development process. At the pre-application conference, the developer may be represented by its land planner, engineer and surveyor.

2. **Village Staff Review:** Upon official submission of a complete application for concept plan or site plan approval, the Village shall commence technical review of the development proposal by forwarding a copy of the application to development review team members, such as the Mayor/Village Administrator or his/her designee, Village Engineer, and any other pertinent Village official(s). Development review team members shall review the application and shall ascertain its compliance with these and other applicable Village regulations. Following Village staff review of the plan and supporting documents, and following discussions with the applicant on any revisions deemed advisable and the kind and extent of improvements to be installed, the applicant shall resubmit additional copies of the corrected plan to the Mayor/Village Administrator or his/her designee within sixty (60) calendar days following the date on which the applicant received official notification of the completion of the review by the Mayor/Village Administrator or his/her designee.

   a. **Approval By the Village Administrator or Designee:** Any concept plan or site plan that includes property that is within the Historic District may not be approved or denied by the Mayor/Village Administrator or his/her designee; such a concept plan or site plan shall be reviewed by the Mayor/Village Administrator and shall then be reviewed by the Planning & Zoning Commission and the Board of Aldermen through the review process outlined herein.

   b. **Denial By the Village Administrator or Designee:** If the Mayor/Village Administrator or his/her designee denies the concept plan or site plan, the concept plan or site plan shall then be reviewed by the Planning & Zoning Commission and the Board of Aldermen through the review process outlined herein.

      The concept plan or site plan that was denied shall be submitted to the Mayor/Village Administrator or his/her designee no later than seven (7) calendar days prior to the Commission meeting. Copies of the plan resubmitted to the Village less than seven days prior to the meeting date shall not be accepted or forwarded to the Commission. If the Mayor/Village Administrator or his/her designee determines that the application is still incomplete or not correct, the plan application shall be subject to denial.

3. **Action By the Planning & Zoning Commission and the Board of Aldermen:** All concept plan or site plan applications that were denied by the Mayor/Village Administrator or his/her designee or that includes property that is within the Historic District shall be submitted to and reviewed by the

Planning & Zoning Commission, and if in conformance with the provisions of this Ordinance and all other applicable regulations and codes of the Village, they shall then be considered for approval by the Board of Aldermen. It should be noted also that additional action with regard to permitting procedures applies within the Historic District; these procedures are outlined in Section 3.15.M.

a. The Mayor/Village Administrator or his/her designee shall schedule consideration of the concept plan or site plan on the regular agenda of the Commission within thirty (30) days after the submission is received, or, in the case of an incomplete submission, after the submission is deemed complete. The Commission shall review the concept plan or site plan and shall recommend approval, approval subject to certain conditions, or disapproval of the concept plan or site plan. If the Commission recommends approval, with or without conditions, of the plan, then it will be forwarded to the Board of Aldermen for consideration. If the Commission recommends disapproval of a plan application, the Commission shall state such disapproval and the reasons thereof. The applicant or property owner may appeal such decision to Board of Aldermen by filing a Notice of Appeal in the office of the Mayor/Village Administrator or his/her designee no later than ten (10) calendar days after the date upon which the Commission denied the application. The Notice of Appeal shall set forth in clear and concise fashion the basis for the appeal. The Board of Aldermen shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date upon which the Notice of Appeal was filed. The Board of Aldermen may change the decision of the Commission by vote of the majority of the Aldermen present. The Board of Aldermen may also, where appropriate, remand the concept plan or site plan application back to the Commission for reconsideration if it believes that there is a compelling reason to do so, such as the introduction of significant new facts or testimony. **The Board of Aldermen shall determine final approval or disapproval of all concept plan or site plan appeals.**

4. **Revisions to the Concept Plan or Site Plan:** Revisions to an approved concept plan or plan shall be processed in accordance with Subsection 1, 2, and 3 above.

H. **Lapse of Concept Plan or Site Plan Approval:** The approval of a concept plan or site plan shall be effective for a period of 365 calendar days beyond the date that the plan was approved by the Board of Aldermen, except as provided in Section K below. By 12:01 a.m. on the 365th day following Board approval of the plan, the applicant must have completed a Village-required "progress benchmark" as set forth below. If this is not accomplished, then the approved concept plan or site plan shall be deemed to have expired and shall become null and void. The series of "progress benchmarks" for a project, pursuant to the provisions of this paragraph, are as follows:

APPROVED PLAN	≡	NEXT "PROGRESS BENCHMARK"
Concept Plan	≡	**Final Site Plan** (per Zoning Ordinance), and **Construction Plat** (per Subdivision Ordinance), and continued engineering review of the engineering plans
Site Plan	≡	Application for a **Building Permi**t for at least one of the buildings on the approved site plan.

I. **Extension and Reinstatement Procedure:**

1. **Extension of Plan Approval:** Prior to the lapse of approval for a concept plan or site plan, the applicant may petition the Village, in writing, to extend the plan approval. Such petition shall be considered at a public meeting before the Commission and the Board of Aldermen, and an extension may be granted by Board of Aldermen at such meeting. Two (2) extensions of six (6) months each in length may be granted, unless otherwise specified by ordinance. If no petition for extension of concept plan or site plan approval is submitted, then the plan shall be deemed to have expired and shall become null and void.

2. **Determination of Extension:** In determining whether to grant a request for extension, the Board of Aldermen shall take into account the reasons for the lapse, the ability of the property owner to comply with any conditions attached to the original approval, and the extent to which development regulations would apply to the concept plan or site plan at that point in time. The Commission and Board of Aldermen shall either extend the concept plan or site plan or deny the request, in which instance the originally approved plan shall be deemed null and void. However, the two (2) aforementioned extensions shall not be unreasonably withheld without due cause. The property owner must thereafter submit a new concept plan or site plan application for approval, and shall conform to the zoning regulations then in effect.

J. **Concept Plan Requirements and Review:**

1. **Applicability:** Submission and approval of a concept plan is required for development within nonresidential districts, for Planned Developments, and for Conditional Use zoning requests. The concept plan is the first step in the approval process for a development project, whether residential or non-residential, if the applicant prefers to do so. Village review and approval of a concept plan has many benefits for both the Village and the applicant. The applicant benefits in that he or she gains preliminary review and scrutiny, as well as input and suggestions, on the overall conceptual layout of the proposed development from the Village's development review team. Approval of a concept plan may offer the applicant some level of confidence that subsequent plan submissions will be favorably received and approved with few major changes to the project's design and layout provided that the project complies with Village regulations. For example, once the site plan, construction plat and corresponding engineering plans are submitted for a non-residential project, unforeseen changes in site layout can prove to be expensive in terms of design and engineering costs and time lost during major plan revisions. The Village benefits in that it is allowed to become familiar with and involved in the project early in the development process, which is particularly important for large-scale developments and subdivisions. This allows the Village to plan for and closely coordinate the provision of public facilities and services, thereby potentially avoiding future problems such as undersized utility lines, inadequate roadway capacities, unanticipated shortfalls in public services, and fiscal inefficiencies resulting from lack of planning and coordination.

2. **Purpose:** The purpose of a concept plan is to allow opportunity for the Village to preview various development related aspects of the project, including proposed major thoroughfare and collector street patterns; land use patterns and trends; historic structure(s) and/or land; environmental issues and constraints; building orientation and massing; conformance to the Comprehensive Plan, Zoning Ordinance, *Future Land Use Plan*, *Transportation Plan* and other applicable plans and guidelines; and the property's relationship to adjoining subdivisions or properties. Review of a concept plan would also assist the Village in evaluating the possible impacts of the proposed development in terms of provision of essential public facilities and services, respecting and preserving important natural

features and the environment, provision of open space and recreational opportunities, and protecting the general health, safety and welfare of the community.

3. **Extent of Area That Should Be Included In A Concept Plan:** When the overall development project is to be developed in phases, the concept plan area shall include the entire zoned property from which the phases are being developed and an approximate development schedule. Where significant natural or man-made features, such as thoroughfares or creeks, make inclusion of the entire property in the concept plan unnecessary to adequately review the items to be shown on a concept plan, the plan may include a smaller study area. Boundaries such as major thoroughfares, whether existing or proposed, creeks, political subdivisions, or other such natural or man-made features may be used to delineate the smaller study area.

4. **Procedures and Submission Requirements For Concept Plan Approval:** Submission of an application for concept plan approval shall be preceded by a pre-application conference with the Village. The concept plan shall be prepared at a scale no smaller than one inch equals two hundred feet (1" = 200') and on sheets twenty-four inches by thirty-six inches (24" x 36"), and it shall show the following:

    a. A title block within the lower right hand corner of the concept plan with the proposed name of the project or subdivision, the name and address of the owner and the land planner, engineer architect or surveyor responsible for the design or survey, the scale of the drawing, both written and graphic scale, the date the drawing was prepared, total site acreage, and the location of the property according to the abstract and survey records of Bell County, Texas;

    b. A vicinity or location map that shows the location of the proposed development within the Village or its extraterritorial jurisdiction and in relationship to existing roadways;

    c. The boundary survey limits of the tract and scale distances with north clearly indicated;

    d. The names of adjacent additions or subdivisions, or the name of the owners of record and recording information for adjacent parcels of unplatted land, including parcels on the other sides of roads and creeks. The concept plan shall include a depiction of all contiguous holdings of the property owners, the existing and proposed uses of the subject property, a general arrangement of future land uses, including the approximate number of lots and any residential uses anticipated, and a generalized circulation plan for the subject property;

    e. The existing zoning and existing and proposed uses on adjacent land; the location, width and names of all existing or platted streets or other public ways within or adjacent to the tract; any existing easements with recording information; existing buildings; railroad rights-of-way; topography, including contours at two-foot intervals with existing drainage channels or creeks, including the 100-year flood plain, if applicable; any other important natural features (such as rock outcroppings, wildlife habitats, etc.); all substantial natural vegetation; and adjacent political subdivisions, corporate limits, and/or school district boundaries;

    f. Proposed strategies for tree preservation showing individual trees or tree masses that will be preserved, and the techniques that will be used to protect them during construction;

    g. The layout and width, including right-of-way lines and curb lines, of existing and proposed thoroughfares, collector streets and/or intersections, and a general configuration of proposed streets, lots and blocks, including proposed median openings and left turn lanes on future divided roadways. Existing and planned driveways on the

opposite side of divided roadways must also be shown for coordination and sharing of future median openings;

h. A general arrangement of land uses and buildings, including but not limited to proposed non-residential and residential densities; building heights, square footages, massing, orientation, loading and service areas, recycling containers, compactors and dumpster enclosures, pedestrian walkways, and parking areas; any proposed sites for parks, schools, public facilities, public or private open space; flood plains and drainage ways; and other pertinent development related features; and

i. The phasing of development.

5. **Effect of Review:** The concept plan shall be used only as an aid to show the anticipated layout of the proposed development, and to assess the adequacy of public facilities or services that will be needed to serve the proposed development. Any proposed use or development depicted on the concept plan shall not be deemed formal authorization or approval by the Village until a final site plan is approved for the development. The concept plan approval is to be thought of as a general acknowledgment by the Village that the proposed layout generally conforms to the Village's zoning regulations, and that the proposed development can be adequately served by required public facilities or services. If the applicant chooses to construct only the initial phase or phases of a multi-phase project designated in the concept plan, a new concept plan may be required for site plan approval of subsequent phases, if the proposed development layout, character, or other conditions affecting the development substantially change from one phase to the next.

6. **Validity:** The approved concept plan shall be valid for a period of one (1) year from the date of concept plan approval.

K. **Site Plan Requirements and Review:**

1. **Applicability and Purpose:** Submission and Village approval of a site plan is required as stated in Section 2.6.B. The purpose of final site plan approval is to ensure that a development project is in compliance with all applicable Village ordinances and guidelines prior to commencement of construction. Approval of the site plan, construction plat, landscape plan, building facade plan, and engineering plans are required prior to site construction.

2. **Extent of Area That Should Be Included In A Site Plan:** When the overall development project is to be developed in phases, the site plan area shall include only the portion of the overall property that is to be developed or constructed.

3. **Procedures and Submission Requirements For Site Plan Approval:** Submission of an application for site plan approval shall be preceded by a pre-application conference with the Village. The site plan shall be prepared at a scale no smaller than one inch equals one hundred feet (1" = 100') and on sheets twenty-four inches by thirty-six inches (24" x 36"), and it shall clearly show in detail how the site will be constructed such as paving, buildings, landscaped areas, utilities. The site plan shall include, but not be limited to the following:

a. A title block within the lower right hand corner of the concept plan with the proposed name of the project or subdivision, the name and address of the owner and the land planner, engineer architect or surveyor responsible for the plan, the scale of the drawing, both written and graphic scale, the date the drawing was prepared, total site acreage, and the location of the property according to the abstract and survey records of Bell County, Texas;

b. A vicinity or location map that shows the location of the proposed development within the Village or its extraterritorial jurisdiction and in relationship to existing roadways;

c. The boundary survey limits of the tract and each proposed lot, and scale distances with north clearly indicated;

d. The names of adjacent additions or subdivisions, or the name of the owners of record and recording information for adjacent parcels of unplatted land, including parcels on the other sides of roads and creeks;

e. The existing zoning and existing and proposed uses on adjacent land; the location, width and names of all existing or platted streets or other public ways within or adjacent to the tract; any existing easements, with recording information; existing buildings; railroad rights-of-way; topography with contours at two-foot intervals with existing drainage channels or creeks, including the 100-year flood plain, if applicable; any other important natural features such as rock outcroppings, caves and wildlife habitats; and all substantial natural vegetation;

f. Proposed strategies for tree preservation, showing individual trees or tree masses that will be preserved, and the techniques that will be used to protect them during construction;

g. The layout and width, including right-of-way lines and curb lines, of existing and proposed thoroughfares, collector streets and intersections, and specific configuration of proposed streets, lots and blocks, proposed driveways, show driveway widths and distances between driveways, and proposed median openings and left turn lanes on future divided roadways. Existing and planned driveways on the opposite side of divided roadways must also be shown for coordination and sharing of future median openings;

h. Specific locations and footprints of buildings, including but not limited to proposed non-residential and residential densities; building heights, square footages which for multi-tenant or multi-purpose buildings must show square footage for each intended use, massing, orientation, loading and service areas, including proposed screening, recycling containers, compactors and dumpster enclosures, including proposed screening, pedestrian walkways, and parking areas including parking ratio calculations; any proposed sites for parks, schools, public facilities, public or private open space; flood plains and drainageways; all proposed and existing utilities and easements; drainage structures; retention/detention ponds with proposed aesthetic treatments; screening walls; fences; signage; fire lanes and fire hydrants; lighting; visibility easements; and other pertinent development related features; and

i. A landscape plan showing turf areas, tree types and sizes, screening walls, ornamental plantings, planting schedule, including species, planted height, spacing, container and caliper size, numbers of each plant material, any existing wooded areas, trees to be planted, and irrigation plans, if required.

j. Building facade (elevation) plans showing elevations with any wall-mounted signage to be used, as determined appropriate by the Mayor/Village Administrator or his/her designee.

4. **Conformance:** Provision of the above items shall conform to the principles and standards of this Ordinance and the Comprehensive Plan. To ensure the submission of adequate information, the Village is hereby empowered to maintain and distribute a separate list of specific requirements for site plan review applications. Upon periodic review, the Mayor/Village Administrator or his/her

designee shall have the authority to update such requirements for site plan and development review applications. It is the applicant's responsibility to be familiar with, and to comply with, these requirements.

5. **Effect of Review:** The site plan shall be considered authorization to proceed with construction of the site provided all other required Village approvals are obtained, such as construction plat, engineering plans, landscape plan, building facade plans, building permits.

6. **Validity:** The approved concept plan shall be valid for a period of one (1) year from the date of approval.

III: ZONING DISTRICTS

Section 3.1: Zoning Districts Established

A. The Village of Salado, Texas, is hereby divided into the following zoning districts. The use, height, area regulations, and other standards, as set out herein apply to each district. The districts established herein shall be known as follows:

ABBREVIATED DESIGNATION	ZONING DISTRICT NAME
A	Agriculture
SF-21	Single-Family Estate Residential
SF-7	Single-Family Residential
SF-PH	Single-Family Residential-Patio Home
SFA	Single-Family Attached Residential
MF-1	Multi-Family Residential-1
O	Office
LR	Local Retail
RR	Regional Retail
MU	Mixed Use
BP	Business Park
C	Commercial
HD	Historic District
PD	Planned Development
CUP	Conditional Use Permit
WS	IH-35 West Side Overlay District

B. A summary of the area regulations for the following zoning districts is included within the Appendix B.

C. Certain terms and definitions used within this Ordinance can be found in Section 5.8. Definitions specifically applicable to particular sections are contained within Section 3.15 (Historic District), Section 5.2 (Landscaping Requirements), and Section 5.4 (Exterior Construction & Design Requirements).

Section 3.2: A, Agriculture District

A. **General Purpose and Description:** The A, Agriculture District is designed to permit the use of land for the ranching, propagation and cultivation of crops and similar uses of vacant land. Single-family uses on large lots are also appropriate for this district. Territory that has been newly annexed into the Village is initially zoned Agriculture unless it is assigned another zoning district. It is anticipated that Agriculture zoned land will eventually be rezoned to another more permanent, urban zoning classification in the future.

B. **Permitted Uses:** Those uses listed for the A - Agricultural District in Section 4.1. (Use Charts) as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 3.17.

1. **Other:** Refer to Section V, *Development Standards & Use Regulations* for other regulations.

C. **Area Regulations:**

1. **Size of Lots:**
   a. **Minimum Lot Area** - One (1) acre (43,560 square feet)
   b. **Minimum Lot Width** - One hundred and fifty feet (150')
   c. **Minimum Lot Depth** - Two hundred fifty feet (250'); not to exceed 25% of the lot width.
2. **Size of Yards:**
   a. **Minimum Front Yard** - Fifty feet (50')
   b. **Minimum Side Yard** - Ten percent (10%) of the lot width, not to exceed thirty feet (30'); twenty-five feet (25') from a street right-of-way for a corner lot.
   c. **Minimum Rear Yard** - Fifty feet (50') for the main building and any accessory building(s); ten feet (10') from a main building to an accessory building.
3. **Maximum Lot Coverage**: Twenty percent (20%) by main buildings; thirty percent (30%) including accessory buildings, driveways and parking areas.
4. **Minimum Floor Area per Dwelling Unit: Eight hundred (800) square feet.**

D. **Special Requirements:**

1. **On-Site Dwellings:** Recreational vehicles, manufactured homes, travel trailers or motor homes may not be used for permanent on-site purposes.
2. **Open Storage:** Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, etc.).
3. **Side-Entry Garages:** Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering.

4. **Swimming Pools:** Swimming pools shall be constructed and enclosed in accordance with the Village Building Code.
5. **Non-Residential Uses:** Site plan approval (see Section 2.6) shall be required for any non-residential use (such as a school, church, childcare center, private recreation facility, etc.) in the Agriculture District. Any non-residential land use that may be permitted in this district shall conform to the Retail District standards.
6. **Temporary Facilities:** There shall be no permanent use of temporary facilities or buildings. A use shall be deemed permanent after the use has been in existence for a period of at least six (6) months.
7. **Other Regulations:** Refer to Section V, *Development Standards & Use Regulations*.

Section 3.3: SF-21, Single-Family Estate Residential District

A. **General Purpose and Description:** The SF-21, Single-Family Estate Residential District is intended to provide for development of primarily low-density detached, single-family residences on lots of at least one-half acre in size.

B. **Permitted Uses:** Those uses listed for the SF-21 District in Section 4.1. (Use Charts) as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 3.17.

C. **Area Regulations:**

1. **Size of Lots:**
   a. **Minimum Lot Area -** One-acre (43,560 square feet) with well and one half acre (21780 square feet) if no well.
   b. **Minimum Lot Width -** One hundred fifty feet (150')
   c. **Minimum Lot Depth -** One hundred fifty feet (150')
2. **Size of Yards:**
   a. **Minimum Front Yard -** Fifty feet (50')
   b. **Minimum Side Yard -** Ten percent (10%) of the lot width, not exceed thirty feet (30'); twenty-five feet (25') from a street right-of-way for a corner lot.
   c. **Minimum Rear Yard -** Fifty feet (50') for the main building and any accessory buildings; ten feet (10') from a main building to an accessory building.
3. **Maximum Lot Coverage:** Thirty percent (30%) by main buildings and accessory buildings.
4. **Parking:** Refer to Section 5.1
5. **Minimum Floor Area per Dwelling Unit:** One thousand (1,000) square feet.

D. **Special Requirements:**

1. **On-Site Dwellings:** Recreational vehicles, manufactured homes, travel trailers or motor homes may not be used for on-site dwelling purposes.

2. **Open Storage:** Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, etc.).
3. **Side-Entry Garages:** Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering.
4. **Swimming Pools:** Swimming pools shall be constructed and enclosed in accordance with the Village Building Code.
5. **Non-Residential Uses:** Site plan approval (see Section 2.6) shall be required for any non-residential use (such as a school, church, childcare center, private recreation facility, etc.) in the SF-21 District. Any non-residential land use that may be permitted in this district shall conform to the Retail District standards.
6. **Temporary Facilities:** There shall be no permanent use of temporary facilities or buildings.
7. **Other Regulations:** Refer to Section V, *Development Standards & Use Regulations*.

Section 3.4: SF-7, Single-Family Residential District (Single Family Home)

General Purpose and Description: The SF-7, Single-Family Residential District is intended to provide for development of primarily low-density detached, single-family residences on lots of at least 21,780 square feet in size.

E. **Permitted Uses:** Those uses listed for the SF-7 District in Section 4.1. (Use Charts) as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 3.17.

F. **Height Regulations:**

1. **Main Building(s):** Maximum two-and-one-half (2½) stories, or forty feet (40') for the main building or house.
2. **Accessory Building(s):** Maximum twenty-five feet (25') for other accessory buildings, including a detached garage or accessory dwelling units.
3. **Other:** Refer to Section V, *Development Standards & Use Regulations* for other regulations.

G. **Area Regulations:**

1. **Size of Lots:**
    a. **Minimum Lot Area** – 21780 square feet without a well; 43560 square feet with a well.
    b. **Minimum Lot Width** – Sixty feet (60')
    c. **Minimum Lot Depth** - One hundred ten feet (110')
2. **Size of Yards:**

a. **Minimum Front Yard** – Minimum twenty-five feet (25')

b. **Minimum Side Yard -** Minimum five feet (5'); twenty feet (20') from a street right-of-way for a corner lot.

c. **Minimum Rear Yard** – Minimum twenty-five feet (25') for the main building.

3. **Maximum Lot Coverage**: Thirty-five percent (35%) by main buildings and accessory buildings.

4. **Parking:**

a. **Single-Family Dwelling Unit -** A minimum of two (2) covered parking spaces behind the front building line and on the same lot as the main structure.

b. **Other -** Refer to Section 5.1.

5. **Minimum Floor Area per Dwelling Unit:** One thousand (1,000) square feet.

H. **Special Requirements:**

1. **On-Site Dwellings:** Recreational vehicles, manufactured homes, travel trailers or motor homes may not be used for on-site dwelling purposes.

2. **Open Storage:** Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, etc.).

3. **Side-Entry Garages:** Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering.

4. **Swimming Pools:** Swimming pools shall be constructed and enclosed in accordance with the Village Building Code.

5. **Non-Residential Uses:** Site plan approval (see Section 2.6) shall be required for any non-residential use (such as a school, church, childcare center, private recreation facility, etc.) in the SF-7 District. Any non-residential land use that may be permitted in this district shall conform to the Retail District standards.

6. **Temporary Facilities:** There shall be no permanent use of temporary facilities or buildings.

7. **Other Regulations:** Refer to Section V, *Development Standards & Use Regulations*.

Section 3.5: SF-PH, Single-Family Residential-Patio Home District

A. **General Purpose and Description:** The SF-PH, Single-Family Residential-Patio Home District is designed to provide for development of primarily detached single-family residences on compact lots having one side yard reduced to zero feet, also commonly referred to as “zero-lot-line”, and having a minimum of forty-five hundred (4,500) square feet with an approved on site sewer facility, Patio home developments shall be arranged in a clustered lot pattern with a common usable open space system that is an integral part of the development.

B. **Permitted Uses:** Those uses listed for the SF-PH District in Section 4.1. (Use Charts) as “P” or “C” are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 3.17.

C. **Height Regulations:**

1. **Main Building(s):** Maximum two-and-one-half (2½) stories, or forty feet (40') for the main building or house.
2. **Accessory Building(s):** Maximum twenty-five feet (25') for other accessory buildings, including a detached garage or accessory dwelling units.
3. **Other:** Refer to Section V, *Development Standards & Use Regulations* for other regulations.

D. **Area Regulations:**

1. **Size of Lots:**
    a. **Minimum Lot Area -** Four thousand five hundred (4,500) square feet with an approved on site sewer facility
    b. **Minimum Lot Width -** Forty feet (40')
    c. **Minimum Lot Depth -** One hundred ten feet (110')
2. **Size of Yards:**
    a. **Minimum Front Yard -** Twenty-five feet (25')
    b. **Minimum Side Yard -** One side yard reduced to zero feet (0'); other side yard a minimum of ten feet (10') required with fifteen feet (15') required on corner lots adjacent to a street.
    c. **Minimum Rear Yard -** Twenty-five feet (25') for the main building.
3. **Maximum Lot Coverage:** Fifty percent (50%) by main buildings and accessory buildings,.
4. **Parking Regulations:**
    a. **Single-Family Dwelling Unit -** A minimum of two (2) covered parking spaces behind the front building line and on the same lot as the main structure.
    b. **Other -** Refer to Section 5.1.
5. **Minimum Floor Area per Dwelling Unit:** One thousand (1,000) square feet.

Special Requirements:

1. **Easements, Separation, and Overhangs:** Patio home developments shall be developed as zero-lot-line homes. A minimum six-foot (6') wide maintenance easement shall be placed on the adjacent lot to enable the property owner to maintain that portion of his or her house which is on the zero-lot-line. Side yards and maintenance easements shall be shown on the subdivision plat. There shall be a minimum separation between patio homes of ten feet (10'). Roof overhangs will be allowed to project into the maintenance easement by a maximum of twenty-four inches (24").
2. **Landscaped Areas:** Additional common open space and landscaped areas that do not qualify as usable open space may be provided, but shall not be counted toward the usable open space requirement (also see Section 5.2).
3. **Maintenance Requirements for Common Areas:** A property owners association is required for continued maintenance of common land and facilities.

4. **Garage Space Required:** The elimination of a garage space by enclosing the garage with a stationary building wall shall be prohibited, unless such action is otherwise granted by a Conditional Use Permit and at least one (1) garage (covered and enclosed) parking space remains.
5. **On-Site Dwellings: Rec**reational vehicles, manufactured homes, travel trailers or motor homes may not be used for on-site dwelling purposes.
6. **Open Storage:** Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden m**aterials, etc.).**
7. **Side-Entry Garages:** Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering.
8. **Swimming Pools:** Swimming pools shall be constructed and enclosed in accordance with the Village Building Code.
9. **Non-Residential Uses:** Site plan approval shall be required for any non-residential use, including a school, church, childcare center or private recreation facility, in the SF-PH district. Any non-residential land use that may be permitted in this district shall conform to the Retail District standards.
10. **Temporary Facilities:** There shall be no permanent use of temporary facilities or buildings.
11. **Other Regulations:** Refer to Section V, *Development Standards & Use Regulations*.

Section 3.6: SFA, Single-Family Attached Residential District (Condos and Townhouses)

General Purpose and Description: The SFA, Single-Family Attached Residential District is intended to promote stable, quality, attached-occupancy residential development on individual lots at slightly increased densities. Individual ownership of each lot is encouraged. This district may be included within certain areas of neighborhoods or, when in accordance with the intent of the Comprehensive Plan., may provide a "buffer" or transition district between lower density residential areas and multiple-family or non-residential areas or major thoroughfares.

Permitted Uses: Those uses listed for the SFA District in Section 4.1. (Use Charts) as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 3.17.

E. **Height Regulations:**

1. **Main Building(s):** Maximum two-and-one-half (2½) stories, or forty feet (40') for the main building or house.
2. **Other:** Refer to Section V, *Development Standards & Use Regulations* for other regulations.

F. **Area Regulations:**

1. **Size of Lots:**
    a. **Minimum Lot Area -** Three thousand (3,000) square feet with approved on site sewer facility

b. Minimum Lot Width - Thirty feet (30')

c. Minimum Lot Depth - One hundred feet (100')

2. **Size of Yards:**

   a. **Minimum Front Yard -** Twenty-five feet (25')

   b. **Minimum Side Yard**

      (1) Single-family attached dwellings are not required to have a side yard, with the exception of a minimum fifteen-foot (15') side yard adjacent to a street. The ends of any two adjacent building complexes or rows of buildings shall be at least fifteen feet (15') apart. The required side yards shall be designated upon a plat approved by the Board of Aldermen.

      (2) A complex of attached single-family dwellings shall have a minimum length of three (3) dwelling units, and shall not exceed two hundred feet (200') in length or the width of six (6) attached units, whichever is less.

   c. **Minimum Rear Yard -** Twenty-five feet (25') for the main building.

3. **Maximum Lot Coverage**: Seventy percent (70%) by main buildings and accessory buildings,.

4. **Parking Regulations:**

   a. A minimum of two (2) covered and enclosed parking spaces for each dwelling unit, located behind the dwelling unit and accessed only from the rear via an alley or approved fire lane, and located on the same lot as each dwelling unit.

   b. Additional parking shall be required for any recreational uses, clubhouse, temporary sales office and/or visitors at a ratio established for uses as outlined in Section 5.1, Off-Street Parking and Loading Regulations.

   c. Designated visitor parking spaces shall be provided in off-street, common areas at a ratio of one (1) guest/visitor space per four (4) units.

   d. **Other -** Refer to Section 5.1.

5. **Minimum Floor Area per Dwelling Unit:** One thousand (1,000) square feet.

G. **Special Requirements:**

1. **Separate Utilities:** All utilities shall be provided separately to each lot within an SFA district so that each unit is individually metered.

2. **Private Yard:** Each SFA lot shall contain a private yard of not less than four hundred (400) square feet; such yard area(s) may be either a backyard or side yard. Calculation for a private yard area may include:

   a. a patio cover, gazebo or other similar non-enclosed structure that does not cover more than twenty-five percent (25%) of the yard; and/or

   b. a swimming pool, swing set, play fort, or other leisure amenity.

3. **Useable Open Space Requirement:** All single-family attached developments shall provide usable open space at the same ratio and conforming to the same criteria as specified below. Except as provided herein, any SFA subdivision shall provide useable open space which equals or exceeds

twenty percent (20%) of the gross platted area, excluding rights-of-way for collector and larger sized streets. Useable open space shall not be required for an SFA development if it contains twenty (20) or fewer lots.

4. **Maintenance Requirements for Common Areas:** A property owners association is required for continued maintenance of common land and/or facilities.
5. **Garage Space Required:** The elimination of a garage space by enclosing the garage with a stationary building wall is prohibited
6. **On-Site Dwellings:** Recreational vehicles, manufactured homes, travel trailers or motor homes may not be used for permanent on-site dwelling purposes.
7. **Open Storage:** Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, etc.).
8. **Side-Entry Garages:** Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering.
9. **Swimming Pools:** Swimming pools shall be constructed and enclosed in accordance with the Village Building Code.
10. **Non-Residential Uses:** Site plan approval shall be required for any non-residential use, including a school, church, childcare center or private recreation facility, in the SFA district. Any non-residential land use that may be permitted in this district shall conform to the Retail District standards.
11. **Temporary Facilities:** There shall be no permanent use of temporary facilities or buildings.
12. **Other Regulations:** Refer to Section V, *Development Standards & Use Regulations*.

Section 3.7: MF-1, Multiple-Family Residential Apartment Development

A. **General Purpose And Description:** The MF-1, Multiple-Family Residential District is an attached residential district intended to provide the highest residential density of eighteen (18) dwelling units per acre. The principal permitted land uses will include low-rise multiple-family dwellings and garden apartments. Recreational, religious, health and educational uses normally located to service residential areas are also permitted in this district. This district should be located adjacent to a major thoroughfare and may serve as a buffer between low or medium density residential development and non-residential development or high-traffic roadways.

B. **Permitted Uses:** Those uses listed for the MF-1 District in Section 4.1. (Use Charts) as “P” or “C” are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 3.17.

C. **Height Regulations:**

1. **Main Building(s):** Maximum two (2) stories or forty feet (40’) for the main building(s).
2. **Accessory Building(s):** One (1) story for accessory buildings.
3. **Other:** Refer to Section V, *Development Standards & Use Regulations* for other regulations.

D. **Area Regulations:**

1. **Size of Lots:**

   a. **Minimum Lot Area -** Two thousand four hundred and twenty (2,420) square feet per dwelling unit, not to exceed eighteen (18) dwelling units per acre, calculated on gross acreage. The minimum lot size shall be twenty thousand (20,000) square feet.

   b. **Minimum Lot Width -** One hundred feet (100')

   c. **Minimum Lot Depth -** One hundred fifty feet (150')

2. **Size of Yards:**

   a. **Minimum Front Yard -** Thirty feet (30'). All areas adjacent to a street shall be deemed front yards. See Section 5.1 through Section. 5.5 for any additional setback requirements.

   b. **Minimum Side Yard -** Fifteen feet (15'); sixty feet (60') when building is in excess of one story in height and adjacent to a single-family zoning district

   c. **Minimum Rear Yard -** Twenty-five feet (25'); eighty feet (80') when the building is in excess of one story and adjacent to a single-family zoning district

3. **Building Separation:**

   a. **One-Story Buildings -** Twenty feet (20') for buildings with or without openings

   b. **Two-Story Buildings** (or a two-story building adjacent to a one-story building) **-** Twenty feet (20'), for buildings with or without openings

4. **Minimum Floor Area per Dwelling Unit:**

   a. **Efficiency Unit -** Five hundred fifty (550) square feet per unit.

   b. **One-Bedroom Unit -** Six hundred (600) square feet per unit.

   c. **Units With Two Or More Bedrooms -** Eight hundred (800) square feet for the first two (2) bedrooms, plus an additional two hundred (200) square feet for every bedroom over two (2).

5. **Maximum Lot Coverage:** Fifty percent (50%) total, including main buildings and accessory buildings.

6. **Parking Regulations:**

   a. **Number Per Unit**

      (1) 1.75 spaces per efficiency unit or 1-bedroom unit
      (2) 2 spaces per 2-bedroom unit
      (3) 2.5 spaces per 3-bedroom unit
      (4) 3 spaces per unit with four (4) or more bedrooms

   b. **Parking Adjacent to Public Streets -** All parking areas adjacent to public streets shall be screened from view. Screening may be in the form of live plant materials, berms or brick/masonry walls.

   c. **Covered Parking and Density Bonuses -** A minimum of two (2) covered parking spaces shall be required for each unit that has two (2) or more bedrooms. One (1) covered space is required for efficiency units.

(1) An increase in density of a total of up to 20 units per acre is permitted when at least fifty (50) percent of the parking spaces are constructed as covered and enclosed spaces.
(2) An increase in density of a total of up to 22 units per acre is permitted when one hundred (100) percent of the parking spaces are constructed as covered and enclosed spaces.

d. **Other -** Refer to Section 5.1.

E. **Refuse Facilities:**

1. **Location:** Every multiple-family dwelling unit shall be located within two hundred and fifty feet (250') of a refuse facility; measured along the designated pedestrian and vehicular travel way. A refuse facility shall be a dumpster or other similar receptacle designed for receiving garbage in bulk for more than one dwelling. Refuse dumpsters shall be no closer than thirty feet (30') to any adjacent single-family property.
2. **Screening:** Each refuse facility shall be screened on three (3) sides from the view of a person(s) standing at ground level on the site or immediately adjoining property. Said screening consist of a solid screening device constructed of materials approved by the Mayor/Village Administrator or his/her designee and not less than six (6) feet in height, or by an enclosure within a building. A gate on the fourth side is optional. Refuse containers shall be provided and maintained in a manner to satisfy local public health and sanitary regulations. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies.

F. **Usable Open Space:**

1. **Usable Open Space Requirements:** Except as provided below, any MF development shall provide useable open space which equals or exceeds twenty percent (20%) of the gross platted area, excluding rights-of-way for collector and larger sized streets.
2. **Specific Criteria for Usable Open Space:** Areas provided as usable open space shall meet the following criteria:

a. All MF units must be located within six hundred feet (600') of a usable open space area. The Commission may recommend, and Board of Aldermen may allow, this distance to be increased to up to one thousand two hundred feet (1,200') if the shape of the MF development is irregular or if existing trees/vegetation on the site can be preserved by increasing the distance.

b. Individual usable open space areas shall be at least twenty thousand (20,000) square feet in size. Useable open space must be a minimum of fifty feet (50') wide, and must have no slope greater than ten percent (10%). At the time of site plan approval, the Commission may recommend, and the Board of Aldermen may allow, full or partial credit for open areas that exceed the 10% maximum slope if it is determined that such areas are environmentally or aesthetically significant and that their existence enhances the development or the surrounding area.

c. Pools, tennis courts, walkways, patios and similar outdoor amenities may be located within areas designated as useable open space. Areas occupied by enclosed buildings except for gazebos and pavilions, driveways, parking lots, overhead electrical

transmission lines, drainage channels and antennas may not be included in calculating useable open space.

d. Within useable open space areas, there shall be at least one (1) tree for every five thousand (5,000) square feet of space. New trees shall be planted to meet this requirement shall be a minimum of three inches (3") in caliper.

3. **Credit for Off-Site Open Space:** At the time of site plan approval, the Commission may recommend, and the Board of Aldermen may allow, up to one-third (1/3) of the required open space to be credited for off-site dedicated open space that meets the development's needs in terms of adjacency, accessibility, usability, and design integration. The granting of any off-site credit for open space is a discretionary power of the Board of Aldermen. The guidelines below may assist in considering if credit is appropriate:

   a. **Adjacency -** Is at least fifteen percent (15%) of the MF development's boundary adjacent to park land?

   b. **Accessibility -** Are there defined pedestrian connections between the development and the park land?

   c. **Usability -** Is the park land immediately adjacent to the development suitable for use and accessible by residents?

   d. **Design Integration -** Does the design of the development provide a significant visual and pedestrian connection to the park or other open space land?

4. **Landscaped Areas:** Additional common open space and landscaped areas that do not qualify as usable open space may be provided, but shall not be counted toward the usable open space requirement.

G. **Special Requirements:**

1. **Building Façade Review:** Building facade (elevation) plans shall be submitted for Commission review and approval by the Board of Aldermen along with the Site Plan. Facade plans shall clearly show how the building(s) will look, especially as viewed from the major thoroughfare upon which the property faces or sides, and will portray a reasonably accurate depiction of the anticipated materials and colors to be used. The Mayor/Village Administrator or his/her designee may, as deemed appropriate, require submission of additional information and materials, including actual samples of materials to be used, during the Site Plan review process.

2. **Single-Family Units:** Single-family units constructed in this district shall conform to SFA district standards.

3. **On-Site Dwellings:** Recreational vehicles, manufactured homes, travel trailers or motor homes may not be used for on-site dwelling purposes.

4. **Open Storage:** Open storage is prohibited.

5. **Units Near Fire Lanes:** The front door of each dwelling unit shall be no more than one hundred fifty feet (150') from a fire lane (measured by an unobstructed pathway, or route, for fire hoses).

6. **Access to a Parking Area:** A paved walkway shall connect the front door of each ground floor unit to a parking area.

7. **Length of Buildings:** Buildings shall not exceed two hundred feet (200') in length.

8. **Oversize Parking Areas:** Boats, campers, trailers and other recreational vehicles shall be prohibited unless oversize parking areas are provided as part of the approved site plan. This parking area shall not be used to meet the minimum parking requirements and shall not be visible from a public street.
9. **Signage:** All buildings containing residential units shall provide signage that clearly identifies the numbers (addresses) of the units within each building. Signage shall be visible from entrances into the complex or from vehicular drive aisles within the complex such that each individual unit is easy to locate by visitors, delivery persons, or emergency personnel. All signs must comply with all other applicable regulations.
10. **Lighting:** All parking areas shall have appropriate lighting and shall be positioned such that no light adversely impacts adjacent residential areas.
11. **Swimming Pools:** Swimming pools shall be constructed and enclosed in accordance with the Village Building Code.
12. **Non-Residential Uses:** Site plan approval, as required by Section 2.6, shall be required for any non-residential use, such as a school, church, child care center or private recreation facility, in the MF-1 district. Any non-residential land use that may be permitted in this district shall conform to the Retail District standards.
13. **Temporary Facilities:** There shall be no permanent use of temporary facilities or buildings.
14. **Other Regulations:** Refer to Section V, *Development Standards & Use Regulations*.

Section 3.8: O, Office District

A. **General Purpose and Description:** The O, Office District is established to create a district for low intensity office and professional uses. The district can be used as a transition district between more intense uses and residential uses. Permitted uses should be compatible with adjacent residential areas by limiting building heights to one (1) or two (2) stories, and by utilizing buffering and landscaping requirements. Buildings in this district should be compatible with and similar in scale to residential uses and adjacent property. Residential uses and bed-and-breakfasts should also be permitted.

B. **Permitted Uses:** Those uses listed for the O, Office District in Section 4.1. (Use Charts) as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 3.17.

C. **Height Regulations:**

1. **Main Building(s):** Maximum two (2) stories, or forty feet (40').
2. **Accessory Building(s):** Maximum one (1) story, or twenty-five feet (25') for accessory buildings.
3. **Other:** Refer to Section V, *Development Standards & Use Regulations* for other regulations.

D. **Area Regulations:**

1. **Size of Lots:**

a. **Minimum Lot Size -** Eight thousand (8,000) square feet subject to Bell County Health District approval.

b. **Minimum Lot Width -** Eighty feet (80')

c. **Minimum Lot Depth -** One hundred feet (100')

2. **Size of Yards:**

a. **Minimum Front Yard -** Twenty-five feet (25'); all yards adjacent to a street shall be considered a front yard (see Section 5.1 through Section. 5.5 for any additional setback requirements)

b. **Minimum Side Yard -** Fifteen feet (15'); twenty-five feet (25') adjacent to a public street or residential lot

c. **Minimum Rear Yard -** Twenty-five feet (25')

d. **Adjacent to a Single-Family District -** Any office use that is over one (1) story in height and that is located adjacent to (and not across an right-of-way from) any single-family zoning district shall be setback from the applicable property line by thirty feet (30').

3. **Building Size for Nonresidential Structures:** The building footprint area shall not exceed fifty thousand (50,000) square feet in size.

E. **Parking Requirements:** Refer to Section 5.1.

F. **Landscaping Requirements:** Refer to Section 5.2.

G. **Special District Requirements:**

1. **Building Façade Review:** Building facade (elevation) plans shall be submitted for Commission review and approval by the Board of Aldermen along with the Site Plan. Facade plans shall clearly show how the building(s) will look, especially as viewed from the major thoroughfare upon which the property faces or sides, and will portray a reasonably accurate depiction of the anticipated materials and colors to be used. The Mayor/Village Administrator or his/her designee may, as deemed appropriate, require submission of additional information and materials, including actual samples of materials to be used, during the Site Plan review process.

2. **On-Site Dwellings:** Recreational vehicles, manufactured homes, travel trailers or motor homes may not be used for on-site dwelling or non-residential purposes.

3. **Open Storage:** Open storage is prohibited.

4. **Temporary Facilities:** There shall be no permanent use of temporary facilities or buildings.

5. **Other Regulations:** Refer to Section V, *Development Standards & Use Regulations*.

Section 3.9: LR, Local Retail District

A. **General Purpose and Description:** The LR, Local Retail District is established to provide areas specialized retail sales that are intended to service local neighborhoods and citizens and visitors of

Salado. Office uses and bed-and-breakfasts may be permitted within Local Retail Districts; commercial uses should not be permitted.

B. **Permitted Uses:** Those uses listed for the LR District in Section 4.1. (Use Charts) as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 3.17.

C. **Height Regulations:**

1. **Main Building(s):** Maximum two (2) stories, or forty feet (40').
2. **Accessory Building(s):** Maximum one (1) story, or twenty-five feet (25') for accessory buildings.
3. **Other:** Refer to Section V, *Development Standards & Use Regulations* for other regulations.

D. **Area Regulations:**

1. **Size of Lot:**
   a. **Minimum Lot Area** - Eight thousand (8,000) square feet
   b. **Minimum Lot Width** - Eighty feet (80')
   c. **Minimum Lot Depth** - One hundred feet (100')
2. **Size of Yards:**
   a. **Minimum Front Yard** - Five feet (5'); all yards adjacent to a street shall be considered a front yard. See Section 5.1 through Section 5.5 for any additional setback requirements.
   b. **Minimum Side Yard** - Fifteen feet (15'); twenty-five feet (25') adjacent to a public street or residential lot
   c. **Interior Side Yards** - When retail uses are platted adjacent to other retail uses and are integrated into an overall shopping center site, creating lease spaces abutting one another, no side yard is required provided it complies with the Village's Building Code.
   d. **Minimum Rear Yard** - Twenty-five feet (25')
   e. **Adjacent to a Single-Family District** - Any neighborhood service use that is over one (1) story in height and that is located adjacent to (and not across a right-of-way from) any single-family zoning district shall be setback from the applicable property line by thirty feet (30').
3. **Maximum Building Size:** The maximum footprint area shall not exceed fifty thousand (50,000) square feet.
4. **Parking Regulations:** Refer to Section 5.1.

1. **Parking for Retail Uses and Office Uses:** One (1) space per three hundred (300) square feet of gross floor space. Stacking spaces shall be as required within Section 5.1.C.12.
2. **Materials for Parking for Non-Residential Uses:** Parking areas shall be constructed with an all-weather surface in a manner that is consistent with the Village's Technical Construction Standards and Specifications (TCSS) Manual.
3. **Landscaping Requirements:** Refer to Section 5.2.

E. **Special Requirements:**

1. **Building Façade Plan:** Building facade (elevation) plans shall be submitted for Commission review and approval by the Board of Aldermen along with the Site Plan. Facade plans shall clearly show how the building(s) will look, especially as viewed from the major thoroughfare upon which the property faces or sides, and will portray a reasonably accurate depiction of the anticipated materials and colors to be used. The Mayor/Village Administrator or his/her designee may, as deemed appropriate, require submission of additional information and materials, including actual samples of materials to be used, during the Site Plan review process.
2. **Required Massing for Nonresidential Structures:** In order to ensure the aesthetic value and visual appeal of non-residential land uses and structures, the facades of all structures must be offset, varied and articulated, at least three feet (3') in depth for every thirty feet (30') in horizontal and/or vertical surface length. Such facade offsets as required herein shall be shown, along with calculations verifying that the building elevations meet the above requirement, on the Building Facade Plan.
3. **Outside Display:** Outside display of merchandise and seasonal items, such as Christmas trees and pumpkins shall be limited to the following:
    a. Outside display areas shall be permitted
    b. Outside display areas shall not occupy any of the parking spaces that are required by this Ordinance for the primary use(s) of the property, except on a temporary basis only, which is a maximum of 30 days per display and a maximum of two displays per calendar year.
    c. Outside display areas shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.
    d. Outside display areas shall not extend into public right-of-way or onto adjacent property.
    e. Outside display items shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.
4. **On-Site Dwellings:** Recreational vehicles, manufactured homes, travel trailers or motor homes may not be used for on-site dwelling or non-residential purposes.
5. **Open Storage:** Open storage is prohibited.
6. **Temporary Facilities:** There shall be no permanent use of temporary facilities or buildings.
7. **Other Regulations:** Refer to Section V, *Development Standards & Use Regulations*.

Section 3.10: RR, Regional Retail District

A. **General Purpose and Description:** The RR, Regional Retail District is established to provide areas for retail facilities that are larger than those generally located in the Local Retail District, such as large grocery stores, book stores, and the like. Areas zoned for Regional Retail should have convenient regional access via major thoroughfares, such as Interstate Highway 35, and major collector streets are primary locational considerations. Office uses and bed-and-breakfasts should be permitted within Regional Retail Districts; commercial uses should not be permitted. **Permitted Uses: Those uses liste**d for the RR, Regional Retail District in Section 4.1. (Use Charts) as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 3.17.

B. **Height Regulations:**

1. **Accessory Building(s):** Maximum one (1) story, or twenty-five feet (25') for accessory buildings.
2. **Other:** Refer to Section V, *Development Standards & Use Regulations* for other regulations.

C. **Area Regulations:**

1. Size of Lot:

a. **Minimum Lot Area -** Twenty thousand (20,000) square feet
b. **Minimum Lot Width -** One hundred feet (100')
c. **Minimum Lot Depth -** One hundred fifty feet (150')

2. **Size of Yards:**

a. **Minimum Front Yard -** Twenty-five feet (25'); all yards adjacent to a street shall be considered a front yard. See Section 5.1 through Section 5.5 for any additional setback requirements.
b. **Minimum Side Yard -** Twenty-five feet (25'); twenty-five feet (25') adjacent to a public street or residential lot.
c. **Interior Side Yards -** When retail uses are platted adjacent to other retail uses and integrated into an overall shopping center site, creating lease spaces abutting one another, no side yard is required provided it complies with the Village's Building Code.
d. **Minimum Rear Yard -** Twenty-five feet (25')
e. **Adjacent to a Single-Family District -** Any retail use that is over one (1) story in height and that is located adjacent to (and not across an right-of-way from) any single-family zoning district shall be setback from the applicable property line by thirty feet (30').

3. **Building Size for Nonresidential Structures:** The building footprint area shall not exceed eighty-five thousand (85,000) square feet in size (refer to Section 4.1.I).

4. **Minimum Building Separation for Nonresidential Structures:** There shall be a minimum thirty-foot (30') separation between structures, or a minimum separation as required by the Village's Fire Code, whichever is greater.

D. **Parking Regulations:** Refer to Section 5.1.

E. **Landscaping Requirements:** Refer to Section 5.2.

F. **Special Requirements:**

1. **Building Façade Plan:** Building facade (elevation) plans shall be submitted for Commission review and approval by the Board of Aldermen along with the Site Plan. Facade plans shall clearly show how the building(s) will look, especially as viewed from the major thoroughfare upon which the property faces or sides, and will portray a reasonably accurate depiction of the anticipated materials and colors to be used. The Mayor/Village Administrator or his/her designee may, as deemed appropriate, require submission of additional information and materials, including actual samples of materials to be used, during the Site Plan review process.

2. **Required Massing for Nonresidential Structures:** In order to ensure the aesthetic value and visual appeal of non-residential land uses and structures, the facades of all structures must be offset, varied and articulated, at least three feet (3') in depth for every thirty feet (30') in horizontal and/or vertical surface length. Such facade offsets as required herein shall be shown, along with calculations verifying that the building elevations meet the above requirement, on the Building Facade Plan.
3. **Open Storage:** Open storage is limited to a maximum of five percent (5%) of the total lot area, shall not be located in front of or on top of the building, shall not be located facing any street, and must be screened in accordance with the provisions of Section 5.3. Open storage cannot be visible from any public street or adjacent property.
4. **Outside Display:** Outside display of merchandise and seasonal items, such as Christmas trees and pumpkins shall be limited to the following:
    a. Outside display areas shall not be placed or located more than one hundred feet (100') from the main building.
    b. Outside display areas shall not occupy any of the parking spaces that are required by this Ordinance for the primary use(s) of the property, except on a temporary basis only, which is a maximum of 30 days per display and a maximum of two displays per calendar year.
    c. Outside display areas shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.
    d. Outside display areas shall not extend into public right-of-way or onto adjacent property.
    e. Outside display items shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.
5. **On-Site Dwellings:** Recreational vehicles, manufactured homes, travel trailers or motor homes may not be used for on-site dwelling or non-residential purposes.
6. **Temporary Facilities:** There shall be no permanent use of temporary facilities or buildings.
7. **Other Regulations:** Refer to Section V, *Development Standards & Use Regulations*.

Section 3.11: MU, Mixed Use District

A. **General Purpose and Description:** The MU, Mixed Use District is intended to provide for a mixture of retail, office, and residential uses in close proximity to enable people to live, work and purchase necessities in a single location. Bed-and-breakfast establishments could also be located in this district. Additionally, pedestrian walkways and open areas are desired in order to promote a pedestrian-friendly environment. The following are key concepts that should be acknowledged through development practices within Mixed Use Districts:

1. Residential uses in conjunction with non-residential activities, possibly located above retail and office establishments;
2. All types of residential uses, including single-family homes, townhouses, and loft-style multiple-family units;
3. Central green spaces;

4. Traffic flows that enable people to move freely without the use of an automobile by emphasizing the pedestrian; and
5. Outside spaces, such as small parks, courtyards, and outdoor eating areas.

B. **Permitted Uses:** Those uses listed for the MU District in Section 4.1. (Use Charts) as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 3.17.

C. **Height Regulations:**

1. **Main Building(s):** Maximum three (3) stories or fifty feet (50') for the main building(s).
2. **Accessory Building(s):** One (1) story for accessory buildings.
3. **Other:** Refer to Section V, *Development Standards & Use Regulations* for other regulations.

D. **Area Regulations:**

1. **Size of Lot:**
   a. **Minimum Lot Area -** none specified.
   b. **Minimum Lot Width -** none specified.
   c. **Minimum Lot Depth -** none specified.
2. **Size of Yards:**
   a. **Minimum Front Yard -** Twenty-five feet (25'); all yards adjacent to a street shall be considered a front yard. See Section 5.1 through Section 5.5 for any additional setback requirements.
   b. **Minimum Side Yard -** Twenty-five feet (25'); twenty-five feet (25') adjacent to a public street or residential lot
   c. **Minimum Rear Yard -** Twenty-five feet (25')
   d. **Adjacent to a Single-Family District -** Any non-residential use that is over one (1) story in height and that is located adjacent to (and not across an right-of-way from) any single-family zoning district shall be setback from the applicable property line by sixty feet (60').
3. **Maximum Lot Coverage:** Sixty percent (60%) total, including main buildings and accessory buildings.
4. **Building Size for Nonresidential Structures:** The building footprint area shall be a minimum of fifteen hundred (1,500) square feet in size, and shall not exceed twenty-five thousand (25,000) square feet in size.
5. **Minimum Building Separation for Nonresidential Structures:** There shall be a minimum thirty-foot (30') separation between structures, or a minimum separation as required by the Village's Fire Code, whichever is greater.

E. **Parking Regulations:** Refer to Section 5.1.

1. **Shared Parking:** The required number of parking spaces may be reduced if parking can be shared with an adjacent development(s) or use(s). Such a reduction must be approved as part of the site plan. In no case shall the required parking be reduced in excess of fifty percent (50%) of the required spaces, as set forth in Section 5.1.

F. **Landscaping Requirements:** Refer to Section 5.2.

G. **Special Requirements:**

1. **Design Criteria for Development Within the MU District:**
    a. Development in the MU district shall have characteristics that result in a compact, mixed use, pedestrian-oriented, and environmentally sensitive community.
    b. Reflective glass shall not be used for windows; detailing for windows, doors and other openings shall be of wood, glass or a metal material that is complementary to the period or building style.
2. **Building Façade Plan:** Building facade (elevation) plans shall be submitted for Commission review and approval by the Board of Aldermen along with the Site Plan. Facade plans shall clearly show how the building(s) will look, especially as viewed from the major thoroughfare upon which the property faces or sides, and will portray a reasonably accurate depiction of the anticipated materials and colors to be used. The Mayor/Village Administrator or his/her designee may, as deemed appropriate, require submission of additional information and materials, including actual samples of materials to be used, during the Site Plan review process.
3. **Required Massing for Nonresidential Structures:** In order to ensure the aesthetic value and visual appeal of non-residential land uses and structures, the facades of all structures must be offset, varied and articulated, at least three feet (3') in depth for every thirty feet (30') in horizontal and/or vertical surface length. Such facade offsets as required herein shall be shown, along with calculations verifying that the building elevations meet the above requirement, on the Building Facade Plan.
4. **Architectural Design:** The architecture of development(s) shall achieve a majority of the following objectives:
    a. Architectural compatibility;
    b. Human scale design;
    c. Integration of uses;
    d. Encouragement of pedestrian activity;
    e. Buildings that relate to, and are oriented toward, the pedestrian areas and surrounding buildings;
    f. Residential scale buildings;
    g. Buildings that are designed with facade variation;
    h. Buildings that contain special architectural features to signify entrances;
    i. Buildings that focus activity around a central green space.
5. **Open Storage:** Open storage is prohibited.
6. **Outside Display:** Outside display of merchandise and seasonal items, such as Christmas trees and pumpkins shall be limited to the following:

a. Outside display areas shall not be placed or located more than thirty feet (30') from the main building.

b. Outside display areas shall not occupy any of the parking spaces that are required by this Ordinance for the primary use(s) of the property, except on a temporary basis only, which is a maximum of 30 days per display and a maximum of two displays per calendar year.

c. Outside display areas shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.

d. Outside display areas shall not extend into public right-of-way or onto adjacent property.

e. Outside display items shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.

7. **On-Site Dwellings:** Recreational vehicles, manufactured homes, travel trailers or motor homes may not be used for on-site dwelling or non-residential purposes.

8. **Temporary Facilities:** There shall be no permanent use of temporary facilities or buildings.

9. **Other Regulations:** Refer to Section V, *Development Standards & Use Regulations*.

Section 3.12: BP, Business Park District

A. **General Purpose and Description:** The BP, Business Park District is intended to provide a location for an office complex (campus) for manufacturing and technology-related businesses. Uses within the District would also provide a concentrated employment center within Salado. Convenient regional access via major thoroughfares, such as Interstate Highway 35, and major collector streets are primary locational considerations. All types of non-residential uses permitted within other non-residential districts in Salado should be permitted in BP Districts, with the exception of commercial uses.

B. **Permitted Uses:** Those uses listed for the BP, Business Park District in Section 4.1. (Use Charts) as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 3.17.

C. **Height Regulations:**

1. **Main Building(s):** Maximum two (2) stories, or forty feet (40').

2. **Accessory Building(s):** Maximum one (1) story, or twenty-five feet (25') for accessory buildings.

3. **Other:** Refer to Section V, *Development Standards & Use Regulations* for other regulations.

D. **Area Regulations:**

1. **Size of Lots:**

a. **Minimum Lot Size** - Twelve thousand (12,000) square feet

b. **Minimum Lot Width** - Eighty feet (80')

c. **Minimum Lot Depth** - One hundred fifty feet (150')

2. **Size of Yards:**
    a. **Minimum Front Yard -** Twenty-five feet (25'); all yards adjacent to a street shall be considered a front yard (see Section 5.1 through Section 5.5 for any additional setback requirements)
    b. **Minimum Side Yard -** Fifteen feet (15'); Twenty-five feet (25') adjacent to a public street or residential lot
    c. **Minimum Rear Yard -** Twenty-five feet (25')
    d. **Adjacent to a Single-Family District -** Any non-residential use that is over one (1) story in height and that is located adjacent to (and not across an right-of-way from) any single-family zoning district shall be setback from the applicable property line by sixty feet (60').
3. **Maximum Lot Coverage:** Sixty percent (60%) total, including main buildings and accessory buildings.
4. **Building Size for Nonresidential Structures:** The building footprint area shall not exceed fifty thousand (50,000) square feet in size.

E. **Parking Requirements:** Refer to Section 5.1.

F. **Landscaping Requirements:** Refer to Section 5.2.

G. **Special District Requirements:**

1. **Building Façade Review:** Building facade (elevation) plans shall be submitted for Commission review and approval by the Board of Aldermen along with the Site Plan. Facade plans shall clearly show how the building(s) will look, especially as viewed from the major thoroughfare upon which the property faces or sides, and will portray a reasonably accurate depiction of the anticipated materials and colors to be used. The Mayor/Village Administrator or his/her designee may, as deemed appropriate, require submission of additional information and materials, including actual samples of materials to be used, during the Site Plan review process.
2. **On-Site Dwellings:** Recreational vehicles, manufactured homes, travel trailers or motor homes may not be used for on-site dwelling or non-residential purposes.
3. **Open Storage:** Open storage is prohibited.
4. **Temporary Facilities:** There shall be no permanent use of temporary facilities or buildings.
5. **Other Regulations:** Refer to Section V, *Development Standards & Use Regulations*.

Section 3.13: C, Commercial District

A. **General Purpose and Description:** The C, Commercial District is intended to provide a location for commercial and service-related establishments, such as wholesale product sales, welding and contractor shops, plumbing shops, automotive repair services, upholstery shops, and other similar commercial uses. Uses in this district may utilize open storage areas that are screened from public view. The uses envisioned for the district will typically utilize small sites and have operational

characteristics that are generally not compatible with residential uses and most other types of non-residential uses within the Village.

B. **Permitted Uses:** Those uses listed for the C, Commercial District in Section 4.1. (Use Charts) as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 3.17.

C. **Height Regulations:**

1. **Main Building(s):** Maximum two (2) stories, or forty feet (40').
2. **Accessory Building(s):** Maximum one (1) story, or twenty-five feet (25') for accessory buildings.
3. **Other:** Refer to Section V, *Development Standards & Use Regulations* for other regulations.

D. **Area Regulations:**

1. **Size of Lot:**
   a. **Minimum Lot Area -** Eight thousand (8,000) square feet
   b. **Minimum Lot Width -** Eighty feet (80')
   c. **Minimum Lot Depth -** One hundred feet (100')
2. **Size of Yards:**
   a. **Minimum Front Yard -** Twenty-five feet (25'); all yards adjacent to a street shall be considered a front yard. See Section 5.1 through Section 5.5 for any additional setback requirements.
   b. **Minimum Side Yard -** Fifteen feet (15'); twenty-five feet (25') adjacent to a public street or residential lot.
   c. **Minimum Rear Yard -** Twenty-five feet (25')
   d. **Adjacent to a Single-Family District -** Any commercial use that is over one (1) story in height and that is located adjacent to (and not across an right-of-way from) any single-family zoning district shall be setback from the applicable property line by sixty feet (60').
3. **Maximum Lot Coverage:** Sixty percent (60%) total, including main buildings and accessory buildings.
4. **Building Size for Nonresidential Structures:** The building footprint area shall not exceed fifty thousand (50,000) square feet in size.

E. **Parking Requirements:** Refer to Section 5.1.

F. **Landscaping Requirements:** Refer to Section 5.2.

G. **Special Requirements:**

1. **Building Façade Plan:** Building facade (elevation) plans shall be submitted for Commission review and approval by the Board of Aldermen along with the Site Plan. Facade plans shall clearly show how the building(s) will look, especially as viewed from the major thoroughfare upon which the property faces or sides, and will portray a reasonably accurate depiction of the materials and colors to be used. The Mayor/Village Administrator or his/her designee may, as deemed

appropriate, require submission of additional information and materials, including actual samples of materials to be used, during the Site Plan review process.

2. **Required Massing for Nonresidential Structures:** In order to ensure the aesthetic value and visual appeal of non-residential land uses and structures, the facades of all structures must be offset, varied and articulated, at least three feet (3') in depth for every thirty feet (30') in horizontal and/or vertical surface length. Such facade offsets as required herein shall be shown, along with calculations verifying that the building elevations meet the above requirement, on the Building Facade Plan.
3. **Outside Display:** Outside display of merchandise and seasonal items, such as Christmas trees and pumpkins shall be limited to the following:
    a. Outside display areas shall not be placed or located more than thirty feet (30') from the main building.
    b. Outside display areas shall not occupy any of the parking spaces that are required by this Ordinance for the primary use(s) of the property, except on a temporary basis only, which is a maximum of 30 days per display and a maximum of two displays per calendar year.
    c. Outside display areas shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.
    d. Outside display areas shall not extend into public right-of-way or onto adjacent property.
    e. Outside display items shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.
4. **On-Site Dwellings:** Recreational vehicles, manufactured homes, travel trailers or motor homes may not be used for on-site dwelling or non-residential purposes.
5. **Open Storage:** Open storage is limited to a maximum of five percent (5%) of the total lot area, shall not be located in front of or on top of the building, shall not be located facing any street, and must be screened in accordance with the provisions of Section 5.3. They cannot be visible from any public street or adjacent property.
6. **Temporary Facilities:** There shall be no permanent use of temporary facilities or buildings.
7. **Other Regulations:** Refer to Section V, *Development Standards & Use Regulations*.

Section 3.14: *{Reserved}*

Section 3.15: HD, Historic District

A. **Purpose:** The HD, Historic District is intended to implement the goals and policies of the Village concerning the preservation of historically significant elements within the original Village area. The HD, Historic District is intended to preserve, enhance, and perpetuate those aspects of the Village having historical, cultural, architectural and archaeological merit. Such preservation promotes and protects the economic, cultural, educational and general welfare of the public. More specifically, the purpose of this historic preservation ordinance is:

1. To preserve, protect, and enhance historically, culturally, architecturally, and archaeologically significant sites and structures which represent the unique character of Salado and serve as reminders of the village's historical, cultural, architectural, and archaeological heritage;
2. To promote the economic prosperity and welfare of the community by conserving the value of historic sites and encouraging the most appropriate use of such property within the village;
3. To foster civic pride in the accomplishments of the past;
4. To provide a review process for the appropriate preservation and development of important historical, cultural, architectural, and archaeological resources;
5. To ensure the harmonious, orderly, and efficient growth and development of the Village;
6. To protect and enhance Salado's attractiveness to visitors and the support and stimulus to the economy thereby provided;
7. To maintain a generally harmonious appearance of both historic and modern structures through the use of complimentary scale, form, color, proportion, texture, and material; and,
8. The historic society may help in the securing for financial help of money and a supplier of materials if the structure is to be brought back to its original condition. This will keep from causing any undue financial burden on the property owner; and to encourage stabilization, restoration and improvements of such properties and the values.

B. **Definitions:** The following definitions are generally specific to the HD section of the Zoning Ordinance. Definitions of other terms may be found in Section 5.8 of the Zoning Ordinance.

1. **Alteration:** Any change to the exterior of a Historic Landmark, building, object, structure or site within the designated district. For buildings, objects, sites or structures, alteration shall include, but is not limited to, the changing of roofing or siding materials; changing, eliminating, or adding doors, door frames, windows, window frames, shutters, fences, railings, porches, balconies, signs, or other ornamentation, painting previously unpainted surfaces, removing paint, or the changing of paint color.
2. **Demolition:** The intentional destruction of any building, structure, object or site, designated as a Historic Landmark or located within the Historic District.
3. **Historic District:** The "Historic District (HD)" as designated by the Village Board of Aldermen, posses a significant concentration, linkage, or continuity of buildings, structures, objects or sites united historically or aesthetically by plan or physical development. Existing within the "Historic District" are examples of outstanding historical, cultural, architectural, or archaeological properties that are of significance in the state, nation, region and community.
4. **Historic Landmark:** A "Historic Landmark", as designated by the Village Board of Aldermen, is a building, structure, object or site that has outstanding historical, cultural, architectural, archaeological significance in the state, nation, region or community. The designation, "Historic Landmark", recognizes that the accessory building(s), fences or other appurtenances at the site, are equally and vitally important to the preservation of the property.
5. **New Construction:** Any buildings, object, or structure which is relocated, assembled, produced or erected that alters the appearance of a parcel, including the replacement of a building or structure or a portion thereof that has been removed or destroyed.

6. **Object:** Any material thing that cannot otherwise be defined as a building or structure.
7. **Ordinary Repair and Maintenance:** Ordinary repair and maintenance is an in-kind replacement of materials located on the external portion of a building or structure that conform to the provisions of this ordinance. Ordinary repair and maintenance does not involve a change in design, material, or outward appearance. The replacement of a sign, building, objects or structure in its entirety does not constitute ordinary repair and maintenance.
8. **Rehabilitation:** The act or process of returning a building, object, or structure to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, cultural or architectural values. The historic society may help in the securing for financial help of money and a supplies of materials if the structure is to be brought back to its original condition. This will keep from causing any undue financial burden on the property owner.
9. **Restoration:** The act or process of accurately recovering the form and details of a building, object or structure and its setting as it appeared at a particular period of time by the removal of later work or by the replacement of missing earlier work.

C. **Permitted Uses:** Those uses listed for the Historic District in Section 4.1. (Use Charts) as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 3.17.

D. **Height Regulations:**

1. **Main Building(s):** Maximum two (2) stories or forty feet (40') for the main building(s).
2. **Accessory Building(s):** One (1) story for accessory buildings.
3. **Other:** Refer to Section V, *Development Standards & Use Regulations* for other regulations.

E. **Area Regulations:**

1. **Size of Lot:**
    a. **Minimum Lot Area -** Five thousand (5,000) square feet.
    b. **Minimum Lot Width -** Fifty feet (50').
    c. **Minimum Lot Depth -** One hundred feet (100').
2. **Size of Yards:**
    a. **Minimum Front Yard -**Five feet (5'); all yards adjacent to a street shall be considered a front yard. See Section 5.1 through Section 5.5 for any additional setback requirements.
    b. **Minimum Side Yard -** Ten feet (10'); fifteen feet (15') adjacent to a public street or residential lot
    c. **Minimum Rear Yard -** Fifteen feet (15')
3. **Maximum Lot Coverage:** Seventy percent (70%) total, including main buildings and accessory buildings.

4. **Building Size for Nonresidential Structures:** The building footprint area shall not exceed twenty-five thousand (25,000) square feet in size.
5. **Minimum Building Separation for Nonresidential Structures:** There shall be a minimum ten-foot (10') separation between structures, or a minimum separation as required by the Village's Fire Code, whichever is greater.

F. **Parking Regulations:** Refer to Section 5.1.

1. **Parking for Retail Uses and Office Uses:** One (1) space per three hundred (300) square feet of gross floor space. Stacking spaces shall be as required within Section 5.1.C.12.
2. **Materials for Parking for Non-Residential Uses:** Parking areas shall be constructed with an all-weather surface in a manner that is consistent with the Village's Technical Construction Standards and Specifications (TCSS) Manual.
3. **Shared Parking:** The required number of parking spaces may be reduced if parking can be shared with an adjacent development(s) or use(s). Such a reduction must be approved as part of the site plan. In no case shall the required parking be reduced in excess of fifty percent (50%) of the required spaces, as set forth in Section 5.1.

G. **Landscaping Requirements:** Refer to Section 5.2.

H. **Special Requirements:**

1. **Design Criteria for Development Within the Historic District:**
    a. Development in the Historic District shall have characteristics that result in a compact, mixed use, pedestrian-oriented, and environmentally sensitive community.
    b. Detailing for windows, doors and other openings shall be complimentary to the period or building style.
2. **Building Façade Plan for External Alterations, New Development or Redevelopment:** Building facade (elevation) plans shall be submitted for Commission review and approval by the Commission along with the Site Plan. Facade plans shall clearly show how the building(s) will look, especially as viewed from the major thoroughfare upon which the property faces or sides, and will portray a reasonably accurate depiction of the anticipated materials and colors to be used. The Commission may, as deemed appropriate, require submission of additional information and materials, including actual samples of materials to be used, during the Site Plan review process.
3. **Required Massing for External Alterations, New Development or Redevelopment Projects With Nonresidential Structures:** In order to ensure the aesthetic value and visual appeal of non-residential land uses and structures, the facades of all structures must be offset, varied or articulated, at least three feet (3') in depth for every thirty feet (30') in horizontal and/or vertical surface length. Such facade offsets as required herein shall be shown, along with calculations verifying that the building elevations meet the above requirement, on the Building Facade Plan. Refer to Section 5.8 for the definition of articulation.
4. **Architectural Design for External Alterations, New Development or Redevelopment:** The architecture shall achieve a majority of the following objectives:

a. Architectural compatibility;
b. Human scale design;
c. Integration of uses;
d. Encouragement of pedestrian activity;
e. Buildings that relate to, and are oriented toward, the pedestrian areas and surrounding buildings;
f. Residential scale buildings;
g. Buildings that are designed with facade variation;
h. Buildings that contain special architectural features to signify entrances;
i. Buildings that focus activity around a central green space.

5. **General Criteria for External Alterations, New Development or Redevelopment:** The following criteria shall be used to determine the appropriateness of the development:

   a. The effect of the proposed development on the general historic, cultural, and architectural nature of the Historic District or landmark.
   b. The appropriateness of exterior architectural features that can be seen from a public street, alley, or walkway.
   c. The general design, arrangement, texture, color, and material of the building, or structure, and the relation of such factors to similar features of buildings, or structures, in the district, and the conformity of the development to the general character of the Historic District.

6. **Open Storage:** Open storage is prohibited.

7. **Outside Display for Retail Uses:** Outside display of merchandise and seasonal items, such as Christmas trees and pumpkins, that is associated with a primary retail use is permitted on the same lot as that retail use in the front yard area. Outside display shall be limited to the following:

   a. Outside display areas shall not be placed or located more than thirty feet (30') from the main building.
   b. Outside display areas shall not occupy any of the parking spaces that are required by this Ordinance for the primary use(s) of the property, except on a temporary basis only, which is a maximum of 30 days per display and a maximum of two displays per calendar year.
   c. Outside display areas shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.
   d. Outside display areas shall not extend into public right-of-way or onto adjacent property.
   e. Outside display items shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.

8. **On-Site Dwellings:** Recreational vehicles, manufactured homes, travel trailers or motor homes may not be used for on-site dwelling or non-residential purposes.

9. **Temporary Facilities:** There shall be no permanent use of temporary facilities or buildings.

10. **Other Regulations:** Refer to Section V, *Development Standards & Use Regulations*

I. **Planning & Zoning Commission Oversight for the Historic District and Landmarks:** The Planning and Zoning Commission is hereby vested with the responsibility of assuring that the integrity of landmarks and properties within the Historic District is protected. The Planning & Zoning Commission shall approve all permits as required within this ordinance, and appeals related to such permits shall be made to the Board of Aldermen.

1. **Consultation with Salado Historical Society:** The Planning and Zoning Commission is authorized and encouraged to consult with the Salado Historical Society regarding the designation of Historic Districts, designation of Historic Landmarks, and applications for building permits related to such Districts and Landmarks.
2. **Application for Designation:** An application for designation as a Historic Landmark or Historic District may be filed by any person. The Planning and Zoning Commission shall consider and take action upon such complete application within ninety (90) days of receipt. All applications shall include information as required on Village application forms.
3. **Powers and Responsibilities:**
    a. To prepare rules and procedures as necessary to carry out the business of the Commission, which shall become effective when ratified by the Village Board of Aldermen.
    b. To recommend the designation of buildings, objects, structures, sites, as landmarks and/or historic districts to the Village Board of Aldermen.
    c. To maintain written minutes which record all actions taken by the Commission and the reasons for taking such action.
    d. To recommend conferral of recognition upon the owners of landmarks or properties within the Historic District by means of certificates, plaques or markers.
    e. To increase public awareness of the value of historic, cultural, architectural and archaeological preservation by developing and participating in public education programs.
    f. To make recommendations to the Village Board of Aldermen concerning the utilization of state, federal or private funds to promote the preservation of landmarks within the Historic District and other areas of the village.
    g. To review and determine compliance with the criteria established for applications for permits pursuant to this ordinance.
    h. To prepare specific design guidelines for the review of application for permits for landmarks. To prepare additional guidelines or criteria for review of application for permits. These guidelines and/or criteria shall become effective when ratified by the Village Board of Aldermen.
    i. To recognize the importance of finding a way to meet the current needs of the property owner, and the importance of approving plans that will be economically reasonable for the property owner to carry out.
    j. To request assistance of voluntary professionals as the Commission deems necessary in matters concerning this ordinance.
    k. To develop regulations, applications and forms to carry out the terms of this ordinance, which such regulations, applications and forms shall be subject to review and approval by the Village Board of Aldermen prior to their use.

l. The Commission shall have the further responsibility of recommending to the Village Board of Aldermen the adoption of policies and sources of funds, that may further the Village's preservation effort.

4. **Meetings:** The Commission shall hold meetings as necessary. Special meetings may be called upon request of the Chairman, the Vice-Chairman or the Mayor. All meetings must be held in accordance with the Texas Open Meetings Act.

J. **Designation of the Historic District Boundaries and Related Landmarks**

1. **Historic District Boundaries:** The Board of Aldermen, upon recommendation of the Commission, may amend the boundaries of the Historic District if it is determined desirable in the interest of furthering the objective of protecting historic buildings, properties and objects in Salado.

   a. The Board must hold a public hearing in accordance with Section 2.4.

   b. The Board shall schedule a hearing on the Commission's recommendation to be held within forty-five (45) days of receipt of its recommendation.

   c. The Board can solicit input from the Salado Historical Society prior to making a designation.

   d. Any person may appeal the action of the Board by submitting to the Village Secretary a written statement of the grounds for the appeal within ten (10) days of the final action of the Board. The Board of Aldermen will take action within forty-five (45) days of receipt of a written appeal.

2. **Historic Landmarks:**

   a. **Designated by the Texas Centennial Commission, Texas Historical Commission, by the National Register of Historic Places, and/or by the Planning and Zoning Commission and Board of Aldermen** - The following buildings, properties, sites and objects (with their respective locations) in the Village of Salado have received historical designations by either the Texas Historical Commission and/or the National Register of Historic Places, and by the Planning and Zoning Commission and the Board of Aldermen. They are, therefore, recognized and designated as Historic Landmarks by the Village of Salado:

(1) Site of Alexander's Medical Distillery (Subject Marker)	Center Circle
(2) Anderson House and Store	Main Street
(3) Armstrong-Adams House	Main Street & Thomas Arnold
(4) George W. Baines House	Royal Street
(5) Moses H. Denman Log Cabin	Van Bibber Lane
(6) First Baptist Church (Subject Marker)	Main Street
(7) Captain Robert B. Halley House	Main Street
(8) Hendrickson-Caskey House	Center Circle
(9) Lenticular Bridge (Subject Marker)	Main Street
(10) McKie House – Twelve Oaks	Center Circle
(11) Norton-Orgain House	Main Street
(12) Major A.J. Rose House	Wm. Rose Way
(13) Major Archibald J. Rose (Subject Marker)	Wm. Rose Way
(14) Salado Bridge (Subject Marker)	Main Street at Salado Creek

(15)	Salado Creek Natural Landmark (First in Texas)	Main Street
(16)	Salado Church of Christ (Subject Marker)	IH 35
(17)	Salado College Ruins Archeological Site	Main Street
(18)	Welborn Barton, M.D. House	Main Street
(19)	J.M.G. Davis House	Pace Park Road
(20)	Site of Davis Mill (Subject Marker)	Main Street & Pace Park Road
(21)	Salado United Methodist Church	Thomas Arnold Road
(22)	Stagecoach Inn	Main Street
(23)	Levi Tenney House	Pace Park Road
(24)	Orville T. Tyler House	Main Street
(25)	Vickery-Berry House	Main Street
(26)	Granville N. Vickery House	Main Street
(27)	Barbee-Berry Mercantile Building	Main Street
(28)	Thomas Arnold High School (Subject Marker)	Main Street
(29)	Salado Cemetery (Subject Marker)	Baines Street
(30)	Old Salado Graveyard (Historic Texas Cemetery)	Salado Cemetery
(31)	Rev. James & Fanny Ferguson (Subject Marker)	Salado Cemetery
(32)	Captain Robert B. Halley (Subject Marker)	Salado Cemetery
(33)	Dr. Samuel & Charlotte H. Jones (Subject Marker)	Salado Cemetery

b. **Designation by the Village of Salado:** The following buildings, properties, sites and objects in the Village of Salado have received historical designation by the Salado Historical Society as Salado Landmarks. They are recognized and designated as Historic Landmarks by the Planning and Zoning Commission and Board of Aldermen.

(1)	Boles – Aiken Log Cabin	Van Bibber Lane
(2)	Old Salado Church of Christ	Main Street
(3)	Hamblen-Aiken Cemetery	Van Bibber Lane
(4)	First State Bank Building (Grace Jones)	Royal Street
(5)	Thomas H. Jones Mill Site	Mill Creek Golf Course
(6)	Stagecoach Inn Log Cabin	Main Street
(7)	Salado Public School (Old Red School-Civic Center)	Main Street
(8)	Vickrey-Berry Carriage House	Main Street
(9)	Hutchens House	Main Street
(10)	Rose Dipping Vat	Table Rock Walking Trail – Royal Street

c. **Designation of Additional Landmarks:** The Village Board of Aldermen, upon recommendation of the Planning & Zoning Commission, may designate additional buildings, sites, structures, or objects in the Village of Salado as Historic Landmarks in accordance with Section 2.4. Prior to making a designation, the Board of Aldermen must solicit input from the Salado Historical Society.

3. **Criteria for Designation of Historic Landmarks:** The Planning and Zoning Commission and Board of Aldermen shall consider one or more of the following criteria in making the recommendation that a property be designated as a Historic Landmark:
   a. Significance in history, culture, architecture, and/or archaeology.
   b. Association with events that have made a significant contribution to the broad patterns of local, regional, state or nation history.

c. Embodiment of distinguishing characteristics of an architectural style, or type, period or method of construction.
d. Relationship to other distinctive buildings, sites, districts or structures which are historically significant and preserved, or which are eligible for preservation;
e. Importance as an established and familiar visual feature of a neighborhood, community or the Village;
f. Value as an aspect of community sentiment or public pride;
g. Identification with a person or persons who significantly contributed to the development or culture of the Village.
h. The work of a master or recognized designer, builder or craftsman.

K. **Permitting:** Any permit granted under this ordinance is not a building permit, as that term is normally used, but is a permit that indicates the proposed external alteration, sign, demolition, repair, maintenance, new development, and/or redevelopment conforms to the requirements of this ordinance. Exterior permits apply only to designated structures listed in Sections 3.15.L.2.a. and 3.15.L.2.b. above.

1. **Permits Required:**
   a. **External Alterations -** It shall be unlawful to install, construct, reconstruct, alter, remove, restore, or rehabilitate any external part of a Historic Landmark or structure within the Historic District without first obtaining a permit from the Board of Aldermen as provided herein.
   b. **Signs -** Signs placed or painted on the exterior of any building, object or site, including vacant lots, are considered an alteration to property. It shall be unlawful to place or paint any permanent sign on the exterior of any building, object or site, including vacant lots, without first obtaining a permit as provided herein.
   c. **Demolition -** It shall be unlawful to demolish any Historic Landmark within the Historic District, including secondary buildings and landscape features, without first obtaining a permit as provided herein.
   d. **Ordinary Repair and Maintenance -** Ordinary repair and maintenance, as defined in Section 3.15.B.6 of this ordinance of a landmark or other property within the Historic District, shall not require a permit unless the repair or replacement involves a portion of the property that is currently in non-compliance with provisions of this ordinance. In that instance, a permit shall be required to ensure that the repair or replacement is carried out in a manner to bring the property into compliance.
   e. **New Development or Redevelopment** – Any new development or redevelopment that occurs within the Historic District shall require a permit from the Planning and Zoning Commission.

2. **Permitting Process:** All projects shall be reviewed by Village staff, and submitted to the Planning & Zoning Commission for consideration. Denial of a permit by the Planning and Zoning Commission may be appealed to the Board of Aldermen. The Board of Aldermen shall have final approval or denial authority of permit appeals. Refer to Section 2.6. for concept plan and site plan requirements.

3. **Criteria for Permit Approvals:**
   a. **External Alterations -** In determining the recommendation and action on an application for a permit allowing external alterations to historic landmarks or properties within the Historic District, the Planning and Zoning Commission (and the Board of Aldermen in

the case of an appeal) shall be guided by the following design guidelines, as well as those outlined within Section 3.15.J. These and any additional adopted guidelines must be available to the property owners of Historic Landmarks or of property within the Historic District.

(1) Every reasonable effort shall be made to adapt the property in a manner that requires minimal alteration of the building, structure, object, or site and its environment.
(2) The distinguishing original qualities or character of a building, structure, object, or site and its environment, shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
(3) All buildings, structures, objects, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
(4) Changes that may have taken place in the course of time are evidence of the history and development of a building, structure, object, or site and its environment. If these changes have acquired significance in their own right, then this significance shall be recognized and respected.
(5) Distinctive stylistic features or examples of skilled craftsmanship, which characterize a building, structure, object, or site, shall be kept where possible.
(6) Decorative architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
(7) The surface cleaning of structures shall be undertaken with the gentlest means reasonably available. Sandblasting and other cleaning methods that may damage historic building materials of buildings, structures, objects, or sites, shall not be undertaken.
(8) Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.
(9) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with size, scale, color, material and character of the property, neighborhood, or environment.
(10) Wherever possible, new additions or alterations to buildings, structures, objects, or sites shall be done in such a manner that if such additions or alterations where to be removed in the future, the essential form and integrity of the building, structure, object, or site would be unimpaired.

b. **New Construction or Redevelopment -** New construction or redevelopment is permitted in the District so long as the design of a new building, structure, object, or site is compatible with the size, scale, color, materials and character of existing properties in

a district. Contemporary design for new buildings, objects, structures, or sites shall not be discouraged when such meet the above criteria, as well as those outlined within Section 3.15.J. Permits for manufactured homes, mobile structures, or recreational vehicles (attached to any utility whether temporary or permanent) within the Historic District will not be granted.

c. **Signs -** All signs shall be keeping with the character of the Historic District or landmark. Signs shall be reviewed for aesthetics and their compatibility with historic properties and districts and comply with all applicable Village sign ordinances and regulations.

d. **Timing** – The Board of Aldermen shall consider and take action upon any application for a permit within ninety (90) days of receiving an application that is administratively complete.

e. **Appeals** – Any person may appeal the grant or denial of a permit under this section by submitting a written statement detailing the grounds for the appeal within ten (10) days of final action by the Board of Aldermen. The Board of Aldermen will take action within forty-five (45) days of a receipt of a written appeal.

L. **Demolition by Neglect:** No owner, tenant, or person with an interest in real property designated as a landmark or included within the Historic District shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural features which would, in the judgment of the Planning and Zoning Commission, produce a detrimental effect upon the character of the Historic District as a whole or a the life and character of the property itself.

1. **Examples:** Examples of such deterioration include, but are not limited to, the following:

   a. Deterioration of exterior walls or other vertical supports
   b. Deterioration of roofs or other horizontal members
   c. Deterioration of exterior chimneys.
   d. Deterioration of crumbling of exterior stucco or mortar.
   e. Deterioration of any feature so as to create a hazardous condition that could lead to the claim that demolition is necessary for the public safety.

2. **Finding of Neglect:** Upon a finding by the Planning and Zoning Commission of conditions qualifying as demolition by neglect, the owner of the property will be notified of this determination. The owner will be directed to file a permit application describing the work that will be carried out in accordance with the provision of Section 3.15.M. of this Ordinance to correct the violation.

Section 3.16: PD, Planned Development District

A. **General Purpose and Description:** The purpose of a Planned Development "PD" District is to provide for the development of land as an integral unit for single or mixed use in accordance with a PD Concept Plan that may include uses, regulations and other requirements that vary from the provisions of other zoning districts. PD districts are intended to implement generally the goals and objectives of the Village's Comprehensive Plan. PD districts are also intended to encourage flexible and creative planning, to ensure the compatibility of land uses, and to allow for the

adjustment of changing demands to meet the current needs of the community by meeting one or more of the following purposes:

1. To provide for a superior design of lots or buildings;
2. To provide for increased recreation and/or open space opportunities for public use;
3. To provide rural amenities or features that would be of special benefit to the property users or community;
4. To protect or preserve natural amenities and environmental assets such as trees, creeks, ponds, floodplains, slopes, hills, view scrapes, and wildlife habitats;
5. To protect or preserve existing historical buildings, structures, features or places;
6. To provide an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services; and,
7. To meet or exceed the present standards of this ordinance.

B. **Nature of District and Minimum Standards:** Each PD district shall be a free-standing zoning district in which land uses and intensities of land use may be tailored to fit the physical features of the site and to achieve compatibility with existing and planned adjacent uses. Minimum standards for residential and non-residential uses proposed for the PD district must be incorporated within an ordinance adopted by the Board of Aldermen. In the adopting ordinance, the Board of Aldermen may incorporate minimum standards by making reference to a standard zoning district.

1. **Land Use:**

   a. **Uses** - An application for a PD district shall specify the base zoning district upon which the PD is based, and the use or the combination of uses proposed, particularly if any of the proposed uses are not allowed by right in the base zoning district. PD designations shall not be attached to Conditional Use Permit (CUP) requirements. Conditional use permits allowed in a base zoning district may be allowed in a PD only if specifically identified at the time of PD approval, and if specifically cited as an "additional use" in the ordinance establishing the PD. Additional uses are those uses allowed by right in the base zoning district.

   b. **Location** - The location of all authorized uses shall be consistent with the PD concept plan and PD site plan.

   c. **Residential Uses** - Unless otherwise provided by the PD ordinance, the following standards shall apply to all residential uses within a PD district:

      (1) *Density* - Except on the basis of exceptional design and provision of enhanced open space, residential density shall be no smaller than the lot sizes allowed in the base zoning district for each type of housing except for minor changes in a small percentage of the lots in order to provide improved design or flexibility in the layout of the subdivision.

      (2) *Drainage* - Drainage features shall be integrated into the design of the development and shall be contained within ponds and streams with a natural appearance wherever possible.

d. **Nonresidential Uses -** Unless otherwise provided by the PD ordinance, the following standards shall apply to all non-residential uses within a PD district:

(1) *Height* - No structure shall exceed the lower of three (3) stories or fifty (50') feet above natural grade.

(2) *Drainage* - Drainage features shall be integrated into the design of the development and shall be contained within ponds and streams with a natural appearance wherever possible.

2. **Open Space Standards:**

a. **Public and Private Open Space -** Unless otherwise provided by the PD ordinance, a maximum of twenty percent (20%) of the gross land area within the entire PD district shall be devoted to open space. Open space for PD districts may be satisfied by space that can be classified as public, such as a central gathering space, or by a combination of public and private open space. . Public open space shall be dedicated to the Village.

b. **Preservation of Natural Features -** Unless otherwise provided by the PD ordinance or PD concept plan:

(1) Floodplain areas shall be preserved and maintained as open space; and

(2) Significant stands of native trees and shrubs shall be preserved and protected from destruction or alteration (see Section 5.2).

c. **Open Space Allocation and Preservation -** Open space requirements shall be satisfied for each phase of a multi-phased residential or non-residential development. If open space is not to be provided proportionally among phases of development, the applicant must execute a reservation of open space in a form that will assure the Village that such open space will be provided. The Village may require that all open space within the PD District must be provided prior to completion of development within the PD District.

C. **Height Regulations:** Unless otherwise provided by the PD ordinance, area regulations for uses shall be the most restrictive standards established within the Village's zoning regulations for the same or similar uses.

D. **Area Regulations:** Unless otherwise provided by the PD ordinance, area regulations for uses shall be the most restrictive standards established within the Village's zoning regulations for the same or similar uses. The minimum allowable size for a PD shall be one (1) acre.

E. **Plans Required:**

1. **Types:** There are two types of plans that are required as part of the development process within a PD district. The procedures to be followed for the review of each plan shall be as provided in Section 2.6 of this Ordinance. Approval of the concept plan shall occur along with the PD zoning request. The general purpose and use of each plan is described as follows:

a. **PD Concept Plan -** The PD concept plan is mandatory, and therefore, shall represent the first step in the PD development process. It establishes general guidelines for the PD district by identifying the proposed land uses and intensities, thoroughfare locations, and open space boundaries, including any proposed public trail systems. It also illustrates the integration of these elements into a master plan for the whole PD

district. The PD concept plan, as incorporated in the PD ordinance and together with the text of the ordinance, establishes the development standards for the PD district.

b. **Site Plan** - A PD site plan is mandatory and shall represent the final step of the development process for non-residential and multiple-family residential development. The purposes of a site plan are to assure that the development of individual building lots, parcels, or tracts within the PD district are consistent with the approved concept plan and to assure that the standards applicable within the PD district are met for each lot, parcel or tract developed. The approval of a site plan shall be effective for a period of 183 calendar days beyond the date that the plan was approved by the Board of Aldermen (see Section 2.6.J of this Ordinance), unless the date of effectiveness is extended as provided in Section 2.6.K of this Ordinance.

F. **Compliance with Approved Plans:**

1. Except as otherwise provided by the Village's Subdivision Regulations, no development shall begin and no building permit shall be issued for any land within a PD District until a PD site plan that is consistent with the PD concept plan has been approved. Each PD District shall be developed, used, and maintained in compliance with the approved PD site plans for the PD District.

G. **Establishment of District and Concept Plan:**

1. **Zoning Amendment:** The procedures for establishing a PD district shall be as for any other type of zoning request, except that more information is typically needed along with the request, and a concept plan shall be submitted along with the request. An application for the establishment of a PD District shall be submitted in accordance with Section 2.4.C of this Ordinance. The application shall include:

   a. A PD concept plan;
   b. A list of proposed PD District development standards;
   c. Identification of a zoning district, if any, which shall apply to the extent not otherwise provided by the PD concept plan or by the proposed PD district development standards;
   d. A concept plan informational statement, and
   e. A traffic impact analysis, unless waived by the Board of Aldermen.

2. **Governing Regulations:**

   a. Except to the extent provided by the PD concept plan and the PD ordinance, development within the PD district shall be governed by all of the ordinances, rules, and regulations of the Village in effect at the time of such development, including the standards of the zoning district identified in the application.
   b. In the event of any conflict between the PD concept plan, the PD ordinance, and/or the ordinances, rules, and regulations of the Village in effect at the time of the establishment of the PD, the terms, provisions, and intent of the PD concept plan and PD ordinance shall control.

3. **PD Concept Plan:** A concept plan shall be submitted along with a PD zoning request, and shall be processed simultaneously with the PD zoning request. The concept plan shall be reviewed by the

Village's development review team, in accordance with Section 2.6 of this Ordinance. If the PD zoning application is approved, the PD concept plan shall be incorporated and made a part of the PD ordinance.

4. **Proposed PD Development Standards:** Proposed PD district development standards shall be processed simultaneously with the PD zoning application, and if the PD zoning application is approved, such standards shall be incorporated as part of the PD ordinance. Such proposed development standards may include, but shall not be limited to, uses; density; lot size; building size; lot dimensions; setbacks; coverage; height; landscaping; lighting; screening; fencing; parking and loading; signage; open space; drainage; and utility and street standards. Any graphic depictions used to illustrate such standards, unless otherwise provided in the PD ordinance, shall be considered as regulatory standards. In the event of any conflict, the more stringent standards shall apply.

5. **Concept Plan Informational Statement:** A PD concept plan shall be accompanied by an informational statement containing the information set forth below. If the PD zoning application is approved, the informational statement shall be binding on the applicant or the land owner, but shall not be considered part of the PD concept plan or the PD ordinance. If the PD Concept Plan and the PD Ordinance conflict in any way, the PD Ordinance shall be considered the controlling document. Informational statements shall be updated concurrently with any amendment to the PD concept plan. Each statement shall include the following:

    a. A general statement setting forth how the proposed PD district will relate to the Village's Comprehensive Plan;
    b. The total acreage within the proposed PD district;
    c. If the development is to occur in phases, a conceptual phasing plan that identifies the currently anticipated general sequence of development, including the currently anticipated general sequence for installation of major capital improvements to serve the development; and
    d. An aerial photograph with the boundaries of the PD concept plan clearly delineated.

6. **Official Submission Date and Completeness of Application:** Refer to Section 2.4.C of this Ordinance.

H. **PD Site Plans:** Site plan review and approval for any building site within a PD district shall be in accordance with Section 2.6 of this Ordinance.

I. **Amendment of Plans:**

1. **PD Concept Plans:** PD concept plans, excluding informational statements, are considered part of the PD ordinance. Any amendment to a PD concept plan shall be considered a zoning change, and shall be processed pursuant to Section 2.4 of this Ordinance.
2. **PD Site Plans:** PD site plans are not considered part of a PD ordinance. Except as otherwise provided within this Subsection, any amendment/revision to an approved PD site plan shall be in accordance with Section 2.6 of this Ordinance.

J. **Lapse of Concept Plan or Site Plan Approval:** Lapse of a concept plan or site plan shall be in accordance with Section 2.6.J of this Ordinance.

K. **Extension and Reinstatement Procedure:** Extension of a concept plan or site plan shall be in accordance with Section 2.6.K of this Ordinance.

Section 3.17: CUP, Conditional Use Permit

A. **General Purpose and Description:** A conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only under certain conditions. Such conditions include a determination that the external effects of the conditional use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of standards and conditions. This Section sets forth the standards used to evaluate proposed conditional uses and the procedures for approving Conditional Use Permit (CUP) applications.

B. **Conditional Use Permit (CUP) Required:** No conditional use shall be established and no building permit shall be issued for any use designated as a conditional use within a zoning district until a conditional use permit is issued in accordance with the provisions of this Section. An application for a conditional use permit shall be accompanied by a site plan prepared in the manner described in Section 2.6. The site plan shall illustrate the proposed use to be established, its relationship to adjoining properties, and how it meets the approval standards set forth in Section 3.17.E.

C. **Status of Conditionally Permitted Uses:**

1. The following general rules apply to all conditional uses:

    a. The designation of a use in a zoning district as a conditional use does not constitute an authorization or assurance that such use will be approved.

    b. Approval of a conditional use permit shall authorize only the particular use for which the CUP is issued.

    c. No use authorized by a conditional use permit shall be enlarged, extended or relocated, nor may the number of dwelling units be increased, unless an application is made for approval of a new conditional use permit in accordance with the procedures set forth in this Section.

    d. Development of the use shall not be carried out until the applicant has secured all the permits and approvals required by these zoning regulations, the Village Code of Ordinances, or any permits required by regional, State and Federal agencies.

D. **Application for Conditional Use Permit:**

1. **Application Requirements:** An application for a conditional use permit may be submitted by the property owner or by the property owner's designated representative to the Village. The application shall be accompanied by a site plan prepared in accordance with the requirements of Section 2.6. If a zoning amendment is required or requested in writing, such application shall accompany the application for a conditional use permit.

2. **Subdivision Approval:** If the proposed use requires a division of land, an application for subdivision approval shall be submitted in conjunction with the application for a conditional use permit. Approval of the conditional use permit shall not become effective until final approval of the subdivision application; provided, that if the land is to be divided in phases, the approval of the

conditional use permit shall take effect upon final approval of the phase of the subdivision containing the property on which the conditional use is to be located.

E. **Procedures for Conditional Use Permits:**

1. **Planning & Zoning Commission Recommendation:** Upon receipt of the recommendation from the Mayor/Village Administrator or his/her designee, the Commission shall conduct a public hearing in order to formulate its recommendations to the Board of Aldermen on the conditional use permit application. Following the public hearing, the Commission shall recommend approval, approval subject to modification, or denial of the proposal to the Board of Aldermen in accordance with Section 2.4. If the appropriateness of the use cannot be assured at the location, the Commission shall recommend denial of the application as being incompatible with existing uses or with other uses permitted by right in the district.
2. **Board of Aldermen Action:** The Board of Aldermen shall be the final decision-maker on applications for conditional use permits. Following a public hearing and in consideration of the Commission's recommendations, the Board of Aldermen shall approve, modify or deny the proposal for a conditional use permit in accordance with Section 2.4. If the appropriateness of the use cannot be assured at the location, the application for conditional use permit shall be denied as being incompatible with existing uses or with other uses permitted by right in the district.

F. **Standards:**

1. **Factors for Consideration:** When considering applications for a conditional use permit, the Commission in making its recommendation and the Board of Aldermen in rendering its decision on the application shall, on the basis of the site plan and other information submitted, evaluate the impact of the conditional use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. The Commission and the Board of Aldermen shall specifically consider the extent to which:
    a. The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Plan;
    b. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
    c. The proposed use meets all supplemental standards specifically applicable to the use as established in the *Development Standards*, Section 5.1 through 5.9;
    d. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances, includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts, including but not limited to the following:
        (1) Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire;
        (2) Off-street parking areas, loading areas, and pavement type;
        (3) Refuse and service areas;
        (4) Utilities with reference to location, availability, and compatibility;

(5) Screening and buffering, features to minimize visual impacts, and/or set-backs from adjacent uses;
(6) Control of signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
(7) Required yards and open space;
(8) Height and bulk of structures;
(9) Hours of operation;
(10) Exterior construction material, building design, and building facade treatment;
(11) Roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets;
(12) Provision for pedestrian access/amenities/areas;
(13) The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity;

2. **Conditions:** In approving the application, the Commission may recommend and the Board of Aldermen shall impose such conditions as are reasonably necessary to assure compliance with these standards and the purpose and intent of this Section, in accordance with the procedures in Section 2.4. Any conditions imposed shall be set forth in the ordinance approving the conditional use, and shall be incorporated into or noted on the site plan for final approval. The Mayor/Village Administrator or his/her designee shall verify that the site plan incorporates all conditions set forth in the ordinance authorizing the conditional use, and shall sign the plan to indicate final approval. The Village shall maintain a record of such approved conditional uses and the site plans and conditions attached thereto.
3. **Prohibition on Waivers and Variances:** The foregoing standards of development shall not be subject to variances that otherwise could be granted by the Zoning Board of Adjustments, nor may conditions imposed by the Board of Aldermen subsequently be waived or varied by the Zoning Board of Adjustments. In conformity with the authority of the Board of Aldermen to authorize conditional uses, the Board of Aldermen may waive or modify specific standards otherwise made applicable to the use by this Ordinance, to secure the general objectives of this Section, provided, however, that the Board of Aldermen shall not waive or modify any approval factor set forth in Section 3.17.E.1.

G. **Expiration and Extension:** Termination of approval of a conditional use for failure to commence development and extension of the time for performance for a conditional use permit shall be governed by Section 2.6.

H. **Amendment:** No proposed or existing building, premise or land use authorized as a conditional use may be established, enlarged, modified, structurally altered, or otherwise changed from that approved in the conditional use permit, unless such amendment is authorized in accordance with the standards and procedures set forth in this Section, and the conditional use permit and approved site plan are amended accordingly.

I. **Other Regulations:** The Zoning Board of Adjustments shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the specific land use designated by any conditional use permit.

J. **Use Regulations:** Uses allowed by Conditional Use Permit are specified in Section 4.1.E (Use Charts).

Section 3-18: WS, IH-35 West Side Overlay District

OVERLAY AND SPECIAL DISTRICTS

A. **General Purpose and Description**: The WS, West Side Overlay District prefix is intended to provide for the cohesive development of properties on the west side of IH-35. The WS District is envisioned as a tool to help stabilize and improve property values, to protect and enhance the Village's attractions, to strengthen the economy and to enhance the attractiveness of the Village.

The WS Overlay District allows all uses permitted in the primary base district, as identified by the Permitted Uses section of the appropriate District.

B. **Declaration of Policy**: The Village Aldermen hereby finds and declares as a matter of public policy that the cohesive development of the west side of IH-35 is a public necessity and is required in the interest of the culture, prosperity, education and welfare of the residents of the Village of Salado. The purpose of the West Side Overlay District is:

1. To take advantage of the unique opportunity of the soon to be developed "Salado West Side" while at the same time, requiring future projects therein to be aesthetically attractive, practically functional and foster a safe and community-friendly environment.

C. **District Designation**:

1. The Village Aldermen may designate certain land, areas, lots and districts in the Village as The West Side Overlay District (WS) and define, amend and delineate the boundaries thereof.

2. The prefix WS as established by the amending Ordinance shall indicate the zoning sub-district designation of those buildings, land, areas, and districts which the Village Aldermen has designated as a IH-35 West Side Overlay District.

3. In making the WS designation, the Planning and Zoning Commission and Village Aldermen may modify the requirements of the Zoning Ordinance, and may reduce, increase, or revise the height, yard, area, coverage, parking, and any other developmental standards, if such action is determined to be necessary for the cohesiveness of the WS designated property.

D. Designation Criteria: In making such a designation as set forth in Section 29.3, the Village Aldermen shall consider one or more of the following criteria:

1. Transition areas: Driveways and passageways that promote an environment accommodating both pedestrians and automobiles in a safe, efficient and attractive manner.

2. Store frontages/facades that coordinate with each other so as to have an "architecturally cohesive" blend of storefronts.

3. Green space, such as trees, grassy areas and landscaping, with sitting areas that creates an inviting "park-like" area for customers to linger and refresh.

4. Sidewalks and "theme" appropriate lighting.

5. Signage heights and composition should be appropriate to the height adjoining business and in "good taste" by community standards.

6. Salado "West Side" is in close proximity to all of the Salado schools. Therefore, to insure the safety of pedestrians, both children and adults, provisions should be made to assure pedestrian access to stores and other business is not in conflict with service vehicles.

7. West Village Road may be on the "back side" of these stores/businesses. Since West Village Road is an increasingly busy roadway for locals, the "back side" of the business should be functional as well as aesthetically attractive.

8. The use of benches, awnings, art pieces, etc. may all be used to help create a highly funcational space with pleasing aesthetic values.

E. **Provisions Herein Not to Affect Present Uses**: Use classification as to all property which may be included in an IH-35 West Side Overlay District shall continue to be governed by the Zoning Ordinance of the Village of Salado unless specifically adjusted and attached to the amending ordinance at the time of the zoning change.

IV: USE REGULATIONS

Section 4.1: Use Regulations (Charts)

A. The use of land or buildings shall be in accordance with those listed in the following Use Charts. No land or building shall hereafter be used and no building or structure shall be erected, altered, or converted other than for those uses specified in the zoning district in which it is located. The legend for interpreting the permitted uses in the Use Charts is:

P	Designates that the use is permitted in the zoning district indicated.
RD	Designates that the use is restricted in the zoning district indicated.
C	Designates that the use may be permitted in the zoning district indicated by Conditional Use Permit (also see Section 3.17).
🕮	Designates that that the use is defined within Section 5.8 of this Ordinance.

B. **Definitions:** See Definitions in Section 5.9 of the Zoning Ordinance for further description of uses.

C. **Uses Not Listed:** If a use is not listed in the Use Charts, it is not allowed in any zoning district.

D. **Use Chart Organization:** The following use categories are listed in the Use Charts:

1. Agricultural Uses
2. Residential Uses
3. Office Uses
4. Personal and Business Service Uses
5. Retail Uses
6. Transportation and Auto Service Uses
7. Amusement and Recreational Service Uses
8. Institutional/Governmental Uses
9. Commercial and Wholesale Trade Uses
10. Manufacturing, Industrial and Construction Uses

E. **Standards for New and Unlisted Uses:** Standards for new and unlisted uses may be interpreted by the Mayor/Village Administrator or his/her designee as those of a similar use. When a determination of the appropriate zoning district cannot be readily ascertained, the same criteria outlined below (in Subsection F) shall be followed for determination of the appropriate district. The decision of the

Mayor/Village Administrator or his/her designee may be appealed by the applicant according to the process for appeals for zoning change requests outlined herein.

F. **Classification of New and Unlisted Uses:** It is recognized that new types of land use will develop, and forms of land use not presently anticipated may seek to locate in the Village of Salado. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use in the Use Charts shall be made as follows:

1. **Initiation:**

   a. A person, Village department, the Commission, or the Board of Aldermen may propose zoning amendments to regulate new and previously unlisted uses.

   b. A person requesting the addition of a new or unlisted use, in writing, shall submit to the Mayor/Village Administrator or his/her designee all information necessary for the classification of the use, including but not limited to the following:

      (1) The nature of the use and whether the use involves dwelling activity, sales, services, or processing;
      (2) The type of product sold or produced under the use;
      (3) Whether the use has enclosed or open storage and the amount and nature of the storage;
      (4) Anticipated employment typically anticipated with the use;
      (5) Transportation requirements;
      (6) The nature and time of occupancy and operation of the premises;
      (7) The off-street parking and loading requirements;
      (8) The amount of noise, odor, fumes, dust, toxic materials and vibration likely to be generated; and
      (9) The requirements for public utilities such as sanitary sewer and water and any special public services that may be required.

2. **Recommendation of Zoning Classification:** The Mayor/Village Administrator or his/her designee shall refer the question concerning any new or unlisted use to the Commission requesting a recommendation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by the statement of facts in Subsection A.1 above. An amendment to this Ordinance shall be required as prescribed by Section 2.4.

3. **Consideration by the Planning & Zoning Commission:** The Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such use is most similar and should be permitted. The Commission shall submit its findings and recommendations to the Board of Aldermen as to the classification proposed for any new or unlisted use.

4. **Consideration by the Board of Aldermen:** The Board of Aldermen shall approve or disapprove the recommendation of the Commission or make such determination concerning the classification of such use as is determined appropriate based upon its findings. If approved, the new or unlisted use shall be amended in the use charts of this article according to Section 2.4.

Permitted Uses	Residential Uses						Non-Residential Uses						
AGRICULTURE	**A**	**SF-21**	**SF-7**	**SF-PH**	**SFA**	**MF-1**	**O**	**HD**	**LR**	**RR**	**MU**	**BP**	**C**
Bulk Grain and/or Feed Storage	P											P	P
Farms, General (Crops) 🕮	P	P	C	C	C	C	C	C	C	C	C	C	C
Farms, General (Livestock/Ranch) 🕮	P	C	C	C	C	C	C	C	C	C	C	C	C
Greenhouse (Non-Retail/Hobby)	P	P	P					P	P	P	P	P	P
Livestock Sales	P												
Orchard/Crop Propagation	P	P	C	C	C	C	C	C	C	C	C	C	C
Plant Nursery (Grown for Commercial Purposes)	P							P	P	P	P	P	P
Stable, Commercial🕮	P	C										P	P
Stables (Private, Accessory Use) 🕮	P	C	C										
Stables (Private, Principal Use) 🕮	P	C											

Permitted Uses	Residential Uses						Non-Residential Uses						
RESIDENTIAL	**A**	**SF-21**	**SF-7**	**SF-PH**	**SFA**	**MF-1**	**O**	**HD**	**LR**	**RR**	**MU**	**BP**	**C**
Accessory Building/Structure (Residential) 🕮	P	P	P	P	P	P		P	P	P	P	P	P
Accessory Building/Structure (Non-Residential) 🕮							P	P	P	P	P	P	P
Accessory Dwelling	P	P	C					P	P				
Caretaker's/Guard's Residence 🕮	P	P	P	P	P	P		C	C	C	C	C	C
Community Home 🕮	P	P	P	P	P	P							
Duplex / Two-Family 🕮 *{Defined under Two-Family Dwelling}*						P		C	P	P	P	P	
Family Home (Adult Care in Place of Residence) 🕮	P	P	P	P	P	P							
Family Home (Child Care in Place of Residence) 🕮	P	P	P	P	P	P							
Four Family (Quadraplex)						P		C	P	P	P	P	P
Garage Conversion 🕮		P	P	P	P			C					
Home Occupation 🕮	P	P	P	P	P	P		C			C		
Living Quarters On-Site With A Business 🕮							P	P	P	P	P	P	
Multiple-Family Dwelling 🕮						P					C		
Private Street Subdivision	C	C	C	C	C	C					C		
Residential Loft 🕮							P	P	P	P	P		
Rooming/Boarding House 🕮 *{Defined Under Boarding or Rooming House}*						P		C	P	P	P		
Single Family Dwelling, Detached 🕮	P	P	P	P	P	P	P	P	P	P	P		
HUD-Code Manufactured Home 🕮 *{Defined Under Manufactured Housing}*	P												
Single Family Industrialized Housing 🕮 *{Defined Under Manufactured Housing}*	P	P	P	P	P	P							
Single Family Dwelling, Attached (Townhouse) 🕮					P	P		C			P		
Patio Homes (Zero Lot Line Dwelling) 🕮				P	P			P			P		
Swimming Pool (Private) 🕮	P	P	P	P	P	P					P		
Three Family (Triplex)						P					C	C	C

Permitted Uses	Residential Uses						Non-Residential Uses						
OFFICE	**A**	**SF-21**	**SF-7**	**SF-PH**	**SFA**	**MF-1**	**O**	**HD**	**LR**	**RR**	**MU**	**BP**	**C**
Armed Services Recruiting Center							P	C	P	P	P	P	P
Check Cashing Service							C	C	C	C	C	C	C
Credit Agency							P	C	P	P	P	P	P
Insurance Agency Offices							P	P	P	P	P	P	P
Offices (Brokerage Services)							P	P	P	P	P	P	P
Offices (Health Services)							P	P	P	P	P	P	P
Offices (Legal Services)							P	P	P	P	P	P	P
Offices (Medical Office)							P	P	P	P	P	P	P
Offices, Professional and General Business 🕮							P	P	P	P	P	P	P
Offices (Parole-Probation)							P	P	P	P	P	P	P
Real Estate Offices							P	P	P	P	P	P	P
Telemarketing Center 🕮							C	P	P	P	P	P	P
Bank							P	P	P	P	P	P	P
Savings and Loan							P	P	P	P	P	P	P
Security Monitoring Company (No Outside Storage)							P	C	P	P	P	P	P

Permitted Uses	Residential Uses						Non-Residential Uses						
PERSONAL & BUSINESS SERVICES	**A**	**SF-21**	**SF-7**	**SF-PH**	**SFA**	**MF-1**	**O**	**HD**	**LR**	**RR**	**MU**	**BP**	**C**
Appliance Repair								C	P	P	P	P	P
Artist Studio 🕮							P	P	P	P	P	P	P
Ambulance Service (Private) 🕮								P	P	P	P	P	P
Automobile Driving School							C		P	P	P	P	P
Automatic Teller Machines (ATM's)							P	P	P	P	P	P	P
Barber Shop (Non-College)							P	P	P	P	P	P	P
Beauty Shop (Non-College)							P	P	P	P	P	P	P
Bed & Breakfast Inn or Facility(s) 🕮	P						P	P	P	P	P	P	P
Communication Equipment (Installation and/or Repair – No outdoor sales or storage)									P	P	P	P	P
Computer Sales							C	P	P	P	P	P	P
Cooking School								P	P	P	P	P	P
Credit Unions							P	P	P	P	P	P	P
Dance/Drama/Music Schools (Performing Arts)							P	P	P	P	P	P	P
Extended Stay Hotels/Motels (Residence Hotels) 🕮							C	P	P	P	P	P	P
Exterminator Service (No outdoor sales or storage)									P	P	P	P	P
Financial Services (Advice/Invest)							P	P	P	P	P	P	P

Permitted Uses	Residential Uses						Non-Residential Uses						
PERSONAL & BUSINESS SERVICES	**A**	**SF-21**	**SF-7**	**SF-PH**	**SFA**	**MF-1**	**O**	**HD**	**LR**	**RR**	**MU**	**BP**	**C**
Funeral Home or Mortuary 🕮									P	P	P	P	P
Motel or Hotel 🕮								C	P	P	P	P	P
Martial Arts School							P	C	P	P	C	P	P
Kiosk (Providing A Service) 🕮							C	C	P	P	P	P	P
Laundry/Dry Cleaning (Drop Off/Pick Up) 🕮							C	C	P	P	P	P	P
Locksmith							C	P	P	P	P	P	P
Mini-Warehouse/Self Storage 🕮											P	P	P
Photo Studio							P	P	P	P	P	P	P
Photocopying/Duplicating							P	P	P	P	P	P	P
Security Quarters as Associated with a Business (Live-In)							C	C	C	C	C	C	C
Sexually Oriented Business (*Refer to Ordinance #2003.09*)												P	
Skin Care Clinics								P	P	P	P	P	P
Shoe Repair							P	P	P	P	P	P	P
Studio for Radio or Television (Without Tower) 🕮							P	P	P	P	P	P	P
Tailor Shop							P	P	P	P	P	P	P
Tool and Machinery Rental (Indoor Storage) 🕮										P	P	P	P
Tool and Machinery Rental (Outdoor Storage)										P	P	P	P
Travel Agency							P	P	P	P	P	P	P

Permitted Uses	Residential Uses						Non-Residential Uses						
RETAIL	**A**	**SF-21**	**SF-7**	**SF-PH**	**SFA**	**MF-1**	**O**	**HD**	**LR**	**RR**	**MU**	**BP**	**C**
All Terrain Vehicle Dealer / Sales Only									P	P	P	P	P
Antique Shop 🕮							P	P	P	P	P	P	P
Art Dealer/Gallery 🕮							P	P	P	P	P	P	P
Auction Business (Indoor only) 🕮									P	P	P	P	P
Auto Sales (New and Used) 🕮									P	P	P	P	P
Auto Supply Store for New & Rebuilt Parts 🕮									P	P	P	P	P
Bakery or Confectionary (Retail) 🕮							C	P	P	P	P	P	P
Beer and Wine and Package Stores and Mixed Beverage Sales (*Refer to Ordinance # 2008.09*) 🕮								P	P	P	P	P	P
Bike Sales and/or Repair								P	P	P	P	P	P
Book Store							C	P	P	P	P	P	P
Building Material Sales 🕮									C	P	P	P	C
Cabinet Shop (Manufacturing)										P	P	P	P
Cafeteria							C	C	P	P	P	P	P
Consignment Shop							C	P	P	P	P	P	P

Permitted Uses	Residential Uses						Non-Residential Uses						
RETAIL	**A**	**SF-21**	**SF-7**	**SF-PH**	**SFA**	**MF-1**	**O**	**HD**	**LR**	**RR**	**MU**	**BP**	**C**
Convenience Store (With Gas Sales) 🕮									P	P	P	P	P
Convenience Store (Without Gas Sales) 🕮								C	P	P	P	P	P
Department Store								P	P	P	P	P	P
Drapery, Blind, Furniture Upholstery Shop 🕮								P	P	P	P	P	P
Firearms (in-store and special order)								P	P	P	P	P	P
Florist Shop 🕮							C	P	P	P	P	P	P
Food or Grocery Store 🕮								P	P	P	P	P	P
Furniture Store, New and Used (Indoor) 🕮								P	P	P	P	P	P
Garden Shop (Inside Storage) 🕮								C	C	P	P	P	P
Gravestone/Tombstone Sales									P	P	P	P	P
Artisans Shop 🕮								P	P	P	P	P	P
Hardware Store								P	P	P	P	P	P
Home Improvement Center								P	P	P	P	P	P
Lawnmower Sales and/or Repair									P	P	P	P	P
Major Appliance Sales (Indoor)										P	P	P	P
Market (Public)								P	P	P	P	P	P
Motorcycle Dealer (New and/or Repair)										P	P	P	P
Personal Watercraft Sales (New and/or Repair)										P	P	P	P
Needlework Shop								P	P	P	P	P	P
Pet Shop/Supplies								P	P	P	P	P	P
Package Store (Off Premises Alcohol Sales)									R	R			R
Pharmacy							C	P	P	P	P	P	P
Plant Nursery (Retail Sales Outdoors)							C	C	P	P	P	P	P
Recycling Kiosk 🕮							C	C	C	C	C	P	C
Restaurant (With No Drive-Through Service) 🕮							C	P	P	P	P	P	P
Restaurant (With Drive-In Service) 🕮									P	P	P	P	P
Restaurant (With Drive-Through Service) 🕮									P	P	P	P	P
Restaurant (Mobil Food Unit/Vendor) 🕮							P	P	P	P	P	P	P
Restaurant (With Music and/or Dancing)								P	P	P	P	P	P
General Retail Store 🕮								C	P	P	P	P	P
Security Systems Installation Company								P	P	P	P	P	P
Sporting Goods Store									P	P	P	P	P
Studio, Tattoo or Body Piercing 🕮										P	P	P	P
Temporary Outdoor Retail Sales / Commercial Promotion								C	C	C	C	C	C
Upholstery Shop (Non-Auto)								P	P	P	P	P	P
Used Merchandise; Furniture								P	P	P	P	P	P
Vacuum Cleaner Sales and Repair								P	P	P	P	P	P
Veterinarian Clinic (Indoor Kennels) 🕮									P	P	P	P	P
Woodworking Shop (Ornamental) / Hand-Built Furniture								P	P	P	C	P	P

Permitted Uses	Residential Uses						Non-Residential Uses						
TRANSPORTATION & AUTO SERVICES	**A**	**SF-21**	**SF-7**	**SF-PH**	**SFA**	**MF-1**	**O**	**HD**	**LR**	**RR**	**MU**	**BP**	**C**
Antique Vehicle Restoration								C	P	P	P	P	P
Auto Body Repair										P	P	P	P
Auto Financing & Leasing (Indoor) 🕮							C		P	P	P	P	P
Automobile Accessory Installation (Minor) 🕮									P	P	P	P	P
Auto Interior Shop / Upholstery									P	P	P	P	P
Auto Muffler Shop										P	P	P	P
Auto Paint Shop										P	P	P	P
Automobile Repair, Major 🕮										P	P	P	P
Automobile Repair, Minor 🕮									P	P	P	P	P
Auto Tire Repair /Sales (Indoor)									P	P	P	P	P
Auto Wrecker Service												P	P
Auto Laundry or Car Wash, Unattended 🕮									P	P	P	P	P
Auto Laundry or Car Wash, Attended 🕮									P	P	P	P	P
Limousine / Taxi Service								P	P	P	P	P	P
Parking Lot Structure, Commercial (Auto) 🕮							C		P	P	P	P	P
Quick Lube/Oil Change/Minor Inspection									P	P	P	P	P
Tire Dealer, With or Without Open Storage 🕮									P	P	P	P	P

Permitted Uses	Residential Uses						Non-Residential Uses						
AMUSEMENT & RECREATION SERVICES	**A**	**SF-21**	**SF-7**	**SF-PH**	**SFA**	**MF-1**	**O**	**HD**	**LR**	**RR**	**MU**	**BP**	**C**
Amusement Devices/Arcade (Four or More Devices) 🕮										C	C	P	C
Amusement Services (Indoors) 🕮										C	C	P	C
Amusement Services (Outdoors) 🕮											C	C	C
Billiard / Pool Facility (Three or More Tables)										C	C	C	
Bingo Facility									C	C	C	C	
Bowling Center										C	C	C	
Broadcast Station (with Tower)	C											C	
Country Club (Private) 🕮	C	C	C	C	C	C	C	C	C	C	C	C	C
Music / Dancing Facility								P	P	C	P	P	C
Day Camp for Children 🕮	C								C	C	C	C	C
Dinner Theatre							C	C	C	P	C	P	P
Driving Range	C												
Earth Satellite Dish (Private, less than 3' in diameter)	P	P	P	P	P	P	P	P	P	P	P	P	P

Permitted Uses	Residential Uses						Non-Residential Uses						
AMUSEMENT & RECREATION SERVICES	**A**	**SF-21**	**SF-7**	**SF-PH**	**SFA**	**MF-1**	**O**	**HD**	**LR**	**RR**	**MU**	**BP**	**C**
Civic/Conference Center 🕮	P						C	C	P	P	P	P	
Fairgrounds/Exhibition Area 🕮	C												
Golf Course (Miniature)								C	C	C	C	C	C
Golf Course (Public/Private) 🕮	C	C	C	C	C	C	C		C	C	C	C	C
Health Club (Physical Fitness) 🕮 *{Defined under Studio, Health, Reducing or Fitness}*							C	C	C	P	C	P	P
Membership Sports							C	C	C	P	C	P	P
Motion Picture Theater (Indoors)								C	C	C	C	P	P
Motion Picture Studio, Commercial Film										C	C	P	C
Museum							C	P	C	P	P	P	P
Park and/or Playground (Private or Public)🕮	P	P	P	P	P	P	P	P	P	P	C	P	P
Psychic Reading Services													C
Palm Reading Services													C
Rodeo Grounds	C												C
Skating Rink	C											C	C
Swimming Pool (Commercial) 🕮	P	P	P	P	P	P	P	P	P	P	C	P	P
Tennis Court (Lighted)	C	C	C	P	P	P	C	C	C	C	C	C	C
Tennis Court (Private/Not Lighted) 🕮	P	P	P	P	P	P	P	P	P	P	P	P	P
Theater (Non-Motion Picture)							C	P	C	C	C	P	P
Travel Trailers / R.V.'s (Short-Term Stays)	C										C	C	P
Travel Trailers / R.V.'s (Storage)		C	C						C	C	C	P	C
Video Rental / Sales								C	P	P	P	P	P
Permitted Uses	Residential Uses						Non-Residential Uses						
INSTITUTIONAL/ GOVERNMENTAL	**A**	**SF-21**	**SF-7**	**SF-PH**	**SFA**	**MF-1**	**O**	**HD**	**LR**	**RR**	**MU**	**BP**	**C**
Antenna (Non-Commercial) 🕮 *{Defined within Section 4.1.H}*	P	P	P	P	P	P	P	P	P	P	P	P	P
Antenna (Commercial) 🕮 *{Defined within Section 4.1.H}*	SEE SECTION 4.1.H												
Assisted Living Facility 🕮						C		C	C	C	C	P	C
Broadcast Towers (Commercial)	SEE SECTION 4.1.H												
Wireless Communications Tower 🕮 *{Defined within Section 4.1.H}*	SEE SECTION 4.1.H												
Cemetery and/or Mausoleum 🕮	C	C	C	C	C	C	C	C	C	C	C	C	C
Child Day Care (Business) 🕮							C	C	C	P	C	P	P
Church/Place of Worship 🕮	P	P	P	P	P	P	P	P	P	P	P	P	P
Civic Club							P	P	P	P	P	P	P
Medical Clinic or Office 🕮 *{Defined under Medical Facilities}*							P	P	P	P	P	P	P
Community Center (Municipal) 🕮	P	P	P	P	P	P	P	P	P	P	P	P	P
Electrical Generating Plant													C

Permitted Uses	Residential Uses						Non-Residential Uses						
INSTITUTIONAL/ GOVERNMENTAL	**A**	**SF-21**	**SF-7**	**SF-PH**	**SFA**	**MF-1**	**O**	**HD**	**LR**	**RR**	**MU**	**BP**	**C**
Electrical Substation 🕮													C
Electrical Transmission Line							C		C	C	C	C	C
Emergency Care Clinic							P		P	P	P	P	P
Fire Station 🕮	P	P	P	P	P	P	P	P	P	P	P	P	P
Franchised Private Utility (Not Listed) 🕮	P	P	P	P	P	P	P	P	P	P	P	P	P
Fraternal Organization, Lodge, or Union 🕮							P	C	C	P		P	P
Gas Transmission Line (Regulating Station)	C	C	C	C	C	C	C	C	C	C	C	C	C
Governmental Building (Municipal, State or Federal)			P	P	P	P	P	P	P	P	P	P	P
Group Day Care Home 🕮						P		C	C			P	P
Heliport 🕮												C	C
Helistop 🕮											C	C	C
Hospice (Administration/Business Office)							P			C	C	P	P
Hospital (Acute Care/Chronic Care) 🕮							C			C	C	P	P
Library (Public)	P	P	P	P	P	P	P	P	P	P	P	P	P
Mailing Service (Private)							P	P	P	P	P	P	P
Maternity Homes						C							P
Non-Profit Activities by Church	P	P	P	P	P	P	P	P	P	P	P	P	P
Nursing/Convalescent Home 🕮							C	C	C	P	P		P
Orphanage						C							
Philanthropic Organization							C	C	C	C	C	P	C
Telephone and Exchange, Switching/Relay or Transmitting Station 🕮							C			C	C	P	P
Post Office (Governmental)	P	P	P	P	P	P	P	P	P	P	P	P	P
Radio, Television or Microwave Tower 🕮 *{Defined within Section 4.1.H}*										C	C	C	C
Rectory/Parsonage	P	P	P	P	P	P	P	P	P	P	P	P	P
Home for the Aged, Residence 🕮						P		C	C	P	P		P
School, K through 12 (Private)	P	P	P	P	P	P	P	P	P	P	P	P	P
School, K through 12 (Public)	P	P	P	P	P	P	P	P	P	P	P	P	P
School, Business/Commercial Trade 🕮							C	C	C	P	C	P	P
Sewage Pumping Station	C	C	C	C	C	C	C	C	C	C	C	C	C
Utility Distribution/Transmission Lines 🕮	P	P	P	P	P	P	C	C	C	C	C	C	C
Wastewater Treatment Plant (Public)	C	C	C	C	C	C	C		C	C	C	C	C
Water Supply Facility (Private)	P	P	P	P	P	P	C		C	C	C	C	C
Water Supply Facility (Elevated Water Storage)	C	C	C	C	C	C	C		C	C	C	C	C
Water Treatment Plant (Public)	P	P	P	P	P	P	C		C	C	C	C	C

Permitted Uses	Residential Uses						Non-Residential Uses						
COMMERCIAL & WHOLESALE TRADE	**A**	**SF-21**	**SF-7**	**SF-PH**	**SFA**	**MF-1**	**O**	**HD**	**LR**	**RR**	**MU**	**BP**	**C**
Book Binding								C	C	C			P
Feed & Grain Store	C								C	C			P
Furniture Manufacture										C		C	C
Heating & Air-Conditioning Sales/Services										C			P
Package Store (Off Premise Alcoholic Beverage Sales)									R	R			R
Pawn Shop 🕮													P
Propane Sales (Retail) 🕮												C	P
Taxidermist	C											C	P
Transfer Station (Refuse/Pick-up)												C	C
Veterinarian (Outdoor Kennels or Pens)	C											C	C
Warehouse/Office												C	C
Welding Shop												C	P

Permitted Uses	Residential Uses						Non-Residential Uses						
LIGHT MANUFACTURING	**A**	**SF-21**	**SF-7**	**SF-PH**	**SFA**	**MF-1**	**O**	**HD**	**LR**	**RR**	**MU**	**BP**	**C**
Contractor's Office/Sales, No Outside Storage including Vehicles												C	
Contractor's Temporary On-Site Construction Office	C	C	C	C	C	C	C	C	C	C	C	C	C
Electronic Assembly												C	
Engine Repair/Motor Manufacturing Re-Manufacturing and/or Repair												C	
Laboratory Equipment Manufacturing 🕮												C	
Machine Shop												C	
Maintenance & Repair service for Buildings												C	
Open Storage/Outside Storage 🕮	C									C	C	C	C
Plumbing Shop												C	
Research Lab (Non-Hazardous)												C	
Sand/Gravel/Stone Sales (Storage) 🕮	C											C	
Sign Manufacturing												C	
Stone/Clay/Glass Manufacturing												C	

G. **Accessory Buildings and Use Regulations:**

1. **Accessory Buildings:** An accessory building that is less than one hundred and fifty (150) square feet in size shall be required to have a building permit to comply with placement regarding setbacks, adjacent buildings, and zoning. An accessory building that is one hundred and fifty (150) square feet or greater in size shall be required to have a building permit.

    a. **Residential Districts -** In a single-family or multiple-family district, an accessory building is a subordinate or incidental building, attached to or detached from the main building, not used for commercial purposes and not rented. Accessory buildings shall be located toward the rear portion of the property.

    b. **Non-Residential Districts -** In non-residential districts, an accessory building is a subordinate building, the use of which is secondary to and supportive of the main building. Accessory buildings shall not be permitted without a main building or primary use being in existence. Accessory buildings should, wherever possible, be located toward the rear portion of the property, and shall be constructed of the same material and architectural design as that of the main building.

2. **Specific District Standards for Accessory Dwellings:** Accessory dwelling units in the "A" or "SF-21" districts shall be allowed as an incidental residential use of a building on the same lot as the main dwelling unit and used by the same person or persons of the immediate family, and shall meet the following standards:

    a. The accessory dwelling unit must be constructed to the rear of the main dwelling, separate from the main dwelling.

    b. The accessory dwelling unit may be constructed only with the issuance of a Building Permit, and shall be constructed out of the same material as the main structure.

    c. The accessory dwelling unit may not be sold separately from sale of the entire property, including the main dwelling unit, and shall not be sublet.

    d. Setback requirements shall be the same as for the main structure.

    e. Accessory dwellings are not permitted without the main or primary structure.

3. **Accessory Dwellings:** Accessory dwellings, including garage accessory dwellings and detached units, may be permitted in residential zoning districts and shall conform to the height limitations of the main structure. See regulations for the specific district, and the Use Charts, Section 4.1.E. No such accessory dwelling or quarters shall be used or occupied as a place of abode or residence by anyone other than a bona fide caretaker, servant or farm worker actually and regularly employed by the land owner or occupant of the main building, or is a guest or family member of the owner/occupant. Only one (1) accessory dwelling unit, including a garage accessory dwelling, servants/caretakers quarters, shall be allowed on any lot within a residential zoning district, and they shall be clearly incidental to the primary use. These accessory living structures shall not, in any case, be leased or sold.

4. **Area Regulations for Accessory Buildings in Residential and Multi-Family Districts:**

    a. **Size of Yards**

        (1) *Front Yard:* Detached accessory buildings shall be prohibited in front of the main building.

(2) *Side Yard:* There shall be a side yard not less than three feet (3') from any side lot line or alley line for any accessory building that is less than two hundred and fifty (250 square feet in size. There shall be a side yard not less than five feet (5') from any side lot line or alley line for any accessory building that is two hundred and fifty (250 square feet or greater in size. The previous regulations apply to an accessory building that is separated from the main building by a minimum distance of ten feet (10'). In the case of an accessory building being closer than ten feet (10') to the main building, the minimum side yard requirements for the main building shall be observed. Accessory buildings adjacent to a side street shall have a side yard not less than fifteen feet (15'). Garages or carports located and arranged so as to be entered from the side yard shall have a minimum distance of twenty-five feet (25') from the side lot line, alley line, alley easement line or street. Carports or garages arranged to be entered from the side yard, facing a public street, shall have a minimum distance equal to the required yard for the main building or twenty-five feet (25'), whichever is greater.

(3) *Rear Yard:* There shall be a rear yard not less than three feet (3') from any lot line or alley line, or alley easement line for any accessory building that is less than two hundred and fifty (250 square feet in size. There shall be a rear yard not less than five feet (5') from any side lot line, or alley line, or alley line easement for any accessory building that is two hundred and fifty (250) square feet or greater in size. The previous regulations apply to an accessory building that, with the following exceptions:

(a) Carports, garages, or other accessory buildings, located within the rear portion of a lot as heretofore described, constructed closer than ten feet (10') to the main building, shall have a rear yard equivalent to the rear yard requirement for the main building;

(b) Garages or carports that are arranged so as to be entered by a motor vehicle from an alley or rear alley easement shall be set back from the rear property line or alley easement line a minimum distance of twenty-five feet (25').

(c) Accessory buildings constructed ten feet (10') or more from the main building shall have a rear yard of three feet (3').

(d) If an alley exists, accessory buildings may be located within three feet (3') of a rear lot line if the maximum (or ridge) height of the building is no greater than eight feet (8') and if a solid fence or wall of the same height is built on the rear lot line to screen the building from property located to the rear.

b. Carports shall be measured from the posts supporting the roof nearest to the street or alley.

c. Accessory buildings are not permitted without a main structure.

d. Accessory buildings shall not exceed one (1) story in height, unless otherwise allowed in the specific zoning district.

H. **Communications Antennas and Support Structures/Towers:**

1. **Applicability:**

a. These regulations apply to all commercial and amateur antennae and support structures, unless exempted herein.

b. Direct broadcast satellite reception, multi-channel multi-point distribution, as defined by the FCC, television reception antennae, and amateur radio antennae meeting the following requirements do not require a permit unless mounted on a pole or mast that is twenty feet (20') or more in height:

(1) In any zoning district, antennae that are one meter (39 inches) or less in diameter;
(2) In a non-residential zoning district, antennae that are two meters or less in diameter;
(3) In any zoning district, antennae designed to only receive television broadcasts;
(4) In any zoning district, amateur radio antennae concealed behind or located upon or within attics, eaves, gutters or roofing components of the building; and
(5) In any zoning district, amateur radio ground-mounted whips and wire antennae, unless mounted upon a pole or mast over twenty feet (20') in height.

c. Support structures or antennae legally installed before adoption of these regulations are not required to comply with this Ordinance, but must meet all applicable State, Federal and local requirements, building codes and safety standards.

2. **Special Definitions:** For the purpose of this Section, the following special definitions shall apply:

a. **Antenna, Microwave Reflector & Antenna Support Structure** - An antenna is the arrangement of wires or metal rods used in transmission, retransmission and reception of radio, television, electromagnetic or microwave signals, including microwave reflectors and antennae. A microwave reflector is an apparatus constructed of solid, open mesh, bar-configured, or perforated materials of any shape or configuration that is used to receive or transmit microwave signals from a terrestrial or orbitally located transmitter or transmitter relay. Microwave reflectors are also commonly referred to as satellite receive only earth stations (T.V.R.O.S.), or satellite dishes. An antenna support structure is any tower, mast, pole, tripod, box frame, or other structure utilized for the purpose of supporting one or more antennae or microwave reflectors.

b. **Antenna (Non-Commercial/Amateur)** - An antenna or antenna support structure used for the purpose of transmission, retransmission, or reception of radio, television, electromagnetic, or microwave signals for private or personal use and not for the purpose of operating a business or for financial gain. A satellite dish antenna not exceeding six feet (6') in diameter shall also be considered as a non-commercial antenna.

c. **Antenna (Commercial)** - An antenna or antenna support structure used for the purpose of transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals primarily for the purpose of operating a business or for financial gain, such as commercial broadcasting and cellular/wireless telecommunications. A satellite dish antenna that exceeds six feet (6') in diameter shall also be considered as a commercial antenna.

d. **Collocation** - The use of a single support structure and/or site by more than one communications provider.

e. **Communications Operations (Non-Commercial/Amateur)** - The transmission, retransmission or reception of radio, television, electromagnetic, or microwave signals for private or personal use, and not for the purpose of operating a business and/or for financial gain.

f. **Communications Operations (Commercial)** - The transmission, retransmission, or reception of radio, television, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or for financial gain.

g. **Height** - The distance measured from the finished grade of the lot or parcel to the highest point on the support structure or other structure, including the base pad and any antennae.

h. **Radio, Television or Microwave Tower** - See "Antenna, Microwave Reflector & Antenna Support Structure".

i. **Telecommunications Tower or Structure** - See "Antenna, Microwave Reflector & Antenna Support Structure".

j. **Temporary/Mobile Antenna** - An antenna and any associated support structure or equipment, including, but not limited to, a support pole, a vehicle that is placed and/or used on a temporary basis only not intended to be permanent, usually in conjunction with a special event, news coverage or emergency situation, or in case of equipment failure or temporary augmentation of permanent communications equipment.

k. **Wireless Communication Tower or Structure** - See "Antenna, Microwave Reflector & Antenna Support Structure".

3. **General Requirements:**

a. Antennae and support structures may be considered either principal or accessory uses.

b. Antenna installations shall comply with all other requirements of the Zoning Ordinance and the Code of Ordinances with the exception of those specifically cited within these regulations.

c. No commercial antenna support structure shall be closer to any residential district boundary line or residential dwelling than a distance equal to twice the height of the support structure. Such setback distance shall be measured as the shortest possible distance in a straight line from the structure to the closest point of a residential district boundary line or residential dwelling. Setbacks from residentially zoned property do not apply to antennae attached to utility structures that exceed fifty feet (50') in height, or to antennae placed wholly within or mounted upon a building.

d. No amateur or commercial antenna, antenna support structure, microwave reflector or antenna, or associated foundations or support wires or appurtenances shall be located within any required setback area for the front, side or rear yards.

e. All antennae and support structures must meet or exceed the current standards and regulations of the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), and/or all other applicable Federal, State and local authorities. If those standards change, then the owner and user of an antenna or support structure must bring the antenna or structure into compliance within six (6) months or as may otherwise be required by the applicable regulating authority.

f. A building permit is required to erect or install an antenna, antenna support structure and related structures or equipment, unless the particular antenna is exempt from these regulations. All installations shall comply with applicable Federal, State and local

building codes and the standards published by the Electronic Industries Association. Owners and users shall have thirty (30) days after receiving notice that an installation is in violation of applicable codes in order to bring it into full compliance.

g. Antennae, whether amateur or commercial, shall not create electromagnetic or other interference with the Village of Salado's and the County's radio frequencies and public safety operations, as required by the FCC. Antennae also shall not interfere with radio or television reception of nearby property owners. In no manner shall the use of such equipment infringe upon adjoining property owners.

h. No antenna or support structure shall be located so as to create a visual obstruction within critical visibility areas, such as at street intersections or where a private driveway enters a roadway, or a traffic safety problem.

i. Safeguards shall be utilized to prevent unauthorized access to an antenna installation, such as on a water tower or utility structure, a free-standing installation. Safeguards include certain devices identified and recommended by the manufacturer of the antenna or support structure, a fence, a climbing guard, or other commercially available safety devices. Climbing spikes or other similar climbing device, if utilized, shall be removed immediately following use.

j. Temporary antennae shall only be allowed in the following instances:

    (1) In conjunction with a festival, carnival, rodeo or other special event or activity;
    (2) In case of an emergency, such as severe weather, or a news coverage event;
    (3) When needed to restore service on a temporary basis after failure of an antenna installation. The Village must be notified within seventy-two (72) hours of the placement of a temporary antenna. If the temporary antenna is to be needed for more than seven (7) days, then the owner and user must apply for and acquire a permit for the temporary installation on or before the eighth (8th) day following initial placement of the antenna.

k. Collocation is greatly encouraged by the Village.

    (1) All new support structures over fifty feet (50') in height shall be constructed to support antennae for at least two carriers, unless the structure is an alternative or stealth design, or the support structure is replacing an existing utility structure or light standard. Sufficient area for associated structures and equipment shall also be provided.
    (2) A support structure which is modified or reconstructed in order to accommodate collocation shall be of the same type, design and height as the existing structure, and it may be moved on the same property within fifty feet (50') of its original location provided that it is not moved any closer to residentially zoned property. If the structure was allowed by CUP, then its new location shall be within the physical/land boundaries of the CUP. The original support structure shall be removed from the property within ninety (90) days following completion of the new structure.
    (3) Where an additional antenna is to be attached to an existing support structure that already has an antenna mounted upon it, the new antenna shall comply with and be compatible with the design of the existing antenna on the collocated structure.

l. Support buildings and equipment storage areas and buildings shall be screened from public view if mounted on a rooftop. When ground mounted, they shall meet all applicable front, side and rear yard setback requirements of the applicable base zoning district. They shall also be of a neutral color and shall use exterior finish colors and materials that are compatible with nearby structures. They shall be screened from public view by a dense, opaque evergreen landscaped screen with an initial planting height of three feet (3'), and which will attain an ultimate height of six feet (6') at maturity. A six-foot (6') solid masonry wall may be used in lieu of the landscaped screen provided exterior finish materials are compatible with nearby structures. The use of a wood fence for screening is prohibited, and wrought iron or chain link may only be used in conjunction with a landscaped screen as specified above.

m. Satellite dishes and other similar antennae shall be permitted on the roof of a building, as long as satellite dishes do not exceed one meter (39”) in diameter and antennae do not extend over ten feet (10') above the roof of the building. A letter certifying the roof’s and building’s structural stability shall be written and sealed by a registered architect or engineer, and shall be submitted to the Mayor/Village Administrator or his/her designee, prior to any approval of a roof-mounted antenna. Roof-mounted antennae that comply with the provisions of these regulations do not require additional yard setbacks or setbacks from residential areas or dwellings.

n. Only one (1) amateur antenna and support structure shall be permitted per residential lot, except that a maximum of two (2) satellite dishes may be allowed if both units are no larger than one meter (39") in diameter. Satellite dishes in any residential district shall not exceed twelve feet (12') in diameter, and must be permitted by the Mayor/Village Administrator or his/her designee.

o. All commercial signs, flags, lights and attachments other than those required for emergency identification, communications operations, structural stability, or as required for flight visibility by the FAA and/or FCC shall be prohibited on any antenna or antenna support structure. However, lights may remain or be placed upon light standards that are altered or replaced in order for them to serve as antenna support structures provided that said lights are not commercial in nature, and provided that said lights are placed/replaced as the same size, configuration, number of bulbs, degree of luminance, etc. as they previously existed prior to support structure modification or replacement.

p. Any publicly owned antennae or antenna support structures shall be permitted in any zoning district, including public safety communications.

q. In all residential zoning districts and in the Historic District, commercial antennae and antenna support structures are prohibited, except as specified within this Section.

(1) A commercial antenna may be attached to a utility structure, including electrical transmission, distribution towers and elevated water storage tanks, provided that the utility structure exceeds fifty feet (50') in height, and provided that the antenna does not extend more than ten feet (10') above the height of the utility structure.

(2) A commercial antenna may be placed wholly within any building permitted in the zoning district. A commercial antenna may also be mounted flush to the exterior of a building or structure if it is painted or disguised to integrate into the overall architectural design and it is not readily visible or identifiable

as an antenna from public roadways or from neighboring residential properties.

r. In non-residential zoning districts, except the Historic District, commercial antennae and antenna support structures are allowed as follows:

(1) Commercial antenna support structures are allowed by right if they do not exceed the maximum building height allowed for the zoning district in which they are located. Structures in excess of the height allowed in the zoning district may be allowed by Conditional Use Permit (CUP) provided the structure conforms in all other aspects of the base zoning district's regulations, and provided that all applicable setback requirements are satisfied. In all non-residential zoning districts, antenna support structures must meet all setback requirements, particularly from residential zoning districts.

(2) A commercial antenna may be attached to a utility structure, including electrical transmission, distribution towers and elevated water storage tanks, provided that the utility structure exceeds fifty feet (50') in height, and provided that the antenna does not extend more than ten feet (10') above the height of the utility structure.

(3) A commercial antenna may be placed wholly within any building permitted in the zoning district. A commercial antenna may also be mounted flush to the exterior of a building or structure if it is painted or disguised to integrate into the overall architectural design, and it is not readily visible or identifiable as an antenna from public roadways or from neighboring residential properties.

I. **Maximum Building Size:** Buildings in excess of fifty thousand (50,000) square feet that are not owned by a public agency (e.g., the Village, school district, state or federal government) and are not within the Regional Retail District are not permitted unless approved by the Conditional Use Permit process in Section 3.17.

V. DEVELOPMENT STANDARDS & USE REGULATIONS

Section 5.1: Off-Street Parking and Loading Requirements

A. **Purpose:** To secure safety from fire, panic, and other dangers; to lessen congestion on public streets; to facilitate the adequate provision of transportation; to conserve the value of buildings; and to encourage the most appropriate use of land. Minimum off-street parking and loading shall be provided as set forth in the following schedules and provisions.

B. **Residential Districts - Special Off-Street Parking Provisions:**

1. Required off-street parking shall be provided on the same site as the use it is to serve.

2. All required vehicle parking shall be on a suitably paved parking surface. All driveways and approaches to parking spaces shall be similarly paved, except in the A and SF-21 districts.
3. No required parking space, garage, carport, or other automobile storage space shall be used for the storage of any heavy load vehicle (see definitions).

C. **Nonresidential and MF Districts - Special Off-Street Parking Provisions:**

1. To prevent nuisance situations, all parking area lighting shall be designed and operated so as not to reflect or shine on adjacent properties.
2. For safety and fire-fighting purposes, free access through to adjacent non-residential parking areas shall be provided in accordance with Section 5.1.J, "Fire Lanes".
3. All off-street parking, maneuvering, loading and storage areas shall be constructed with an all-weather surface in accordance with the parking lot paving requirements in the Village's Code of Ordinances and with any applicable State requirements.
4. Parking spaces shall be permanently and clearly identified by stripes, buttons, tiles, curbs, barriers, or other approved methods. Non-permanent type marking, such as paint, shall be regularly maintained to ensure continuous clear identification of the space. These requirements shall not apply to parking lots constructed with an all-weather surface such as gravel, as permitted within the Historic District (Section 3.15).
5. Each standard off-street surface parking space size shall be in accordance with the Village's Technical Construction Standards and Specifications (TCSS) Manual.
6. All parking and loading spaces, and vehicle sales areas on private property shall have a vehicle stopping device, such as a curb or wheel stop, installed so as to prevent parking of motor vehicles in any required landscaped areas, to prevent vehicles from hitting buildings, to protect public and/or private utility structures or facilities, and to prevent parked vehicles from overhanging a public right-of-way line, public sidewalk, or adjacent private property. An extra-wide walkway on private property may be permitted so as to allow encroachment of vehicle overhang while maintaining an unobstructed four-foot (4') minimum walkway width. The requirement shall apply only where spaces are adjacent to the walks, right-of-way, and required landscaping. Parking shall not be permitted to encroach upon the public right-of-way in any case. For new construction only, all vehicle maneuvering shall take place on-site. No public right-of-way shall be used for backing or maneuvering into or from a parking space, or for circulation within the parking lot.
7. In all non-residential and multiple-family zoning district the perimeter of all parking lots and driveways shall be provided with ribbon concrete curbs or other means such as concrete curbing ,or railroad ties..
8. Refuse storage facilities placed in a parking lot shall not be located in a designated parking or loading space. Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies, and shall be appropriately screened, as required by Section 5.3.B.
9. Parking space(s) for persons with disabilities and other associated provisions shall be provided according to building codes, State laws, and requirements of the Americans with Disabilities Act (ADA). Parking spaces for persons with disabilities shall be as close as possible to the entryway of the appropriate structure, and shall be appropriately and clearly marked.

10. In all non-residential and multiple-family zoning categories, designated parking and loading areas shall not be used for the repair, storage, dismantling or servicing, except for normal maintenance of a private vehicle, of vehicles or equipment, or for the storage of materials or supplies, or for any other use in conflict with the designated parking and loading areas, including advertising or open storage of raw materials.
11. To ensure that all requirements set forth in this Section are carried forward, it will be the responsibility of the owner of the parking area to adequately maintain the facility. All off-street parking areas shall be kept free of trash, debris, vehicle repair operation or display and advertising uses. At no time after initial approval of the parking area layout can changes be made in the location and number of provided spaces without approval of the Mayor/Village Administrator or his/her designee.
12. Off-street stacking requirements for drive-through facilities shall be as follows. If an escape lane is provided to allow vehicles to get out of stacking lane in the event of a stalled vehicle, emergency or accidental entry, it shall be of at least eight feet (8') in width and shall have a negotiable geometric design.
    a. A stacking space shall be an area on a site measuring eight feet (8') by twenty feet (20') with direct forward access to a service window or station of a drive-through facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area.
    b. For financial institutions with drive-through facilities, each teller window or station, human or mechanical, shall be provided with a minimum of five (5) stacking spaces.
    c. For retail operations, other than restaurants, banks and kiosks that provide drive-up service, including pharmacy and dry cleaners, a minimum of three (3) stacking spaces for each service window shall be provided.
    d. For a full-service car wash, each vacuum or gas pump lane shall be provided with a minimum of four (4) stacking spaces. For the finish and drying area, adequate vehicle stacking and storage space must be provided to keep finished vehicles out of circulation aisles, access easements, fire lanes and streets.
    e. For each automated self-service car wash bay, a minimum of three (3) stacking spaces, in addition to the wash bay itself, shall be provided. One stacking space shall be provided at the exit end of each wash bay for window-drying and other detailing.
    f. For each wand-type self-service car wash bay, a minimum of two (2) stacking spaces, in addition to the wash bay itself, shall be provided. One stacking space shall be provided at the exit end of each wash bay for window-drying and other detailing, unless a separate area and shade structure is provided, outside of circulation aisles, for these activities.
    g. For automobile quick-lube type facilities, a minimum of three (3) stacking spaces shall be provided for each service bay in addition to the service bay(s) itself.
    h. For restaurants with drive-thru service, a minimum of five (5) stacking spaces shall be provided for the first (or only) window, and if applicable, a minimum of two (2) stacking spaces for each subsequent window.
13. All parking structures must conform to the construction and design standards of the district in which they are located.

D. **Off-Street Loading Space - All Districts:**

1. All retail and similar non-residential structures shall provide and maintain off-street facilities for receiving and loading merchandise, supplies and materials within a building or on the lot or tract. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks off-street. Each site shall provide a designated on-site maneuvering area for trucks. Such off-street loading space may be adjacent to, but not on any portion of, a public alley or private service drive, or it may consist of a truck berth within the structure. Such off-street loading space or truck berth shall consist of a minimum area of ten feet by forty-five feet (10' x 45'), and such spaces or berths shall be provided in accordance with the following schedule:

Total Square Feet of Gross Floor Area in Structure	Minimum Required Spaces or Berths
0 to 25,000 square feet	None
25,001 to 50,000 square feet	1
50,001 to 100,000 square feet	2
Each additional 100,000 square feet	1 additional

2. In all non-residential zoning districts, loading docks or service or delivery entrances shall not be constructed facing any public street, and shall not be visible from any public street.
3. In all non-residential zoning districts, loading docks for any establishment that is adjacent to a residential use or district shall be setback from the adjacent residential district boundary by a distance of at least sixty feet (60'). In addition, such loading docks shall be designed and constructed so as to enclose the loading operation on three sides, in order to reduce the effects of the noise of the operation on adjacent residences.
4. Kindergartens, elementary schools, day schools, and similar child training and care establishments shall provide one (1) paved off-street pedestrian loading and unloading space for an automobile on a through, "circular" drive for each ten (10) students cared for, excluding child care in a residence. An additional lane shall also be required to allow pass-by or through traffic to move while automobiles waiting or parked to pick up children occupy loading and unloading areas.

E. **Parking Access from a Public Street - All Districts:**

1. In the approval of a Site Plan, design consideration shall be given to providing entrance and exit drive(s) which extend into the site to provide adequate queuing of vehicles on the site.
2. In all districts, except single-family zoning districts, building plans shall provide for entrance and exit drive(s) appropriately designed and located to minimize traffic congestion or conflict within the site and with adjoining public streets as approved by the Mayor/Village Administrator or his/her designee.
    a. Based upon analysis by the Village, if projected volumes of traffic entering or leaving a development are likely to interfere with the projected peak traffic flow volumes on adjoining streets, additional right-of-way and paving in the form of a deceleration lane or turn lane may be required of a developer in order to reduce such interference.
    b. The determination of additional right-of-way or paving requirements shall be made at the time the final site plan is submitted for approval.
3. Vehicular access to non-residential uses shall not be permitted from alleys serving residential areas.

4. Vehicular access to non-residential uses shall not be configured as "head-in" parking spaces that are accessed directly from the street, except in the Historic District and the Local Retail District.
5. Parking space configuration, location, arrangement, size and circulation in all districts shall be constructed according to the Village's Technical Construction Standards and Specifications (TCSS) Manual.

F. **Parking Requirements Based Upon Use:** In all districts, there shall be provided at the time any building or structure is erected or structurally altered, or change of use, off-street parking spaces in accordance with the following requirements:

1. **Automobile parts sales (indoors):** One (1) space per five hundred (500) square feet of indoor floor area, plus one (1) space for each two thousand (2,000) square feet of outside sales area.
2. **Automobile sales or service:** See Motor-Vehicle Sales.
3. **Bank, savings and loan, or similar institution:** One (1) space per two hundred and fifty (250) square feet of gross floor area in addition to required stacking spaces.
4. **Bed and breakfast facility:** One (1) space per guest room in addition to the requirements for a normal residential use.
5. **Business or professional office (general):** One (1) space per three hundred (300) square feet of gross floor area, except as otherwise specified herein.
6. **Car wash (full service):** One (1) space per one hundred fifty (150) square feet of floor area in addition to the required stacking spaces.
7. **Church, rectory, or other place of worship:** One (1) parking space for each three (3) seats in the main auditorium/sanctuary. Also refer to permitted shared parking agreements, as outlined in Section 5.1.G.7.
8. **Commercial amusement (indoor):** One (1) space per one-hundred (100) square feet of gross floor area, or as follows:
    a. **Racquetball or handball courts** - Three (3) spaces for each court
    b. **Indoor tennis courts** - Six (6) spaces for each court
    c. **Gymnasium, skating rinks, and martial arts schools** - One (1) space for each three (3) seats at a maximum seating capacity, based upon maximum occupancy, plus one (1) space for each two hundred (200) square feet
    d. **Swimming pool** - One (1) space for each one hundred (100) square feet of gross water surface and deck area
    e. **Weight lifting or exercise areas** - One (1) space for each one hundred (100) square feet
    f. **Indoor jogging or running tracks** - One (1) space for each one hundred (100) linear feet
    g. **Motion picture theaters (not featuring live performances)** -
        (1) One (1) space per three and one-half (3½) seats for single-screen theaters;
        (2) One (1) space per five (5) seats for motion picture theaters with two (2) or more screens.
    h. **Amusement Center** - One (1) space for each game table and one (1) space for each amusement device

i. **Subsidiary Uses -** All areas for subsidiary uses not listed above or in other parts of this Section, such as restaurants or office, shall be calculated in with the minimum specified for those individual uses

9. **Commercial amusement (outdoor):** Ten (10) spaces plus one (1) space for each five hundred (500) square feet over five thousand (5,000) square feet of building and recreational area.
10. **Commercial use:** One (1) space per two hundred fifty (250) square feet of floor area.
11. **Community center:** Ten (10) parking spaces plus one (1) additional space for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of one (1) space for each four (4) seats that it contains.
12. **Convenience store (with gasoline pumps):** One (1) space per two hundred (200) square feet of floor area, plus one (1) parking space for each side of a gasoline pump unit (a unit may have up to six (6) nozzles for gasoline disbursement). Spaces within pump areas qualify as spaces for the parking requirement. Adequate space shall be provided for waiting, stacking, and maneuvering automobiles for refueling.
13. **Convenience store (without gasoline pumps):** One (1) space per two hundred (200) square feet of floor area; parking requirements shall be the same as those required for a retail store.
14. **Dance or aerobics studio, or assembly or exhibition hall without fixed seats:** One (1) parking space for each one hundred (100) square feet of floor area thereof.
15. **Day nursery, day care center:** One (1) space per ten (10) pupils, based upon maximum occupancy and licensing capacity, plus one (1) space per teacher, plus one (1) space for each bus or van stored on the property sized to accommodate the vehicle.
16. **Defensive driving school or class:** One (1) space for each classroom seat.
17. **Furniture or appliance store, hardware store, wholesale establishments, clothing or shoe repair or service:** Two (2) parking spaces plus one (1) additional parking space for each three hundred (300) square feet of floor area over one thousand (1,000) square feet
18. **Golf course:** Four (4) parking spaces per hole or green plus requirements for retail, office, and club house areas and one (1) space per each two (2) employees
19. **Golf driving range:** One and one-half (1½) spaces for each driving tee
20. **Health club, health spa or exercise club:** One (1) space per one hundred fifty (150) square feet of floor area
21. **Hospital:** One (1) space for each two (2) beds or examination room, whichever is applicable; plus one (1) space for every two (2) employees during periods of full occupancy.
22. **Hotel or Motel:** One (1) space per room for the first two hundred fifty (250) rooms and .75 space per room for each room over two hundred fifty (250), plus one (1) space per five (5) restaurant/lounge area seats (based upon maximum occupancy), plus one (1) space per one hundred twenty-five (125) square feet of meeting/conference areas.

    a. One and one-tenth (1.1) spaces per room that contains kitchenette facilities, plus parking for restaurant and meeting areas per ratio stated in this paragraph.

    b. Two (2) spaces per guest room provided with full kitchen facilities plus parking for restaurant and meeting areas per the ratio stated in this paragraph.

c. One (1) space for every two (2) employees during peak (busiest) time periods when the hotel/motel is fully occupied.

23. **Institutions of a philanthropic nature:** Ten (10) spaces plus one (1) space for each employee or volunteer
24. **Library, museum or art gallery:** Ten (10) spaces plus one (1) additional space for every three hundred (300) square feet in excess of two thousand (2,000) square feet.
25. **Lodge or fraternal organization:** One (1) space per two hundred (200) square feet
26. **Medical or dental office:** One (1) space per two hundred (200) square feet of floor area. Facilities over 20,000 square feet shall use the parking standards set forth for hospitals.
27. **Mortuary or funeral home:** One (1) parking space for each two hundred (200) square feet of floor space in slumber rooms, parlors or individual funeral service rooms, or one (1) space for each three (3) seats in the auditorium and sanctuary, whichever is greater. Adequate on-site stacking spaces shall also be provided for the organization and forming of processions such that these activities do not cause excessive or extended traffic congestion/delays on a public roadway.
28. **Motor-vehicle sales and new or used car lots:** One (1) parking space for each five hundred (500) square feet of sales floor/office and other indoor uses, plus one (1) parking space for each one thousand (1,000) square feet of exterior lot area used for storage, sales and parking areas, plus one (1) parking space per repair bay in service areas, indoors or outdoors, plus one (1) parking space per service or towing vehicle to be stored on-site. Required parking spaces are in addition to those to be used for the storage or display of vehicles for sale or lease.
29. **Nursing home, convalescent home, or home for the aged:** One (1) space per six (6) beds; plus one (1) parking space for each three hundred (300) square feet of floor area devoted to offices, cafeterias, exercise/therapeutic rooms, and other similar ancillary uses; plus one (1) space for every two (2) employees at full occupancy.
30. **Office (administrative or professional):** One (1) space for each three hundred (300) square feet of floor area
31. **Pawn Shop:** One (1) space for each two hundred (200) square feet of floor area
32. **Package Store**: One (1) space for each two hundred (200) square feet of floor area
33. **Places of public assembly not listed:** One (1) space for each three (3) seats provided.
34. **Real estate office:** One (1) space for each two hundred (200) square feet
35. **Restaurant, private club, night club, café or similar recreation or amusement establishment:** One (1) parking space for each one hundred (100) square feet of gross floor area, including indoor and outdoor play areas and patio dining areas, or one (1) space for every three (3) seats under maximum seating arrangement, whichever is greater. Required parking spaces are in addition to any stacking spaces that may be needed/provided for drive-through or drive-in facilities.
36. **Retail or personal service establishment, except as otherwise specified herein:** One (1) space per two hundred (200) square feet of gross floor area, except in the Historic District (see Section 3.15), in addition to any required stacking spaces for drive-through facilities. For any retail use or structure over fifty thousand (50,000) square feet in size, the minimum number of parking spaces shall be one (1) space per two hundred and seventy-five (275) square feet, and the maximum number of spaces shall be one (1) space per two hundred and fifty (250) square feet (the Board of Aldermen shall have

the authority to approve a greater or lesser parking requirement if a parking needs analysis, prepared by a qualified traffic engineer, demonstrates that a greater or lesser requirement would be appropriate.

37. **Retirement housing for the elderly (independent living):** One and one-half (1.5) spaces for each dwelling unit, plus any additional spaces for accessory retail, office, service or recreational uses
38. **Rooming or boarding house:** One (1) parking space for each sleeping room, plus one (1) parking space for each host resident or employee during maximum (peak) shift
39. **School, elementary (grades K-6):** One (1) parking space for each fifteen (15) students (design capacity)
40. **School, secondary or middle (grades 7-8):** One (1) parking space for each twelve (12) students (design capacity)
41. **School, high school (grades 9-12):** One space for each three (3) students, faculty and staff (design capacity)
42. **Storage or warehousing:** One (1) space for each two (2) employees or one (1) space for each one thousand (1,000) square feet of total floor area, whichever is greater
43. **Telemarketing:** One (1) space for each two hundred and fifty (250) square feet of floor space
44. **Theater, indoor or outdoor live performances, sports arena, stadium, gymnasium or auditorium, except school auditorium:** One (1) parking space for each three (3) seats or bench seating spaces.
45. **Veterinarian clinic:** One (1) space per three hundred (300) square feet of gross floor space.
46. **Warehouse or wholesale type uses:** One (1) space for five thousand (5,000) square feet of gross floor area.

G. **Rules for Computing Number of Parking Spaces:** In computing the number of parking spaces required for each of the above uses, the following rules shall govern:

1. **"Floor Area"** shall mean the gross floor area of the specific use.
2. **"Seat"** shall be interpreted as follows:
    a. For fixed seating, including church pews, grandstands and benches, one seat equals 1.75 feet of length; and
    b. For flexible seating areas, including folding chairs, one seat equals eight (8) square feet of floor area occupied by such seating area, includes aisles.
3. **Calculations Related to Parking Spaces:** Where fractional spaces result, the parking spaces required shall be construed to be the next higher whole number.
4. **Parking Requirements for New or Unlisted Uses:** The parking space requirements for a new or unlisted use not specifically mentioned herein shall be the same as required for a use of similar nature. If the proposed use is not similar to any of the uses listed herein, a determination shall be made by the Mayor/Village Administrator or his/her designee, in accordance with the requirements for the most closely related use specified in this Section. In the event the applicant disagrees with this determination, then he or she may submit a written request for determination by the Commission and the Board of Aldermen using the same process as provided in Section 5.1.D for classifying new and unlisted uses.

5. **Increased Number of Parking Spaces:** Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.

6. **Parking For Mixed Uses:** For buildings that have mixed uses within the same structure, such as retail and office, the parking requirement shall be calculated for the most intensive use. In cases where the design of the interior of the structure is not practical for alteration, the parking requirement may be calculated for each use within a structure for buildings over 20,000 square feet.

7. **Shared Parking:** Shared parking may be allowed in the case of mixed uses in different buildings under the following conditions. Up to fifty percent (50%) of the parking spaces required for a theater or other place of evening entertainment (after 6:00 p.m.), or for a church, may be provided and used jointly by banks, offices, and similar uses not normally open, used, or operated during evening hours. Shared parking must be on the same parking lot. Reduction due to shared parking shall be determined by the Board of Aldermen. To assure retention of the shared parking spaces, each property owner shall properly draw and execute a document expressing the same and shall file this agreement with the Village of Salado.

H. **Location of Parking Spaces:** All parking spaces required herein shall be located on the same lot, and, in the case of non-residential buildings or uses within one hundred and fifty feet (150') of the building or use served, except as follows:

1. Where an increase in the number of spaces is required by a change or enlargement of an existing use, or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required additional spaces may be located not to exceed three hundred feet (300') from any non-residential building served.

2. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, approval by the Commission and the Board of Aldermen is required according to the following criteria:

    a. Off-site parking may be permitted on an immediately contiguous lot or tract, or on a lot or tract within one hundred fifty feet (150') of such building or structure providing:

        (1) That a permanent, irrevocable easement of the parking facilities in favor of the premises to be benefited shall be dedicated and recorded as a condition of such use, or

        (2) That a long-term Remote Parking Lease Agreement be provided upon approval by the Village as a condition of such use.

I. **Use of Required Parking Spaces, Non-Residential Districts:** Required off-street parking and loading spaces shall be used only for these respective purposes and shall not be used for refuse containers, cart corrals, recycling kiosks, signs or sign support structures, telecommunications towers or support structures, storage or permanent display of boats, trailers, campers, motor vehicles or other goods, materials, or products for sale, lease or rent.

J. **Fire Lanes:**

1. **Location:** Fire lanes shall be provided in all multiple-family, manufactured home, and non-residential developments, and in some single-family attached, as required by the adopted Fire Code of the Village and the Subdivision Ordinance for certain fire lane regulations.
2. **Dimension:** Fire lanes shall be a minimum width of twenty-four feet (24') of paving, and shall have a minimum inside turning radius at curves of twenty feet (20'), or as required by the adopted Fire Code of the Village of Salado.
3. **Vertical Clearance:** The minimum overhead vertical clearance over fire lanes shall be fourteen feet (14') for a linear distance of fifty feet (50') on each side (in front of and behind, as a fire apparatus would traverse underneath) of any overhead structure, such as a canopy, roof overhang or vertical height control device.

Section 5.2: Landscape Requirements

A. **Purpose:** Landscaping is accepted as adding value to property and is in the interest of the general welfare of the Village. The provision of landscaped areas also serves to increase the amount of a property that is devoted to pervious surface area which, in turn, helps to reduce the amount of impervious surface area, storm water runoff, and consequent non-point pollution in local waterways. Therefore, landscaping is hereafter required of new development, except single- and two-family and agricultural uses, adjacent to public streets.

B. **Applicability:** The standards and criteria contained within this Section are deemed to be minimum standards and shall apply to all new, or altered (i.e., exceeding thirty percent (30%) of the original floor area), construction occurring within the Village, except that single-family or duplex dwellings shall be exempt. Additionally, any use requiring a Conditional Use Permit or a Planned Development zoning designation must comply with these landscape standards unless special landscaping standards are otherwise provided for in the ordinance establishing the CUP or PD district.

C. **Permits:**

1. **Issuance:** No permits shall be issued for building, paving, grading or construction until a landscape plan is submitted and approved by the Mayor/Village Administrator or his/her designee, along with the site plan and engineering/construction plans. Prior to the issuance of a certificate of occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan.
2. **Temporary Certificate of Occupancy:** In any case in which a certificate of occupancy is sought at a season of the year in which the Mayor/Village Administrator or his/her designee determines that it would be impractical to establish landscaping, a temporary certificate of occupancy may be issued provided a letter of agreement from the property owner is submitted that states when the installation shall occur. All landscaping required by the landscaping plan shall be installed within six (6) months of the date of the issuance of the certificate of occupancy.

D. **Landscape Plan:**

1. **Requirement:** Prior to the issuance of a building, paving, grading or construction permit for any use other than single-family detached or duplex dwellings, a landscape plan shall be submitted to the Mayor/Village Administrator or his/her designee. The landscape plan may be shown on the site plan (provided the site plan remains clear and legible) or may be drawn on a separate sheet.
2. **Review:** The Mayor/Village Administrator or his/her designee shall review such plans and shall approve the same if the plans are in accordance with the criteria of these regulations. If the plans are not in conformance, they shall be disapproved and shall be accompanied by a written statement setting forth the changes necessary for compliance.
3. **Submittal Requirements:** Landscaping plans shall be prepared by a person knowledgeable in plant material usage and landscape design (e.g., landscape architect, landscape contractor, landscape designer, etc.) and shall contain the following minimum information:
    a. Minimum scale of one inch (1”) equals fifty feet (50'); show scale in both written and graphic form.

b. Location, size and species of all trees to be preserved (do not use "tree stamps" unless they indicate true size and location of trees).

c. Location of all plant and landscaping material to be used, including plants, paving, benches, screens, fountains, statues, earthen berms, ponds (to include depth of water), topography of site, or other landscape features.

d. Species and common names of all plant materials to be used.

e. Size of all plant material to be used (container size, planted height, etc.).

f. Spacing of plant material where appropriate.

g. Layout and description of irrigation, sprinkler, or water systems including location of water sources.

h. Description of maintenance provisions.

i. Name and address of the person(s) responsible for the preparation of the landscape plan.

j. North arrow/symbol, and a small map showing where the property is located.

k. Date of the landscape plan.

E. **Minimum Landscaping Requirements for Nonresidential and Multiple-Family Developments:**

1. **Street Yard:** For all nonresidential and multi-family developments (including schools, churches, day care facilities, and other similar uses in a residential district), at least ten percent (10%) of the street yard shall be permanently landscaped area. The street yard shall be defined as the area between the building front and the front property line.

2. **Landscape Buffer:** A minimum five-foot (5’) landscape buffer (interior parkway) adjacent to the right-of-way of any major thoroughfare is required. Corner lots fronting two (2) major thoroughfares shall provide the appropriate required landscape buffer on both street frontages. All other street frontages shall observe a minimum five-foot (5') landscape buffer.

3. **Landscape Areas Within Parking Lots:** Landscape areas within parking lots should generally be at least one parking space in size, with no landscape area less than fifty (50) square feet in area. Landscape areas shall be no less than five feet (5') wide and shall equal a total of at least sixteen (16) square feet per parking space. All landscape areas shall be protected by a monolithic concrete curb or other type of wheel stop, such as railroad ties, and shall remain free of trash, litter, and car bumper overhangs.

4. **Permeable Surface Around Trees:** All existing trees which are to be preserved shall be provided with undisturbed, permeable surface area under (and extending outward to) the existing dripline of the tree. All new trees shall be provided with a permeable surface under the dripline a minimum of five feet (5') by five feet (5').

F. **Tree Preservation**

1. **Protection During Construction:**

a. During any construction or land development, the developer shall clearly mark all trees to be preserved/retained on-site, and may be required to erect and maintain protective barriers around all such trees or groups of trees. The developer shall not allow the movement of equipment or the storage of equipment, materials, debris or fill to be placed within the drip line of any trees that are designated for preservation.

b. During the construction stage of development, the developer shall not allow cleaning of equipment or material under the canopy of any tree or group of trees that are being preserved. Neither shall the developer allow the disposal of any waste/toxic material such as, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., under the canopy of any tree or groups of trees to remain.

G. **Sight Distance & Visibility:**

1. **Setback Clearance Zone:** Rigid compliance with these landscaping requirements shall not be such as to cause visibility obstructions and/or blind corners at intersections. Whenever an intersection of two (2) or more public rights-of-way occurs, a triangular visibility area, as described below, shall be created. Landscaping within the triangular visibility area shall be designed to provide unobstructed cross-visibility at a level between thirty inches (30") and eight feet (8'). Trees may be permitted in this area provided they are trimmed in such a manner that no limbs or foliage extend into the cross-visibility area. The triangular areas are:

   a. The areas of property on both sides of the intersection of an alley accessway and public right-of-way shall have a triangular visibility area with two (2) sides of each triangle being a minimum of fifteen feet (15’) in length from the point of intersection and the third side being a line connecting the ends of the other two (2) sides.

2. **Corner Properties:** The areas of property located at a corner formed by the intersection of two (2) or more public rights-of-way (or a private driveway onto a public road) shall have a triangular visibility area with two (2) sides of each triangle being a minimum of twenty-five feet (25') in length along the right-of-way lines (or along the driveway curb line and the road right-of-way line) from the point of the intersection and the third side being a line connecting the ends of the other two (2) sides.

3. **Proximity to Accessways and Driveways:** Landscaping, except required grass and low ground cover, shall not be located closer than three feet (3') from the edge of any accessway pavement or driveway.

4. **Reduction to Remove Visibility Obstruction:** In the event that other visibility obstructions are apparent in the proposed landscape plan, as determined by the Mayor/Village Administrator or his/her designee, the requirements set forth herein may be reduced to the extent to remove the conflict.

H. **Maintenance:**

1. **Responsibility and Condition:** The owner, tenant and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping. All required landscaping shall be maintained in a neat and orderly manner at all times.

2. **Replacement:** Plant materials that are required according to Subsection F (above) that die shall be replaced with plant material of similar variety and size, within ninety (90) days.

   a. A time extension for replacement of plant materials that have died may be granted by the Mayor/Village Administrator or his/her designee if substantial evidence is presented to indicate abnormal circumstances beyond the control of the owner or his/her agent.

3. **Nonconformance & Failure to Maintain:** If at any time after the issuance of a certificate of occupancy, the approved landscaping is found to be not in conformance with the standards and criteria of this Section, the Mayor/Village Administrator or his/her designee shall issue notice to the

owner, citing the violation and describing what action is required to comply with this Section. The owner, tenant or agent shall have thirty (30) days from date of said notice to establish/restore the landscaping, as required. If the landscaping is not established/restored within the allotted time, then such person shall be in violation of this Ordinance. Failure to maintain any landscape area in compliance with this Section is considered a violation of this Section and may be subject to penalties of Section VI of this Ordinance.

Section 5.3: Fencing, Walls, & Screening Requirements

A. **Purpose:** To encourage the most appropriate use of land while conserving and protecting the privacy and value of adjacent permitted uses. Regulations are prescribed for the location and type of various screening devices to be used when required in the various zoning districts or in this Section in accordance with the following standards.

B. **Screening of Nonresidential and Multiple-Family Areas:**

1. **Adjacent to a Single-Family or Residential Planned Development District:** In the event that multiple-family and non-residential uses side or back upon a single-family or residential PD district, or in the event that any non-residential district sides or backs upon a multiple-family district, a screening wall of not less than six feet (6'), nor more than eight feet (8'), in height shall be erected in conjunction with landscaping elements on the property line separating these districts. The screening wall shall be constructed of a material pre-approved during the development process. The purpose of the screening wall or fence is to provide a visual and protective barrier between the properties.

    a. **Multiple-Family Uses** - The owner of the multiple-family property shall be responsible for and shall build and maintain the required wall on the property line dividing the property from the single-family residential district. This construction requirement applies only when multiple-family is adjacent to residential uses.

    b. **Nonresidential Uses** - When screening is required between non-residential and residential uses, it shall be the responsibility of the non-residential use to construct and maintain the screening wall.

2. **Placement of a Screening Fence or Wall:** In non-residential and multiple-family zoning districts, no fence or wall shall be erected in any front yard or side yard which is adjacent to a public street unless the fence or wall is required to screen the development from an adjacent residential area. If required to screen a residential area, the screening fence or wall shall be extended out to the street right-of-way line by the developer of the non-residential or multiple-family development. The fence or wall shall be finished on the side that faces the general public in a manner and color that is compatible to the exterior finish of the non-residential or multiple-family building(s). Screening fences or walls shall be placed such that they do not impede visibility for vehicles entering or exiting the non-residential or multiple-family development, as required by Section 5.3.

3. **Permits:** All fences require permits.

4. **Sight Distance & Visibility:** See Section 5.5.J for sight visibility requirements for fences and screening walls.

5. **Open Storage:** In districts permitting open storage, screening shall be required only for those areas used for open storage. Open storage of materials, commodities or equipment shall be screened with a minimum six-foot (6') fence or wall, and shall not be visible from the street or from adjacent property. (See definition of "Outside Storage" in Section 5.8.) A six-foot (6') screening fence or wall shall be provided and maintained at the property line adjacent to the area to be screened by one or a combination of the following methods:
    a. Solid masonry consisting of rock, pre-approved metal, stone, or other material that is equivalent, visually and qualitatively;
    b. Wrought iron in conjunction with solid landscape screening;
    c. Wood or wood vinyl in conjunction with solid landscape screening; and,
    d. Alternate equivalent screening may be approved through the site plan approval process under Section 2.6.
    e. No outside storage may exceed the height of the fence. Outside storage exceeding eight feet (8') shall require a Conditional Use Permit.
6. Refuse Storage Areas: Refuse storage areas which are not within a screened rear service area and which are visible from a public right-of-way shall be visually screened by a minimum six-foot (6') wall of at least three sides. The composition of the enclosure shall be such that the refuse area is not visible from the outside. The material shall be pre-approved by the village. The base material used for the pad shall be such that it is able to remain in good repair at all times.

C. **Fences in Residential Areas:**

1. **Locational Criteria and Height:**
    a. Any fence or wall located to the rear of the minimum required front yard line shall not exceed eight feet (8') in height.
    b. Except as provided herein, no fence or wall shall be permitted within the required front yard of any single-family residential lot that is adjacent to a public street. No residential fence shall be closer than fifteen feet (15') to a public street except in cases where the side or rear building line of the yards on continuous corner lots adjoin, the fence may be constructed out to the property line of said side yard such that the street side yard may be included as part of the lot's back yard area.
2. **Barbed Wire, Electrical, and Chain Link Fencing:** Barbed wire, electrical, and/or chain link fencing that is visible from a public right-of-way is prohibited as perimeter fencing except for containment of farm animals on parcels of one (1) or more acres.
3. **Vehicular Access Gates:** Gates designed for vehicular access shall be set back from front the property line a minimum of twenty-five feet (25').
4. **Swimming Pool Fences:** Fences around swimming pools shall comply with the Standard Swimming Pool Code and the Village of Salado's codes or ordinances pertaining to same.
5. **Sight Distance & Visibility:** Section 5.5.J provides the sight visibility requirements for fences and screening walls.
6. **Other Types of Fencing:** Special purpose fencing, such as fencing around tennis courts, is permitted.

D. **Required Materials and Construction:** Any screening wall or fence required under the provisions of this Section or under a Conditional Use Permit, Planned Development District, or other requirement shall be constructed of masonry, reinforced concrete, or other similar suitable permanent materials that do not contain openings. All wall or fence openings shall be equipped with gates equal in height and screening characteristics to the wall or fence.

E. **Alternative Materials and Construction:** Alternative equivalent screening may be approved through the site plan approval process, Section 2.6.

Section 5.4: Exterior Construction & Design Requirements

A. **Exterior Construction Requirements and Standards:**

1. **Masonry Construction:** The term "masonry construction" as used herein includes all construction of stone material, brick material, concrete masonry units, or concrete panel construction, which is composed of solid, cavity, faced, or veneered-wall construction. The standards for masonry construction types are listed below:

    a. **Stone Material -** Masonry construction using stone material may consist of granite, marble, limestone, slate, river rock, and other hard and durable naturally occurring all weather stone. Cut stone and dimensioned stone techniques are acceptable.

    b. **Brick Material -** Brick material used for masonry construction shall be hard fired (kiln fired) clay or slate material. Unfired or underfired clay, sand, or shale brick are not allowed.

    c. **Concrete Masonry Units -** Concrete masonry units shall have an indented, hammered, split face finish or other similar architectural finish as approved by the Planning and Zoning Commission. Lightweight concrete block or cinder block construction is not acceptable as an exterior finish.

    d. **Concrete Panel Construction -** Concrete finish, pre-cast panel, tilt wall, or cement composition reinforced panel construction shall be painted, fluted, or exposed aggregate. Smooth or untextured concrete finishes are not acceptable unless painted.

    e. **Exterior Insulation Finish System (EIFS)** – EIFS is a multi-layered wall system that is used on both commercial buildings and homes. Provide superior energy efficiency and offer much greater design flexibility than other cladding products.

2. **Glass and Metal Standards:** Glass walls shall include glass curtain walls or glass block construction. Glass curtain wall shall be defined as an exterior wall which carries no structural loads, and which may consist of the combination of metal, glass, or other surfacing material supported in a metal framework.

B. **Construction Standards:** The standards and criteria contained within this Section are deemed to be minimum standards and shall apply to all new, altered or repaired construction occurring within the Village.

1. **Residential and Nonresidential Buildings and Structures:**

a. The following materials are permitted materials for exterior construction:

(1) Limestone
(2) Rustic wood (rough sawn)
(3) Stucco
(4) Brick
(5) Stone
(6) Painted wood
(7) Glass, permitted to comprise thirty percent (30%) or less of the exterior wall
(8) Cementacious fiberboard (commonly known as Hardiplank)
(9) Dryvit /EIFS

b. The following materials for exterior construction require a Conditional Use Permit:

(1) Concrete
(2) Glass, when over thirty percent (30%) of the exterior wall
(3) Synthetic materials
(4) Adobe (brick)
(5) Metal

c. The following materials are permitted for roof construction:

(1) Copper
(2) Metal
(3) Tile
(4) Composition Roof
(5) Wood Shake
(6) Clay Tile
(7) Steel Panels
(8) Slate
(9) Cementitious
(10) Ceramic
(11). Plastic

d. Fluorescent colors are expressly prohibited.

2. **Elevated Water Storage Tanks and Pump Stations:** All water storage facilities that serve the public shall be designed and painted to compliment natural surroundings. All public water storage facilities shall be placed, to the extent possible, so as to have minimal negative impact on surrounding areas and shall be painted in earth-tone, natural colors. The Board of Aldermen shall be authorized to approve alternate color selections if such color(s) are more acceptable with surrounding areas.

3. **Temporary Construction Buildings:** Temporary buildings and temporary building material storage areas to be used for construction purposes may be permitted for a specific period of time in accordance with a permit issued by the Village and subject to periodic renewal by the inspector for cause shown. Upon completion or abandonment of construction or expiration of permit, such field offices or buildings and material storage areas shall be removed at the satisfaction of the Village.

4. **Procedure for Determining Alternative Exterior Materials:**

a. All written requests for alternative exterior building materials shall be noted and described on the site plan. If requested by the Village, a sample(s) of the proposed exterior finish material(s) may be required to be submitted with the site plan.

b. The Village may approve an alternative exterior material if it is determined to be equivalent or better than the exterior materials cited in Section 5.4.B.1 above as part of the approval of the site plan.

c. Consideration for exceptions to the above requirements shall be based on the following:

(1) Architectural design and creativity,
(2) Compatibility with surrounding developed properties,
(3) Compatibility with the overall character of the Village, and
(4) Compatibility with historic character of the Village.

d. All requests shall be reviewed by the Planning and Zoning Commission

5. **Façade Articulation:** In order to ensure the aesthetic value and visual appeal of non-residential land uses and structures, façade articulation shall be required. See definition of articulation in Section 5.8.

a. Facade articulation of at least three feet (3') in depth shall be required for every thirty feet (30') in vertical and/or horizontal surface length.

b. Facade offsets shall be shown, along with calculations verifying that the building elevations meet the above requirement, on a building facade (elevation) plan, and shall be submitted for Commission review along with the Site Plan.

6. **Design and Material Requirements for Nonpoint Source Pollution Control Facilities:**

a. All above-ground facilities used for water quality management and nonpoint pollution control, including retention and detention ponds, shall be designed using natural stone materials or a natural ground cover such as grass.

b. Alternative materials may be used in the design of above ground facilities when approved by the Planning and Zoning Commission at the time of site plan approval.

Section 5.5: Supplemental Regulations

A. **Measuring Setbacks:** All setback measurements shall be made in accordance with Illustrations 1, 2, and 3 within Appendix A.

B. **Configuration of Lots:** Wherever possible, flag lots (lots with minimal or panhandle-type frontage) shall be avoided. Similarly, through (double-frontage) lots shall also be avoided wherever possible, particularly within residential zoning districts.

C. **Separation Standards:** All non-residential main structures shall be separated by a distance of not less than thirty feet (30') unless an approved fire wall is constructed.

D. **Setback from a Cemetery -** No building or paving shall be placed closer than ten feet (10') from any cemetery.

E. **Front Yard Standards and Measurements:**

1. On all corner lots, the front yard setback shall be observed along the frontage of both intersecting streets, unless approved specifically otherwise on a final plat. Where single-family lots have double frontage, extending from one street to another, or are on a corner, a required front yard shall be

provided on both streets unless a side or rear yard building line has been established along one frontage on the plat, in which event only one required front yard need be observed. The side and rear yards in the case of single-family uses shall be identified and the front of the structure shall not face the side or rear yard.

2. Where the frontage on one side of a street between two intersecting streets is divided by two (2) or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage.

3. The front yard shall be measured from the property line to the front face of the building, to the nearest supporting member of a covered porch or terrace, or to any attached accessory building. Eaves and roof extensions or a porch without posts or columns may project into the required front yard for a distance not to exceed four feet (4'), and subsurface structures, platforms or slabs may not project into the front yard to a height greater than thirty inches (30") above the average grade of the yard. See Illustration 1 within Appendix A.

4. Minimum lot widths for lots with predominate frontage on the curved radius of a street, including those located on a cul-de-sac or "eyebrow" portion of a street, shall be measured as the linear distance of the curved front building line, and shall be shown on the subdivision plat. Lot widths for all lots shall be as set forth in the respective zoning district for each lot.

5. Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front, side, or rear yard shall be measured from the future right-of-way line.

F. **Side Yard Standards and Measurements:**

1. On a corner lot used for single-family dwellings, both street exposures shall be treated as front yards on all lots platted after the initial date of the adoption of the Village Zoning Ordinance, November 7, 2013, except that where one street exposure is designated as a side yard for both adjacent lots or where the two lots are separated by an alley, street right-of-way, creek or flood plain area, or other similar phenomenon. In such case, a building line may be designated by the Mayor/Village Administrator or his/her designee, with a minimum side yard of fifteen feet (15') or more, as determined by the applicable zoning district standards. On lots which were official lots of record prior to the effective date of this Ordinance, the minimum side yard adjacent to a side street shall comply with the minimum required side yard for the respective district.

2. Every part of a required side yard shall be open and unobstructed except for the ordinary projections of window sills, belt courses, cornices, and other architectural features not to exceed twelve inches (12") into the required side yard, and roof eaves projecting not to exceed thirty-six inches (36") into the required side yard. Air conditioning compressors and similar equipment are permitted in the side yard.

3. Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front, side, or rear yard shall be measured from the future right-of-way line.

G. **Special Height Regulations:**

1. In the districts where the height of buildings is restricted to two (2) stories, cooling towers may extend for an additional height not to exceed fifty feet (50') above the average grade line of the

building. Water stand pipes and tanks, church steeples, domes and spires, school buildings, windmills, barns, and institutional buildings may be erected to exceed the height limit, as specified in the particular zoning district, provided that one (1) additional foot shall be added to the width and depth of front, side, and rear yards for each foot that such structures exceed the district height limit.

2. **Calculation of Height:**

   a. For the purposes of calculating the overall height of a structure, slope shall be calculated from the highest point of the building at natural grade to the lowest point of the building at natural grade, or the natural grade of an adjoining road, along a line that is, as close as possible, perpendicular to existing contours.

   b. The height shall be measured from the highest parapet or roof ridge to natural grade or finish grade at the lowest point adjacent to the building exterior, whichever yields the greatest height.

   c.

H. **Minimum Flooring Area per Unit Area:** Minimum dwelling unit areas specified in this Ordinance shall be computed exclusive of breezeways, garages, open porches, carports and accessory buildings.

I. **Open Storage Areas:** Open storage of materials, commodities or equipment, where allowed in the specific zoning district, shall be located behind the front building line and observe all setback requirements for the main structure or building. This standard does not apply to outside display as defined in Section 5.8. There are screening requirements in Section 5.3, and special requirements for outside display within zoning districts.

J. **Sight Visibility:**

1. Visual clearance shall be provided in all zoning districts so that no fence, wall, architectural screen, earth mounding or landscaping thirty inches (30") or higher above the street center line obstructs the vision of a motor vehicle driver approaching any street, alley, or driveway intersection as follows:
   a. At a street intersection, clear vision must be maintained for a minimum of twenty-five feet (25') across any lot measured from the corner of the property line in both directions.
   b. At an intersection with an alley, this clearance must be maintained for ten feet (10').
   c. Shrubs and hedges that are typically less than thirty inches (30") in height at maturity, as measured from the centerline of the street, may be located in the visual clearance areas of all districts.
   d. A limited number of single-trunk trees having a clear trunk (branching) height of at least eight feet (8') may be located within sight visibility areas provided that they are spaced and positioned such that they will not produce a visibility inhibiting, “picket-fence” effect when they attain mature size.

Section 5.6: Performance Standards

A. **Conformance of All Uses:** In all zoning districts, any use indicated in the permitted use list shall conform in operation, location, and construction to the performance standards as administered by County, State and Federal agencies. All uses, including those that may be allowed by PD or CUP, shall conform in operation, location, and construction to appropriate performance standards

for noise, smoke, and particulate matter, odorous matter, fire, or explosive hazard material, toxic and noxious matter, vibration, and glare.

B. **Toxic Waste Disposal:** All Federal and State pollution, noise, and requirements for toxic waste disposal shall be observed.

C. Smoke and Particulate Matter: No operation or use shall cause, create, or allow the emission for more than three minutes in any one hour of air contaminants which at the emission point or within the bounds of the property are:

1. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke or contaminants in the standard prescribed by the ASTM except that, when the presence of uncombined water is the only reason for failure to comply or when such contaminants are emitted inside a building which prevents their escape into the atmosphere.
2. The emission of particulate matter from all sources shall not exceed 0.5 pounds per acre of property within the plant site per any one (1) hour.
3. Open storage and open processing operations, including on-site transportation movements which are the source of wind or air borne dust or other particulate matter; or which involves dust or other particulate air contaminants, generating equipment such as used in paint spraying, grain handling, sand or gravel processing or storage or sand blasting shall be so conducted that dust and other particulate matter so generated are not transported across the boundary line of the tract on which the use is located in concentrations exceeding four (4) grains per one thousand (1,000) cubic feet of air.

D. Odorous Matter:

1. No use shall be located or operated which involves the emission of odorous matter from a source of operation where the odorous matter exceeds the odor threshold at the bounding property line or any point beyond the tract on which such use or operation is located.
2. The odor threshold as herein set forth shall be determined by observation by a person or persons. In any case, where uncertainty may arise or where the operator or owner of an odor emitting use may disagree with the enforcing officer or where specific measurement of odor concentration is required, the method and procedures specified by American Society for Testing Materials A.S.T.M.D. shall be followed.

E. Fire or Explosive Hazard Material:

1. No use involving the manufacture or storage of compounds or products which decompose by detonation shall be permitted except that chlorates, nitrates, perchlorates, phosphorus, and similar substances and compounds in small quantities for use by industry, school laboratories, druggists or wholesalers may be permitted when approved by the Village of Salado.
2. The storage and use of all flammable liquids and materials such as pyroxylin plastics, nitrocellulose film, solvents, and petroleum products shall be permitted only when such storage or use conforms to the standards and regulations of the adopted Fire Code.

F. Toxic and Noxious Matter: No operation or use shall emit a concentration across the bounding property line of the tract on which such operation or use is located of toxic or noxious matter which will exceed ten percent (10%) of the concentration considered as the threshold limit for an industrial

worker as such standards are set forth by the Texas State Department of Health in "Threshold Limit Values Occupational Health Regulation No. 3", a copy of which is hereby incorporated by reference.

G. Vibration: No operation or use shall at any time create earthborne vibrations which when measured at the bounding property line of the source operation exceed the limits of displacement set forth in the following table in the frequency ranges specified:

Frequency Cycles Per Second	Displacement in Inches
0 to 10	0.0010
10 to 20	0.0008
20 to 30	0.0005
30 to 40	0.0004
40 and over	0.0003

Section 5.7: Home Occupation Regulations

A. **Purpose:** Standards for controlling home occupations are set forth to minimize annoyance and inconvenience to neighboring property owners within residential areas. These standards are intended to allow reasonable and comfortable enjoyment of adjacent and nearby property by their owners and by occupants of neighboring residential dwellings, while providing opportunities for the pursuit of home-based businesses.

B. **Special Provisions for Home Occupations:**

1. Home occupations shall be permitted as accessory use in single-family residential zoning districts provided that they comply with all restrictions herein;
2. The occupation shall produce no alteration or change in the character or exterior appearance of the principal building from that of a residential dwelling, and performance of the occupation activity shall not be visible from the street;
3. Such use shall be incidental and secondary to the use of the premises for residential purposes, and shall not utilize floor area exceeding twenty percent (20%) of the combined gross floor area of dwelling unit and any accessory building(s) that are used for the home occupation (in no case shall the combined floor area utilized for a home occupation exceed 500 square feet);
4. The occupation shall not employ more than one (1) person who is not a member of the household in which the home occupation occurs;
5. Not more than two (2) patron or business-related vehicles shall be present at one time, and the proprietor shall provide adequate off-street parking on the property where the use is located;
6. The operation of such an occupation shall be between the hours of 8:00 a.m. and 6:00 p.m. for outdoor activities, and between 8:00 a.m. and 10:00 p.m. for indoor activities;
7. One commercial vehicle, capacity of one ton or less, according to the manufacturer's classification, may be used, or parked behind the front building line on the property, in connection with the home occupation, but said vehicle may not be parked in the street or within the front yard setback;
8. The occupation activity shall not increase vehicular traffic flow beyond what normally occurs within a residential district, and shall not require regular and frequent deliveries by large delivery trucks or vehicles with a rated capacity in excess of one and one-half tons, according to the manufacturer's classification;

9. The home occupation use/activity shall take place primarily within the dwelling, and there shall be no outside storage, including trailers, or outside display related to the home occupation use;
10. No mechanical or electrical equipment shall be employed on the premises other than that which is customarily found in a home environment, and that which is customarily associated with a hobby or avocation which is conducted solely for pleasure and not for profit or financial gain;
11. The home occupation shall not generate noise, vibration, glare, fumes or odors, heat or electrical interference beyond what normally occurs within a residential district;
12. The occupation shall not require the use of chemicals on the property that are obnoxious or hazardous to the welfare of the neighborhood;
13. The home occupation shall not involve the use of advertising signs or window displays, or any other device that calls attention to the business use of the premises through audio or visual means;
14. The occupation shall not offer a ready inventory of any commodity for sale on the premises unless the commodity is made or assembled on-site, including arts and crafts items, handmade clothing; and,
15. The occupation shall not be harmful or detrimental to the health, welfare and safety of the neighborhood, nor shall it interfere with the comfortable enjoyment of life, property and recreation by residents of the area.

C. **Applicability of Other Regulations:** Home occupations shall also be subject to any and all other provisions of local, State and Federal regulations and laws that govern such uses.

D. **Uses Allowed as Home Occupations:** Subject to the provisions of this Section 5.7, home occupations may include the following uses:

1. Office facility of an accountant, architect, landscape architect, attorney, engineer, consultant, insurance agent, realtor, broker, or similar profession;
2. Author, artist or sculptor;
3. Dressmaker, seamstress or tailor;
4. Music or dance teacher, or similar types of instruction, provided that instruction shall be limited to no more than six (6) pupils at a time;
5. Individual tutoring and home schooling;
6. Office facility of a minister, rabbi, priest or other clergyman;
7. Home crafts, such as rug weaving, model making, etc.;
8. Office facility of a salesman, sales or manufacturer's representative, provided that no retail or wholesale transactions or provision of services are personally and physically made on the premises;
9. Repair shop for small electrical appliances, cameras, watches and clocks, and other small items, provided that the items can be carried by one person without using special equipment, and provided that the items are not equipped with an internal combustion engine;
10. Food preparation establishments such as cake making, decorating or catering, provided that there is no on-premises consumption by customers, and provided that all aspects of the business comply with all State and local health regulations;

11. Registered Family Homes, in compliance with applicable State laws, which are incorporated herein by reference, with no more than six (6) children or adults;
12. Barber shop or beauty salon or manicure studio, provided that no more than one customer is served at a time; and
13. Swimming lessons and water safety instruction, provided that such instruction involves no more than six (6) pupils at any one time.

E. **Uses Prohibited as Home Occupations:** Home occupations shall not, in any event, be deemed to include the following uses:

1. Animal hospitals or clinics, commercial stables having more than 2 horses per acre or kennels;
2. Restaurants or on-premises food or beverage, including Private Clubs, consumption of any kind, except for limited food or meal consumption associated with the operation of a licensed registered family home or a bed and breakfast facility;
3. Automobile, boat or trailer paint or repair shop; small engine or motorcycle repair shop; welding shop; large household appliance repair shop; or other similar type of business;
4. On-premises retail or wholesale sales of any kind where multiple customers patronize the sales business on-site, except for items that are produced entirely on the premises in conformance with this Ordinance, and except for occasional garage sales;
5. Commercial clothing laundering or cleaning;
6. Mortuaries or funeral homes;
7. Trailer, vehicle, tool or equipment rentals;
8. Repair shops for any items having internal combustion engines; and,
9. Any use that would be defined by the Building Code as an Assembly, Factory or Industrial, Hazardous, Institutional or Mercantile occupancy.

F. **Home Occupation Uses Not Classified Herein:** Any use that is not either expressly allowed nor expressly prohibited by Section 5.7.D and Section 5.7.E, respectively, is considered prohibited, unless and until such use is classified by amendment to this Ordinance by the Board of Aldermen, subsequent to an affirmative recommendation by the Commission.

G. **Effect of Section 5.7 Upon Existing Home Occupations:**

1. Any home occupation that was legally in existence as of the effective date of this Ordinance and that is not in full conformity with the provisions herein shall be deemed a legal nonconforming use, and is subject to the provisions of Section 2.1 provided that the owner or proprietor of such home occupation register his or her business with the Village within ninety (90) days of the effective date of this Ordinance, and provided that the home occupation use was not in violation of any other local, State or Federal law or regulation on that date. Proof of the existence of such home occupation use prior to the effective date of this Ordinance shall be required upon registration.
2. Any home occupation that was legally in existence as of the effective date of this Ordinance and that conforms with the provisions herein shall be hereby authorized to continue, provided that the home occupation use is registered with the Village as described in Section 5.7.G.1 above.

Section 5.8: Definitions

A. For the purpose of these regulations, certain terms and words are to be used and interpreted as defined in this Ordinance. Words used in the present tense shall also include the future tense; words used in the masculine gender shall also include the feminine gender; words used in the singular number shall also include the plural number; and words in the plural number shall also include the singular number, except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directory. For any term or use not defined herein, Webster's Dictionary (latest edition) shall be used. It should be noted that there are other sections within this Ordinance that define terms that are specific to that section; these other definitions can be found within Section 3.15 (Historic District), Section 5.2 (Landscaping Requirements), and Section 5.4 (Exterior Construction & Design Requirements).

1. **Accessory Building (Residential):** In a residential district, a subordinate building that is attached or detached and is used for a purpose that is customarily incidental to the main structure but not involving the conduct of a business. The building area is less than that of the main structure as regulated herein. Examples may include, but are not limited to, the following: a private garage for automobile storage, tool shed, greenhouse as a hobby, home workshop, children's playhouse, storage building or garden shelter.
2. **Accessory Building (Non-Residential):** In the non-residential districts, a subordinate building to the main building that does not exceed the height of the main building and does not exceed fifty percent (50%) of the floor area of the main building, and that is used for purposes accessory and incidental to the main use (see “Accessory Use”).
3. **Accessory Dwelling:** A secondary living space that is on-site with a primary living space and that may be contained within the space structure as the primary, or may be contained in a separate structure. Occupants of secondary living spaces typically include a caretaker, servant, or farm worker employed by the owner/occupant, or a guest or family member of the owner/occupant
4. **Accessory Use:** A use that is customarily incidental, appropriate and subordinate to the principal use of land or building(s) and that is located upon the same lot therewith. The land and building area that is used for the accessory use must be significantly less than that used for the primary use, and the gross receipts that is derived from the accessory use must be significantly less than that derived from the primary use.
5. **Airport or Landing Field:** A place where aircraft can land and take off that is usually equipped with hangars, facilities for aircraft refueling and repair, and various accommodations for passengers.
6. **Alcoholic Beverage:** Includes all alcohol, distilled spirits, beer, malt beverage, wine or fortified wine as defined in this ordinance.
7. **Alley:** A minor right-of-way that is dedicated to public use and which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.
8. **Ambulance Service (Private):** Provision of private emergency transportation which may include mobile medical care, and which may include storage and maintenance of vehicles.

9. **Amusement Devices/Arcade (Also Video Arcade):** Any building, room, place or establishment of any nature or kind, and by whatever name called, where more than ten percent (10%) of the public floor area is devoted to three (3) or more amusement devices that are operated for a profit, whether the same is operated in conjunction with any other business or not, including but not limited to such amusement devices as coin-operated pinball machines, video games, electronic games, shuffle boards, pool tables or other similar amusement devices. However, the term "amusement device", as used herein, shall not include musical devices, billiard tables which are not coin-operated, machines that are designed exclusively for small children, and devices designed to train persons in athletic skills or golf, tennis, baseball, archery or other similar sports.
10. **Amusement Services (Indoors):** An amusement enterprise that is wholly enclosed within a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line, and that provides activities, services and instruction for the entertainment of customers or members, but not including amusement arcades. Uses may include, but are not limited to, the following: bowling alley, ice skating rink, martial arts club, racquetball or handball club, indoor tennis courts or club, indoor swimming pool or scuba diving facility, and other similar types of uses.
11. **Amusement Services (Outdoors):** An amusement enterprise offering entertainment or games of skill to the general public for a fee wherein any portion of the activity takes place outdoors and including, but not limited to, a golf driving range, archery range, miniature golf course, batting cages, go-cart tracks, amusement parks, and other similar types of uses.
12. **And:** Where necessary to effectuate the intent of this Article or to prevent an ambiguity, absurdity, or mistake, the words “and” and “or” shall be interchangeable.
13. **Antique Shop:** A retail establishment engaged in the selling of works of art, furniture or other artifacts of an earlier period, with all sales and storage occurring inside a building.
14. **Art Dealer/Gallery:** An institution for the collection, display or distribution of objects of art or science, and which is typically sponsored by a public or quasi-public agency and generally open to the public.
15. **Articulation:** An interruption/differentiation of the building wall plane with either a recess (concavity) or an offset (convexity) that projects away from the building wall plane by at least three feet (3’).
16. **Artisans Shop:** A shop in which goods are custom produced in small quantities, often one of a kind. The use may include the sale or production of such goods or may be a place where a small number of persons are engaged in arts and crafts activities in a class or studio.
17. **Artist Studio:** A work space for artists or artisans, including individuals practicing one of the fine arts or skilled in an applied art or craft.
18. **Assisted Living Facility:** A congregate residence facility for ten (10) or more handicapped persons or persons over 55 years of age, regardless of legal relationship, who need limited assistance with daily living activities. A limited number of support services such as meals, laundry, housekeeping, transportation, social/recreational activities and hairdressing, may be provided or associated with the assisted living facility. Units may be attached or detached, single- or double-occupancy, and may include limited or full kitchen facilities. Full-time medical or nursing care is not typically provided by the facility, but may be privately arranged for by individual residents on a part-time or temporary basis.
19. **Auction Business:** The business of auctioning items within an auction building. Any auction business must use an auctioneer licensed by the State of Texas and report all sales tax to the State.

20. **Auto Laundry or Car Wash:** Washing, waxing or cleaning of automobiles or light duty trucks.
    a. **Attended Auto Laundry or Car Wash** - The owner of the vehicle does not actually wash the vehicle. Instead, he either leaves the vehicle and comes back to retrieve it later, or he waits in a designated area while employees of the car wash facility vacuum, wash, dry, wax and/or detail the vehicle for a fee.
    b. **Unattended Auto Laundry or Car Wash** - The owner of the vehicle causes the vehicle to become washed. One type of unattended car wash facility utilizes automated self-service wash bays and apparatus in which the vehicle owner inserts money or tokens into a machine, drives the vehicle into the wash bay, and waits in the vehicle while it is being washed. The other type of unattended facility is comprised of wand-type self-service wash bays in which the vehicle owner drives the vehicle into the wash bay, gets out of the vehicle, and hand washes the vehicle with a wand-type apparatus by depositing coins or tokens into a machine.
21. **Auto Finance and Leasing (Indoor):** Leasing of automobiles, motorcycles, and light load vehicles but no outside storage.
22. **Auto Supply Store for New & Rebuilt Parts:** The use of any building or other premise for the primary inside display and sale of new or used parts for automobiles, panel trucks or vans, trailers, or recreation vehicles.
23. **Auto Rental:** Storage or renting of automobiles and light trucks.
24. **Auto Sales (New):** Retail sales of new automobiles or light load vehicles, including, as a minor part of the business, the sales of used automobiles or light load vehicles and the service of new or used vehicles.
25. **Auto Sales (Used):** Retail sales, or offering for sale, used automobiles or light load vehicles.
26. **Auto Storage or Auto Auction:** The storage or impoundment, on a lot or tract which is paved in accordance with parking lot paving requirements set forth in this ordinance, of operable automobiles for the purpose of holding such vehicles for sale, distribution and/or storage. This definition shall not include the storage of wrecked or inoperable vehicles (see "Wrecking Yard").
27. **Automobile:** A self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people including but not limited to the following: passenger cars, light duty trucks and sport utility vehicles, vans and mini-vans, motor scooters and motorcycles.
28. **Automobile Accessory Installation (Minor):** Minor installation of minor automobile accessories such as car alarms, radio and stereo equipment, window tinting, pin striping, cellular telephones and similar accessories.
29. **Automobile Repair Garage:** An establishment providing major or minor automobile repair services to all motor vehicles except heavy load vehicles.
30. **Automobile Repair, Major:** General repair or reconditioning of engines, air-conditioning systems and transmissions for motor vehicles; wrecker service; collision repair services including body, frame or fender straightening or repair; customizing; painting; vehicle steam cleaning; undercoating and rustproofing; those uses listed under "Automobile Repair, Minor"; and other similar uses.
31. **Automobile Repair, Minor:** Minor repair or replacement of parts, tires, tubes and batteries; diagnostic services; minor maintenance services such as grease, oil, spark plug and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses and brake parts; automobile washing and polishing; performing state inspections and making minor repairs necessary

to pass said inspection; normal servicing of air-conditioning systems; and other similar minor services for motor vehicles except heavy load vehicles, but not including any operation named under "Automobile Repair, Major" or any other similar use.

32. **Automotive Gasoline or Motor Fuel Service Station:** Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of automotive fuels, lubricants and automobile accessories, including those operations listed under "Automobile Repair, Minor". Vehicles which are inoperative or are being repaired may not remain parked outside these facilities for a period greater than forty-eight (48) hours.
33. **Bakery or Confectionery (Retail):** A facility less than 1,500 square feet for the production or sale of baked goods.
34. **Bakery or Confectionery (Wholesale or Commercial):** A manufacturing facility over 1,500 square feet for the production and distribution of baked goods and confectioneries to retail outlets.
35. **Ballroom Dancing:** An establishment open to the general public for dancing. Any sales of alcoholic beverages for on-premise consumption shall be subject to requirements and use restrictions for private clubs - see definition for “Private Club”.
36. **Bank, Savings and Loan, or Credit Union:** An establishment for the custody, loan, exchange or issue of money, the extension of credit, or facilitating the transmission of funds.
37. **Barn:** A structure intended for the purpose of storing farming and ranching related equipment or housing livestock; such a structure shall be no more than 240 square feet in size, and shall conform to all construction and design standards of the district in which it is constructed.
38. **Basement (or Cellar):** A portion of a building that is partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes by other than a janitor employed on the premises.
39. **Bed and Breakfast Inn or Facility(s):** A dwelling or grouping of dwellings at which breakfast is served and sleeping accommodations are provided/offered in not more than fifteen (15) rooms or unattached units (e.g., cabins) for transient guests for compensation.
40. **Beer or Malt Beverage:** Any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other product, or any combination of such products in water containing not more than fourteen percent (14%) alcohol by volume, and including ale, porter, brown, stout, lager beer, small beer, and strong beer. Also included are beverages known as “non-alcoholic beer” which is made by fermentation of any infusion or decoction of barley, malt, hops, or other products, and containing less than three percent (3%), but more than zero point one percent (0.1%) alcohol by volume. The term “malt beverage” does not include sake, known as Japanese rice wine.
41. **Block:** A piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the Village Administrator, shall determine the outline of the block.
42. **Boarding or Rooming House:** A dwelling other than a hotel, where for compensation and by prearrangement for definite periods, lodging and meals are provided.
43. **Board of Aldermen:** The governing body of the Village of Salado, Texas.

44. **Building:** Any structure intended for shelter, occupancy, housing or enclosure for persons, animals or chattel. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate building.
45. **Building Height:** The vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of the building.
46. **Building Line:** A line parallel, or approximately parallel, to any lot line at a specific distance therefrom, marking the minimum distance from the lot line that a building may be erected.
47. **Building, Main or Primary:** A building in which the principal use of the lot on which it is situated is conducted. In a residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.
48. **Building Materials Sales:** Materials, tools, and/or hardware customarily used in the construction of buildings and other structures, including facilities for storage of materials for retail sales. Sometimes referenced as a "home improvement center".
49. **Building Site:** See "Lot" definition.
50. **Bus Station or Terminal:** Any premises for the transient housing or parking of motor-driven buses and the loading and unloading of passengers.
51. **Caretakers' or Guards' Residence:** A residence located on a premises with a main residential or non-residential use and occupied only by a caretaker or guard employed on the premises, such as a residence for guard in a private street development, residence for a guard or manager or caretaker for a self-storage facility or a restricted access business park.
52. **Carnival, Circus or Tent Service (Temporary):** Outdoor or indoor commercial amusement provided on a temporary basis.
53. **Carport:** A structure that is open on a minimum of two sides and designed or used to shelter not more than three vehicles and not to exceed twenty-four feet on its longest dimension. Also called "covered parking area."
54. **Cemetery or Mausoleum:** Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.
55. **Cemetery, Animal:** Same as cemetery except only for the burial of dead animals.
56. **Certificate of Occupancy:** An official certificate issued by the Village which indicates conformance with the zoning regulations and building codes and which authorizes legal use of the premises for which it is issued.
57. **Child Day Care (Business):** A commercial institution or place designed for the care or training of seven (7) to twelve (12) unrelated children under fourteen (14) years of age for less than 24 hours a day.
58. **Church/Place of Worship:** A building for regular assembly for religious worship which is used primarily and designed for such purpose and those accessory activities which are customarily associated therewith, and the place of residence for ministers, priests, nuns or rabbis on the premises, that is tax exempt as defined by State law. For the purposes of this ordinance, Bible study and other similar activities which occur in a person's primary residence shall not apply to this definition.

59. **Civic/Conference Center:** A building or complex of buildings that house municipal offices and services, and which may include cultural, recreational, athletic, food service, convention or entertainment facilities owned or operated by a municipality.
60. **Cleaning Plant (Commercial/Wholesale) -** An industrial facility where fabrics are cleaned with substantially nonaqueous organic solvents on a commercial or wholesale basis.
61. **College or University -** An academic institution of higher learning, accredited or recognized by the State and covering a program or series of programs of academic study.
62. **Commercial Amusement (Indoor) -** See Amusement Services (Indoors).
63. **Commercial Amusement (Outdoor) -** See Amusement Services (Outdoors).
64. **Commercial Use** – A type of nonresidential land use that has one or more of the following characteristics: 1) the use is service-oriented; 2) the use does not primarily sell retail items; 3) the use sells goods or products on a wholesale basis; or 4) the use has or has the need for open storage areas or warehouses its products. Such uses include motels, auto dealerships, welding shops, manufactured home sales, mini-warehouses, funeral homes, auto body repair shops, and air conditioning and/or heating services.
65. **Community Center (Municipal) -** A building or complex of buildings that house cultural, recreational, athletic, food service or entertainment facilities owned or operated by a governmental agency or private nonprofit agency.
66. **Community Home:** A place where not more than six (6) physically or mentally impaired or handicapped persons are provided room and board, as well as supervised care and rehabilitation by not more than two (2) persons as licensed by the Texas Department of Mental Health and Mental Retardation (also see Chapter 123 of the Texas Local Government Code). The limitation on the number of persons with disabilities applies regardless of the legal relationship of those persons to one another.
67. **Comprehensive Plan:** Document adopted by the Village that consists of graphic and textual policies which govern the future development of the Village and which consists of various components governing specific geographic areas and functions and services of the Village.
68. **Concrete or Asphalt Batching Plant (Permanent):** A permanent manufacturing facility for the production of concrete or asphalt.
69. **Concrete or Asphalt Batching Plant (Temporary):** A temporary manufacturing facility for the production of concrete or asphalt during construction of a project, and to be removed when the project is completed.
70. **Continuing Care Retirement Community:** A housing development designed to provide a full range of accommodations for adults of age 55 or more, including independent living, assisted living and skilled full-time nursing or medical care. Residents may move from one level to another as their needs change.
71. **Convenience Store With (or Without) Gasoline Sales:** Retail establishment selling food for off-premises consumption and a limited selection of groceries and sundries, including possibly gasoline, if pumps are provided. Does not include or offer any automobile repair services. The sale of beer and wine for off-premises consumption is conditionally allowed, if not otherwise prohibited.
72. **An establishment which reproduces, in printed form, individual orders from a business, profession, service, industry or government organization and occupies less than 4,000 square feet.**

73. **Contractor's Office/Sales (With Outside Storage):** A building, part of a building, or land area for the construction or storage of materials, equipment, tools, products, and vehicles.
74. **Country Club:** A land area and buildings which may include a golf course, clubhouse, dining room, swimming pool, tennis courts and similar recreation or service.
75. **Court:** An open, unobstructed space, bounded on more than two sides by the walls of a building. An inner court is entirely surrounded by the exterior walls of a building. An outer court has one side open to a street, alley, yard, or other permanent open space.
76. **Coverage:** The lot area covered by all buildings located thereon, including the area covered by all overhanging roofs.
77. **Custom Personal Service Shop:** Tailor, dressmaker, shoe shop, barber shop, beauty shop or similar shop offering custom service.
78. **Day Camp for Children:** A facility arranged and conducted for the organized recreation and instruction of children including outdoor activities on a daytime basis.
79. **Density:** The total number of residential buildings allowed upon a given tract of land usually expressed in total number of units per gross acres or net acre.
80. **Detached:** Having no physical connection above the top of the floor line of the first floor with any other building or structure.
81. **Distribution Center:** Building or facility used for the storage and distribution of wholesale items/products.
82. **Drapery, Blind, or Furniture Upholstering Shop:** An establishment for the production, display and sale of draperies and soft coverings for furniture.
83. **Dwelling:** Any building or portion thereof, which is designed or used as living quarters for one or more families.
84. **Dwelling, Single Family Attached (Townhouse):** See "Single Family Dwelling (Attached)".
85. **Easement:** A grant of one or more of the property rights by the property owner to or for the use by the public, a corporation or another person or entity.
86. **Educational Facilities:** Public and private primary, secondary and post-secondary educational facilities offering instruction in the branches of learning and study required to be taught by the Texas Education Agency; and such federally funded educational programs for preschool children as the Head Start Program.
87. **Electrical Substation:** A subsidiary station in which electric current is transformed.
88. **Enclosed Building:** A structure which is floored, roofed and surrounded by outside walls, which contains no opening larger than 120 square feet in area normally open to the air and which contains no series of openings forming a divided opening larger than 120 square feet in area normally open to the air.
89. **Extended Stay Hotels/Motels (Residence Hotels):** A multi-unit, extended stay lodging facility consisting of efficiency units or suites with complete kitchen facilities and which is suitable for long-term occupancy. Customary hotel services such as linens and housekeeping, telephones, and upkeep of furniture shall be provided. Meeting rooms, club house, and recreational facilities intended for the use of residents and their guests are permitted. This definition shall not include other dwelling units as defined by this Ordinance.

90. **Fairgrounds/Exhibition Area:** An area or space either outside or within a building for the display of topic-specific goods or information.

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

92. **Family Home (Adult Care in Place of Residence):** A facility that regularly provides care in the caretaker's own residence for not more than six (6) adults at any given time. No outside employment is allowed at the facility. This facility shall conform to Chapter 42 of the Human Resources Code of the State of Texas, as amended, and in accordance with such standards as may be promulgated by the Texas Department of Human Resources.

93. **Family Home (Child Care in Place of Residence):** A facility that regularly provides care in the caretaker's own residence for not more than six (6) children under fourteen (14) years of age, excluding the caretaker's own children, and that provides care after school hours for not more than six (6) additional elementary school siblings of the other children given care. However, the number of children, including the caretaker's own, provided care at such facility shall not exceed twelve (12) at any given time. No outside employment is allowed at the facility. This facility shall conform to Chapter 42 of the Human Resources Code of the State of Texas, as amended, and in accordance with such standards as may be promulgated by the Texas Department of Human Resources.

94. **Farms, General (Crops):** An area used for growing usual farm products, vegetables, fruits, trees, and grain and including the necessary accessory uses for raising, treating, and storing products grown on the premises, but not including any type of agriculture specifically prohibited by ordinance or law.

95. **Farms, General (Livestock/Ranch):** An area used for the raising thereon of the usual farm animals such as horses, cattle, and sheep and including the necessary accessory uses for raising, treating, and storing animals on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any type of husbandry specifically prohibited by ordinance or law.

96. **Feed and Grain Store:** An establishment for the selling of corn, grain and other food stuffs for animals and livestock, and including implements and goods related to agricultural processes, but not including farm machinery.

97. **Fence:** An artificially constructed structure of wood, masonry, stone, etc.(solid or otherwise), which is a barrier and used as a boundary or means of protection, confinement, or concealment

98. **Firearms:** (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device.

99. **Fire Station, Police Station, or Municipal Building:** Any public service building of the municipal government including a library or Village Municipal Building, but excluding storage yards, utility shops and equipment centers.

100. **Flood Plain:** An area of land subject to inundation by a 100-year frequency flood as determined using standard engineering practices and generally as shown on the FIRM Flood Insurance Rate Map of the Village of Salado.

101. **Floor Area, Gross:** The total gross square feet of floor space within the outside dimensions of a building including each floor level, but excluding carports, residential garages, and breezeways.

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

103. **Florist Shop:** An establishment for the display and retail sale of flowers, small plants and accessories.

104. **Food Processing:** A manufacturing or light industrial use that primarily deals with the processing and packaging of food, such as dairy or grain products that are intended for human consumption, but which are not typically sold in volume to end users on the premises. Incidental retail sales of food products, including bread and baked goods, dairy products such as cheese, created and packaged on the premises may be allowed as an accessory use.

105. **Food or Grocery Store:** A retail business establishment that displays and sells consumable goods that are not to be eaten on the premises. Prepared food may be sold only as a secondary or accessory use. The sale of beer and wine for off-premises consumption is conditionally allowed, if not otherwise prohibited.

106. **Footprint:** The horizontal area as seen in plain view, measured from outside of all exterior walls and supporting columns; the amount of a structure that touches the ground surface.

107. **Fortified Wine:** Any alcoholic beverage containing more than twenty-one percent (21%) alcohol by volume made from fruits, berries, or grapes, either by natural fermentation or by natural fermentation with brandy added. "Fortified wine" includes, but is not limited to, brandy.

108. **Franchised Private Utility (Not Listed):** A utility such as one distributing heat, chilled water, closed circuit television or similar service and requiring a franchise to operate in the Village of Salado.

109. **Fraternal Organization, Lodge, or Union:** An organized group having a restricted membership and specific purpose related to the welfare of the members such as Elks, Masons, Knights of Columbus, or a labor union.

110. **Front Yard:** See "Yard, Front".

111. **Funeral Home or Mortuary:** A place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

112. **Furniture, Home Furnishings or Appliance Stores:** This group includes retail stores selling new goods for furnishing the home including, but not limited to furniture, floor coverings, draperies, glass and chinaware, domestic stoves, refrigerators, and other household electrical and gas appliances.

113. **Furniture Store, New and Used (Indoor):** Same as above except sales may include used items.

114. **Garage, Private:** An accessory building enclosed on at least three (3) sides, or a part of a main building, used for storage of automobiles and used solely by the occupants and their guests. Also called "enclosed parking space."

115. **Garage/Accessory Dwelling:** A residential dwelling unit attached to or over a garage but not attached to the main residential structure.

116. **Garage Conversion:** The alteration of an enclosed attached or detached accessory building, including a garage that meets the required parking standards for residential districts, to an air-conditioned living space with stationary fixed walls.

117. **Garden Shop (Inside Storage):** A facility which is engaged in the selling of flowers, ornamental plants, shrubs, trees, seeds, garden and lawn supplies, and other materials used in planting and landscaping, but not including cultivation and propagation activities outside a building.
118. **Gasoline Service or Filling Station:** See "Automotive Gasoline or Motor Fuel Service Station".
119. **General Commercial Plant:** Establishments other than personal service shops for the treatment and/or processing of products as a service on a for-profit basis including, but not limited to, newspaper printing, laundry plant, or cleaning and dyeing plants.
120. **General Manufacturing:** See "Industrial, Manufacturing".
121. **General Retail Stores:** This major group includes retail stores which sell a number of lines of primarily new merchandise including but not limited to dry goods, apparel and accessories, furniture and home furnishings, small wares, small appliances, hardware, and food. The sale of beer and wine for off-premises consumption is allowed, if not otherwise prohibited. The stores included in this group are known as department stores, variety stores, general merchandise stores, general stores, etc. (Also see "Retail Shop").
122. **Golf Course (Public/Private):** An area of twenty (20) acres or more improved with trees, greens, fairways, hazards, and which may include clubhouses.
123. **Group Day-Care Home:** A child-care facility that provides care for seven (7) to twelve (12) children under fourteen (14) years of age for less than twenty-four (24) hours a day.
124. **Gymnastic Or dance Studio:** A building or portion of a building used as a place of work for a gymnast or dancer or for instructional classes in gymnastics or dance.
125. **Hauling or Storage Company:** See "Motor Freight Company".
126. **Heavy Load Vehicle:** A self-propelled vehicle having a manufacturer's recommended Gross Vehicle Weight (GVW) of greater than 16,000 pounds (including trailers), such as large recreational vehicles (originally manufactured as RVs, not converted), tractor-trailers, buses, vans, and other similar vehicles. The term "truck" shall be construed to mean "Heavy Load Vehicle" unless specifically stated otherwise.
127. **Heavy Machinery Sales and Storage:** A building or open area used for the display, sale, rental or storage of heavy machinery, tractors or similar machines, or a group of machines which function together as a unit.
128. **Heliport:** An area of land or water or a structural surface which is used, or intended for use, for the landing and taking off of helicopters, and any appurtenant areas which are used, or intended for use for heliport buildings and other heliport facilities.
129. **Height (of Structures):** The height shall be measured from the highest parapet or roof ridge to natural grade or finish grade at the lowest point adjacent to the building exterior, whichever yields the greatest height.
130. **Helistop:** The same as a heliport, except that no refueling, maintenance, repairs or storage of helicopters is permitted.
131. **Home for Aged, Residence:** A home where elderly people are provided with lodging and meals without nursing care being a primary function.

132. **Home Occupation:** An occupation carried on in a dwelling unit, or in an accessory building to a dwelling unit, by a resident of the premises, which occupation is clearly incidental and secondary to the use of the premises for residential purposes.

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

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

135. **Household Appliance Service and Repair:** The maintenance and rehabilitation of appliances that are customarily used in the home including, but not limited to, washing and drying machines, refrigerators, dishwashers, trash compactors, ovens and ranges, countertop kitchen appliances and vacuum cleaners, but not including appliances or equipment which have internal combustion engines.

136. **Household Care Facility:** A dwelling unit which provides residence and care to not more than nine (9) persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; or rendered temporarily homeless due to fire, natural disaster or financial setbacks, living together with not more than two supervisory personnel as a single housekeeping unit. This definition is subject to Art. 4442c-4 (Personal Care Facility Licensing Act) V.A.C.S. (Tex.) and Art. 1011n (Community Homes for Disabled Persons Location Act) V.A.C.S. (Tex.) as they presently exist or may be amended in the future.

137. **Household Care Institution:** A facility which provides residence and care to ten (10) or more persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; convalescing from illness; or temporarily homeless due to fire, natural disaster, or financial setback together with supervisory personnel.

138. **Incidental or Accessory Retail and Service Uses:** Any use different from the primary use but which compliments and/or supplements the primary use, such as a sundries shop that serves tenants of an office building or hospital. Incidental shall mean an area that constitutes not more than fifteen percent (15%) of the main use.

139. **Industrial, Manufacturing:** Establishments engaged in the manufacturing or transformation of materials into new products. These establishments are usually described as plants and factories, and characteristically use power driven machines and materials handling equipment. Manufacturing production is usually carried on for the wholesale market, rather than for direct sale to the domestic consumer.

140. **Institution for Alcoholic, Narcotic or Psychiatric Patients:** An institution offering out-patient treatment to alcoholic, narcotic or psychiatric patients.

141. **Intensity (of Land Use):** An assessment of the relative level of activity of land use, including, but not limited to, type of land use, floor area ratio, building coverage ratio, or percent of impervious coverage.

142. **Kennels (Indoor Pens):** An establishment with indoor pens in which more than four (4) dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained and/or sold for commercial purposes.

143. **Kennels (Outdoor Pens):** An establishment with outdoor pens in which more than four (4) dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained or sold for commercial purposes.

144. **Kindergarten or Nursery School (Private):** An establishment where more than three (3) children are housed for care or training during the day or portion thereof.

145. **Kiosk (Providing a Service):** A small, free-standing, one-story accessory structure having a maximum floor area of one hundred (100) square feet and used for retail purposes, such as automatic teller machines or the posting of temporary information or posters, notices and announcements. If a kiosk is to be occupied, it shall have a minimum floor area of 50 square feet.

146. **Kitchen, Residential:** Generally, that portion of a residential dwelling that is devoted to the preparation or cooking of food for the purpose of consumption by residents of the dwelling. A kitchen, as referred to within this Ordinance, generally indicates the presence of complete cooking facilities as differentiated from a "kitchenette" which provides limited cooking facilities limited to a single-burner hot plate, under-counter refrigerator and microwave oven.

147. **Laboratory Equipment Manufacturing:** A facility that makes or produces equipment or products used for research or testing.

148. **Laboratory, Scientific or Research:** An establishment that engages in research, testing or evaluation of materials or products, but not medical-related (see "Medical Facilities -- Medical Laboratory").

149. **Landscaping:** Material such as, but not limited to, grass, ground covers, shrubs, vines, hedges, trees or palms, and non-living durable materials that are commonly used in landscaping such as, but not limited to, rocks, pebbles, sand, walls or fences, but excluding paving.

150. **Laundromat (or Self-Serve Washateria):** A facility where patrons wash, dry or dry clean clothing and other fabrics in machines that are operated by the patron.

151. **Laundry/Dry Cleaning (Drop Off/Pick Up):** A facility used for the purpose of receiving articles or goods of fabric to be subjected to the process of laundering, dry cleaning, or cleaning elsewhere, and for the pressing and distribution of any such articles or goods that have been subjected to any such process.

152. **Light Load Vehicle:** A self-propelled vehicle having a manufacturer's recommended gross vehicle weight (GVW) not greater than 16,000 pounds and having no more than two axles, such as pick-up trucks, sport utility vehicles, vans and mini-vans, recreational vehicles (less than thirty-two [32] feet in length), campers and other similar vehicles but not including automobiles and motorcycles.

153. **Light Manufacturing or Industrial Use:** Manufacturing of finished products or parts, predominantly from previously prepared materials, including fabrication, assembly, and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing.

154. **Living Quarters On-Site With a Business:** A lot that is occupied or intended to be occupied by a dwelling unit (a residential use) and a nonresidential use, either within the same structure or separate structures. The residential use and the nonresidential use are equally considered to be the principal use of the lot.

155. **Loading Space:** An off-street space or berth used for the delivery and loading or unloading of vehicles.

156. **Local Utility Line:** The facilities provided by a municipality or a franchised utility company for distribution or collection of gas, water, surface drainage water, sewage, electric power or telephone service, including pad- and pole-mounted transformers.

157. **Lot:** A platted parcel of land that is occupied or intended to be occupied by one main building, or a group of main buildings, and any accessory building(s), which includes such parking, landscaping and open space as are required by this Ordinance or other laws or ordinances, and also which has its principal frontage upon a public street.

158. **Lot Area:** The total area, measured on a horizontal plane, included within lot lines.

159. **Lot, Corner:** A lot which has at least two adjacent sides abutting for their full lengths upon a street, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five degrees (135˚).

160. **Lot Depth:** The mean horizontal distance between the front and rear lot lines.

161. **Lot, Double Frontage:** A lot having frontage upon two (2) non-intersecting streets, as distinguished from a corner lot.

162. **Lot, Flag:** A lot having access to a street by means of a parcel of land generally having a depth greater than its frontage, but not less than thirty-five (35) feet. Flag, or panhandle, lots are typically discouraged.

163. **Lot, Interior:** A lot other than a corner lot.

164. **Lot Frontage:** That dimension of a lot or portion of a lot abutting onto a street, excluding the side dimension of a corner lot.

165. **Lot Line, Front:** The narrower side of the lot abutting a street. Where two lot lines abutting streets are of equal length, the owner shall have a choice in designating which shall be the lot frontage. For a lot which has a boundary line which does not abut the front street line, is not a rear lot line, and lies along the same general directional orientation as the front and rear lot lines, said line shall be considered a front lot line in establishing minimum setback lines.

166. **Lot, Key:** A corner lot whose exterior side is adjacent to the front yard of another lot.

167. **Lot Line, Rear:** The lot line farthest from and most parallel to the front lot line. For triangular lots, the point opposite the front lot line shall be considered the rear lot line and have a value of zero.

168. **Lot Line, Side:** Any lot line not the front or rear lot line.

169. **Lot Lines or Property Lines:** The lines bounding a lot as defined herein.

170. **Lot of Record:** A lot that is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Bell County.

171. **Lot Width:** The horizontal distance measured between side lot lines parallel to the front lot line, and measured from the point on the building line which is closest to the front lot line.

172. **Main Building:** The building or buildings on a lot that are occupied by the primary use.

173. **Manufactured Home Display or Sales (New):** The offering for sale, storage, or display of new manufactured housing units, including mobile homes or trailers, HUD-Code homes and industrialized homes, on a parcel of land, but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

174. **Manufactured Home Display or Sales (Used):** The offering for sale, storage, or display of previously owned (used), movable manufactured housing units, including mobile homes or trailers and HUD-Code homes on a parcel of land, but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

175. **Manufactured Housing:** Any one of three types of prefabricated housing products which are typically manufactured or assembled at a location other than the end user's permanent site, and which are regulated by the Texas Manufactured Housing Standards Act (Article 5221f and 5221f-1, V.A.C.S.). For the purpose of this Ordinance, there are three types of manufactured homes:

    a. **Mobile Home -** A movable dwelling designed to be transported on its own chassis on the highway (either intact or in major sections) by a prime mover, which is constructed with a base section so as to be independently self-supporting, and which does not require a permanent foundation for year-round living. A mobile home is also defined as any manufactured home that was constructed prior to June 15, 1976.

    b. **HUD-Code Manufactured Home -** A movable dwelling designed to be transported on the highway, either intact or in major sections, by a prime mover, which can be used as a residential dwelling either with or without a permanent foundation. A HUD-Code manufactured home is also defined as a movable manufactured home that was constructed after June 15, 1976.

    c. **Single-Family Industrialized Home (also called Modular Prefabricated Structure or Modular Home) -** A structure or building module as defined under the jurisdiction and control of the Texas Department of Labor and Standards, that is transportable in one or more sections on a temporary chassis or other conveyance device, and that is designed to be installed and used by a consumer as a fixed residence on a permanent foundation system. The term includes the plumbing, heating, air-conditioning and electrical systems contained in the structure. The term does not include mobile homes or HUD-Code manufactured homes as defined in the Texas Manufactured Housing Standards Act (Article 5221f, V.A.C.S.). Industrialized homes must meet all applicable local codes and zoning regulations that pertain to construction of traditional site constructed ("stick built") homes.

176. **Masonry Construction:** That form of construction comprised of brick, stone, granite, marble, concrete, hollow clay tile, concrete block or tile, brick veneer, exterior plasters, including stucco, or other similar building units or materials or combination of these materials laid up unit by unit and set in mortar.

177. **Medical Facilities:**

    a. **Medical Clinic or Office -** A facility or group of offices for one or more physicians for the examination and treatment of ill and afflicted human outpatients provided that patients are not kept overnight except under emergency conditions.

    b. **Dental Office or Doctors Office -** Same as medical clinic.

    c. **Hospital -** An institution providing health services primarily for human inpatient medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central services facilities, and staff offices which are an integral part of the facilities.

    d. **Massage Establishment -** Any place of business in which massage therapy is practiced by a massage therapist, as defined and licensed by State 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, petrissage, tapotement, compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body message. 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 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.

e. **Public Health Center** - A facility primarily utilized by a health unit for providing public health services including related facilities such as laboratories, clinics and administrative offices operated in connection therewith.

f. **Sanitarium** - An institution providing health facilities for inpatient medical treatment or treatment and recuperation making use of natural therapeutic agents.

g. **Surgical Out-Patient Facility** - An establishment offering any type of surgical procedures and related care which, in the opinion of the attending physician, can be performed safely without requiring inpatient overnight hospital care and exclusive of such surgical and related care as licensed physicians ordinarily may elect to perform in their private offices.

h. **Medical Laboratory** - An indoor establishment that includes laboratories and/or experimental equipment for medical testing, prototype design and development, and product testing.

178. **Mini-Warehouse/Self-Storage:** Small individual storage units for rent or lease, restricted solely to the storage of items. The conduct of sales, business or any other activity within the individual storage units, other than storage, shall be prohibited.

179. **Minor Medical Emergency Clinic:** See "Medical Clinic or Office".

180. **Mobile Home Park (also Trailer Park or RV Park):** A parcel of land not less than three (3) acres nor greater than thirty-five (35) acres which is designed, improved, or intended to be used for short- or long-term occupancy by mobile homes/trailers or recreational vehicles, including travel trailers, in designated spaces. The facility may include a residence for the owner or manager of the premises, utility hook-ups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities.

181. **Mobile Home Space:** A plot of ground within a mobile home park, trailer park, RV park, or mobile home subdivision that is designed for the accommodation of one mobile home, trailer or RV unit.

182. **Mobile Home Subdivision:** A parcel of land which is designed, platted, improved and intended for the long-term placement of individually owned mobile home units or HUD-Code manufactured homes on platted lots which can be purchased outright by the owners of the mobile home units. Facility may include a residence for the owner or manager of the premises, utility hook-ups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities.

183. **Model Home:** A dwelling in a developing subdivision, located on a legal lot of record, that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built or which are proposed to be built within the same subdivision.

184. **Motel or Hotel:** A facility offering temporary lodging accommodations or guest rooms on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms,

housekeeping service and recreational facilities. A guest room shall be defined as a room designed for the overnight lodging of hotel guests for an established rate or fee.

185. **Motorcycle:** A usually two-wheeled, self-propelled vehicle having one or two saddles or seats, and which may have a sidecar attached. For purposes of this Ordinance, motorbikes, all-terrain vehicles (ATVs), motorscooters, mopeds and similar vehicles are classified as motorcycles.
186. **Motorcycle Sales and Repair:** The display, sale or servicing, including repair work, of motorcycles.
187. **Motor Freight Company:** A company using trucks or other heavy load vehicles to transport goods, equipment and similar products. Includes companies that move residential or commercial belongings.
188. **Motor Vehicle:** Any vehicle designed to carry one or more persons that is propelled or drawn by mechanical power, such as automobiles, vans, trucks, motorcycles and buses.
189. **Multiple-Family Dwelling:** Three or more dwelling units on a single lot designed to be occupied by three or more families living independently of one another, exclusive of hotels or motels. Includes three-family units (triplex) and four-family units (quadriplex), as well as traditional apartments.
190. **Municipal Facility or Use:** Any area, land, building, structure or facility which is owned, used, leased or operated by the Village of Salado, Texas.
191. **Music / Dancing Facility (**Event): A facility in which music (live or DJ'd) and/or dancing is permitted for entertainment. Music/Dancing facility may include, but is not limited to, restaurants, private clubs, and private businesses.
192. **Nonconforming Use:** A building, structure, or use of land lawfully occupied as of the effective date of this Ordinance or amendments thereto, but which does not conform to the use regulations of the district in which it is situated.
193. **Nursery:** An establishment, including a building, part of a building or open space, for the growth, display or sale of plants, shrubs, trees and other materials used in indoor or outdoor planting.
194. **Nursing, Convalescent or Rest Home:** See "Skilled Nursing Facility".
195. **Occupancy:** The use or intended use of the land or buildings by proprietors or tenants.
196. **Offices, Professional and General Business:** A room or group of rooms used for the provision of executive, management or administrative services. Typical uses include administrative offices and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices of public utilities, organizations and associations, but excluding medical offices.
197. **Office Center:** A building or complex of buildings used primarily for conducting the affairs of a business, profession, service, industry, government or similar entity, that may include ancillary services for office workers such as a coffee shop, newspaper stand, sundries shop and hair or nail salon.
198. **Office Showroom:** An establishment with no more than twenty-five percent (25%) of its total floor area devoted to storage and warehousing, but not accessible to the general public. The remaining area may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.
199. **Office Warehouse:** An establishment with more than twenty-five percent (25%) of the total floor area devoted to storage and warehousing, but not generally accessible to the public.

200. **Officially Approved Place of Access:** Access to a property, other than from a dedicated street, which is approved by the Village of Salado.
201. **Off-Street Parking Incidental to Main Use:** Off-street parking spaces provided in accordance with the requirements of this Ordinance, located on the lot or tract occupied by the main use or within one hundred fifty feet (150') of such lot or tract, and located within the same zoning district as the main use or in an adjacent parking district.
202. **Or:** Where necessary to effectuate the intent of this Article or to prevent an ambiguity, absurdity, or mistake, the words "and" and "or" shall be interchangeable.
203. **Outside Display:** Outside temporary display of finished goods that are specifically intended for retail sale.
204. **Open Storage:** The keeping, displaying or storing, outside a building, of any goods, materials, merchandise or equipment on a lot or tract for more than twenty-four (24) hours. Also referred to as outside storage.
205. **Package Store:** The sale of alcoholic beverage for only off premises consumption
206. **Paint Shop:** A commercial establishment where painting services are performed, but not automotive-related painting services, which would be included under "Automobile Repair, Major".
207. **Parcel:** Any unplatted tract of land, or any portion of an unplatted tract of land.
208. **Park and/or Playground (Private):** See "Private Recreation Facility or Private Park".
209. **Park and/or Playground (Public):** See "Public Recreation".
210. **Parking Lot:** An off-street ground level area, not on a public street or alley, paved in accordance with Village of Salado parking lot standards, for the short- or long-term storage of motor vehicles.
211. **Parking Lot or Structure, Commercial (Auto):** An area or structure devoted to the parking or storage of automobiles for a fee which may include, in the case of a parking structure only, a facility for servicing automobiles provided that such facility is an internal function for use only by automobiles occupying the structure and that such facility creates no special problems of ingress or egress.
212. **Parking Space:** An off-street area, not on a public street or alley, paved in accordance with Village of Salado parking lot standards, that is used for parking a vehicle, and that is accessed from a paved driveway which connects the parking space with a public street.
213. **Patio Home (Zero-Lot-Line Dwelling):** A single-family dwelling on a separately platted lot which is designed such that one side yard is reduced to zero feet in order to maximize the width and usability of the other side yard, and which permits the construction of a detached single-family dwelling with one side of such dwelling placed on the side property line.
214. **Pawn Shop:** An establishment where money is loaned on the security of personal property pledged in the keeping of the owners. The retail sale of primarily used items is also allowed, provided that the sale of such items complies with local, State and Federal regulations.
215. **Permanent Cosmetics:** The practice of producing indelible mark on the human face by inserting small particles of pigment under the skin leaving a shadow of color. Typically, these shadows of color enhance existing features such as lip liner, eyeliner or give the appearance of hair in the absence of hair, such as with eyebrows. The term is sometimes referred to as "Micro-Pigmentation." The process utilizes a small rotary pen with tiny probes but does not use a tattoo machine or tattoo needles.

The pigment is a vegetable dye, not tattoo ink. The pigment lasts two-five years but is not permanent. The process customarily involves two-three visits. The term expressly excludes tattoos.

216. **Personal Service Shop or Custom Personal Services:** Establishments less than 2,000 square feet in gross floor area, primarily engaged in providing services generally involving the care of the person or his apparel and including, but not limited to, barber and beauty shops, dressmaking, shoe shining and repair, dry-cleaning and laundry pick-up stations, tailor or seamstress services, and other similar types of uses, with no outside storage.

217. **Pet and Animal Grooming Shop:** A retail establishment offering small animals, fish or birds for sale as pets, where such creatures are housed within the building, and which may include the grooming of dogs, cats and similar animals.

218. **Photocopying/Duplicating:** An establishment which reproduces, in printed form, individual orders from a business, profession, service, industry or government organization and occupies less than 4,000 square feet.

219. **Petroleum Distribution/Storage/Wholesale Facility:** A facility for the long-term storage and distribution of petroleum that may also involve wholesale sales, but not retail sales, of petroleum and petroleum-based products. No manufacturing or refining of petroleum or petroleum-based products occurs on the premises, only storage and/or distribution functions.

219. **Planned Development District:** Planned associations of uses developed as integral land use units, such as industrial parks or industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing, including attached single-family dwellings or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or by a combination of owners.

220. **Planning and Zoning Commission:** A board which is appointed by the Board of Aldermen as an advisory body, and which is authorized to recommend changes in the zoning of property and other planning functions as delegated by the Board of Aldermen. Also referred to as the "Commission".

221. **Plat:** A plan showing the subdivision of land, creating building lots or tracts, showing all essential dimensions and other information in compliance with the subdivision standards of the Village of Salado, and which is approved by the Village of Salado and recorded in the plat records of Bell County.

222. **Platted Lot:** See "Lot" and "Lot of Record".

223. **Playfield or Stadium (Public):** An athletic field or stadium owned and operated by a political subdivision for the general public including a baseball field, soccer field, golf course, football field or stadium which may be lighted for nighttime play.

224. **Playfield or Stadium (Private):** An athletic field or stadium owned and operated by an agency other than a political subdivision.

225. **Portable Building Sales (Outdoor Display):** An establishment which displays and sells structures capable of being carried and transported to another location, but not including mobile homes.

226. **Premises:** Land together with any buildings or structures situated thereon.

227. **Primary Use:** The principal or predominant use of any lot or building.

228. **Principal Building:** See "Main Building".

229. **Private Club:** An establishment providing social or dining facilities which may provide alcoholic beverage service, to an association of persons, and otherwise falling within the definition of, and

permitted under the provisions of, that portion of Title 3, Chapter 32, Vernon's Texas Codes Annotated, Alcoholic Beverage Code, as the same may be hereafter amended, and as it pertains to the operation of private clubs.

230. **Private Recreation Facility or Private Park:** A recreation facility, park or playground which is not owned by a political subdivision, and which is operated for the exclusive use of private residents or neighborhood groups and their guests and not for use by the general public.

231. **Produce Stand:** A seasonal use for which the primary purpose and design is to sell fruit, nuts, vegetables and similar foods. No cooking or on-premises consumption of produce occurs on the site.

232. **Professional Service:** Work performed which is commonly identified as a profession, and which may be licensed by the State of Texas.

233. **Propane Sales (Retail):** Retail sales of gaseous substances commonly used for household purposes such as propane or butane; does not include the storage, sale or distribution of other types of combustible substances or alternative fuels such as containerized natural gas, liquid propane, etc.

234. **Public Agency Building, Shop, Yard or Facility:** Any building, land, area or facility, including maintenance and storage yards and shops, which is owned, leased, primarily used and occupied by any subdivision or agency of the following: the State of Texas, the United States, or other political subdivision. Any facility that is owned, leased, used or occupied by the Village of Salado is defined as "Municipal Facility or Use".

235. **Public Recreation:** Publicly owned and operated parks, recreation areas, playgrounds, swimming pools and open spaces that are available for use by the general public without membership or affiliation. This land use shall include special event type uses such as rodeos, concerts, festivals and other special events requiring special event permits, as set forth in the Village of Salado's Code of Ordinances.

236. **Public View:** Public view means areas that can be seen from any public street.

237. **Rear Yard:** See "Yard, Rear".

238. **Recreation Center:** A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.

239. **Recreational Vehicle (RV):** A self-propelled, mobile living unit which is typically used for temporary human occupancy away from the users' permanent place of residence.

240. **Recreational Vehicle/Camper Sales and Leasing:** An establishment that sells, leases or rents new or used recreational vehicles, travel trailers, campers, boats and watercraft, and similar types of vehicles.

241. **Recreational Vehicle (RV) Park:** An area or commercial campground for users of recreational vehicles, travel trailers, and similar vehicles to reside, park, rent or lease on a temporary basis. (See also "Mobile Home Park").

242. **Recycling Kiosk:** A small uninhabited structure up to one hundred and twenty (120) square feet maximum, or temporary container, such as an "igloo" or dumpster-type container, which provides a self-service location for the depositing of recyclable materials such as aluminum cans, glass bottles, magazines and newspapers and metal or plastic containers. Recyclables are picked up periodically from the site. This definition does not include large trailers or manned collection centers.

243. **Rehabilitation Care Facility (Halfway House):** A dwelling unit which provides residence and care to not more than nine (9) persons regardless of legal relationship who have demonstrated a tendency

towards alcoholism, drug abuse, mental illness, or antisocial or criminal conduct living together with not more than two (2) supervisory personnel as a single housekeeping unit.

244. **Rehabilitation Care Institution:** A facility which provides residence and care to ten (10) or more persons, regardless of legal relationship, who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct together with supervisory personnel.

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

246. **Residential District:** District where the primary purpose is residential use.

247. **Residential Loft:** A residential living space that is located on the second floor (or above) of a structure that has a nonresidential use, such as an office or retail shop, operating on the first floor. This definition includes a similarly located space within a structure that has been converted into a residential living area from some other originally intended use.

248. **Restaurant (With Drive-Through Service):** An eating establishment where customers are primarily served at tables or are self-served, where food is consumed on the premises, and which may include a drive-through window(s).

249. **Restaurant (With No Drive-Through Service):** An eating establishment where customers are primarily served at tables or are self-served, where food is consumed on the premises, and which do not have a drive-through window.

250. **Restaurant (Drive-In Service):** An eating establishment where food or drinks are primarily served to customers in motor vehicles, or where facilities are provided on the premises which encourage the serving and consumption of food in automobiles on or near the restaurant premises.

251. **Restaurant (Mobil Food Unit/Vendor):** Any person who sells food products or takes food product orders from house to house, from place to place, or in a stationary location in the Village limits, and who sells such food out of a vehicle, wagon, cart or other conveyance used in the transportation of such food. (Food Handlers permit must be obtained from the Bell County Health District). Also see Solicitation Ordinance.

252. **Retail or Service, Incidental:** The rendering of incidental retailing or services incidental to the primary use. In the Office district, for example, such uses may include a barber or beauty shop, smoke shop, news stand, candy counter, restaurant, pharmacy or other incidental activity secondary to the primary office occupancy. Incidental uses shall mean uses that occupy less than fifteen percent (15%) of the main use.

253. **Retail Shop (For Apparel, Gifts, Accessories and Similar Items):** An establishment engaged in the selling of goods and merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. The sale of beer and wine for off-premises consumption is conditionally allowed, if not otherwise prohibited. (Also see "General Retail Stores").

254. **Retirement Housing for the Elderly (also Independent Living Center or Congregate Housing):** A development providing self-contained dwelling units specifically designed for the needs of the elderly. Units may be rented or owner-occupied. To qualify as retirement housing, a minimum of 80% of the total units shall have a household head 55 years of age or greater. No long-term or permanent skilled nursing care or related services are provided.

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

256. **Rooming House:** See “Boarding House”.

257. **Salvage or Reclamation of Products** (also see "Wrecking Yard")**:** The reclamation and storage of used products or materials.
258. **Sand/Gravel/Stone Sales (Storage):** The process of extracting and/or storing sand, gravel, stone, topsoil, compost or other products from the earth.
259. **School, Business:** A for-profit business that offers instruction and training in a profession, service or art such as a secretarial or court reporting school, barber or beauty college or commercial art school, but not including commercial trade schools.
260. **School, Commercial Trade:** A for-profit business that offers vocational instruction and training in trades such as welding, brick laying, machinery operation/repair, and similar trades.
261. **School, Private (Primary or Secondary):** A school under the sponsorship of a private agency or corporation, other than a religious agency, which offers a curriculum that is generally equivalent to public elementary and/or secondary schools.
262. **School, Public or Parochial:** A school under the sponsorship of a public or religious agency which provides elementary or secondary curricula, but not including private business or commercial trade schools.
263. **Scientific and Industrial Research Laboratories:** Facilities for research including laboratories, experimental equipment, and operations involving compounding or testing of materials or equipment.
264. **Screened:** Shielded, concealed, and effectively hidden from the view of a person standing at ground level on an abutting site, or outside the area or feature so screened, by a fence, wall, hedge, berm or similar architectural or landscape feature.
265. **Seasonal Uses:** Seasonal uses include the sales of items such as Christmas trees, pumpkins, snow cones, fresh produce, and other items that are typically only available at certain times of the year.
266. **Servant's Quarters or Guest House:** An accessory dwelling in a residential district for the sole use and occupancy of a member of the immediate family or of a person or persons employed on the premises by the occupant on a full-time basis as domestic help such as a maid, nanny/governess, groundskeeper, chauffeur, cook or gardener, but not involving the rental of such facilities or the use of separate utility connections for such facilities.
267. **Sexually Oriented Business:** Refer to any applicable Village regulations addressing Sexually Oriented Businesses or Adult Entertainment Facilities. See Village Ordinance # 2003.09.
268. **Shopping Center:** A group of primarily retail and service commercial establishments that is planned, constructed and managed as a total entity, and which provides customer and employee parking on-site, unloading or delivery areas which are separated from customer access, and aesthetically appropriate design and protection from the elements.
269. **Side Yard:** See "Yard, Side".
270. **Single-Family Dwelling, Attached (Townhouse):** A dwelling which is joined to another dwelling at one or more sides by a party wall, which is designed for occupancy by one family, and which is located on a separate lot delineated by front, side and rear lot lines.
271. **Single-Family Dwelling, Detached:** A dwelling designed and constructed as a free-standing structure for occupancy by one family, and located on a lot or separate building tract having no physical connection to a building located on any other lot or tract.
272. **Site:** Any geographical area; a parcel of land or portion thereof with frontage on a street, devoted to or intended for a use or occupied by a structure or group of structures.

273. **Skilled Nursing Facility (also termed Nursing Home, Convalescent Home or Long-Term Care Facility):** A residence providing primarily in-patient health care, personal care, or rehabilitative services over a long period of time to persons who are chronically ill, aged or disabled and who need ongoing health supervision but not hospitalization.
274. **Skin Care Clinic:** A facility or group of offices for the examination and treatment of human patients for conditions involving the epidermis provided that patients are not kept overnight. Typical treatments provided at this type of facility include, but are not limited to, clinical facials, chemical peels, micro-dermabrasions, photo-facials, and hair removal.
275. **Small Engine Repair Shop:** Shop for the repair of lawn mowers, chain saws, lawn equipment, and other machines with one-cylinder engines.
276. **Stable, Commercial:** A stable used for the rental of stall space or for the sale or rental of horses or mules; such a stable shall meet all provision and requirements of the zoning district in which it is constructed.
277. **Stable, Private:** An area used solely for the owner's private purposes for the keeping of horses, mules or ponies that are not kept for remuneration, hire or sale.
278. **Storage or Wholesale Warehouse:** A building used primarily for the storage of goods and materials.
279. **Story:** That portion of a building above grade, other than a basement, that is included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, then the space between the floor and the ceiling above it. The average height for a story shall be defined as twelve feet (12'). The definition of a story does not include parapets, gables and other normal roof structures. In cases where the site has a significant slope, the number of stories of a building shall be measured from point representing the average slope from front to back, or side to side, of the building.
280. **Story, Half:** A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet (3') above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half-story containing an independent apartment or self-contained living quarters shall be counted as a full story.
281. **Street:** Any dedicated public thoroughfare that affords the principal means of access to abutting property. A street is termed a major thoroughfare or arterial when the right-of-way is greater than sixty feet (60').
282. **Street Intersection:** Any street that joins another street at an angle, whether or not it crosses the other.
283. **Street Yard:** The area between the building front line and the front property line.
284. **Structure:** Anything constructed or erected, the use of which requires location on the ground or which is attached to something having a location on the ground (also see “Building”).
285. **Structural Alterations:** Any change in the supporting members of a building, such as load-bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.
286. **Studio, Health, Reducing or Fitness:** Includes, but is not limited to, an establishment which provides facilities and equipment, such as gymnasiums, weight rooms, swimming pools or spas, exercise apparatus and instruction classes, which are intended to promote health, fitness, weight reduction and/or similar health-related activities. Such facilities may include such accessory uses as food service, sales of sundries and apparel, and child care services, provided that such accessory uses

are clearly incidental to the primary use and are for the use of studio patrons only. No outside signage may be used to advertise accessory uses.

287. **Studio, Tattoo or Body Piercing:** A building or portion of a building used for selling or applying tattoos, by injecting dyes/inks into the skin, and/or for piercing the skin with needles, jewelry or other paraphernalia, primarily for the purpose of ornamentation of the human body.

288. **Studio for Radio and Television (Without Tower):** A building or portion of a building used as a place for radio or television broadcasting. As regulated within the Use Charts, Section 4.1, this definition does not include a studio for radio and television with a tower.

289. **Swimming Instruction as a Home Occupation:** The teaching of swimming in a private swimming pool. Within a residential district, this use is subject to the approval and issuance of a conditional use permit which may specify operating conditions and standards and which may limit the number of students and operating times.

290. **Swimming Pool, Commercial:** A swimming pool with accessory facilities which is not part of the municipal or public recreational system and which is not a private swim club, but where the facilities are available for use by the general public for a fee.

291. **Swimming Pool, Private:** A swimming pool constructed for the exclusive use of the residents of a one-family, two-family or multiple-family dwelling and located, fenced and built in accordance with Article __ of the Village of Salado Code of Ordinances. A private swimming pool shall not be operated as a business nor maintained in a manner to be hazardous or obnoxious to adjacent property owners, and shall be constructed below the average natural grade level.

292. **Telemarketing Center:** An establishment that solicits business or the purchase of goods and/or services by telephone only. No sale of goods or services to the public occurs at or on the premises. No products are stored at or on the premises.

293. **Telephone and Exchange, Switching/Relay or Transmitting Station:** A line for the transmission of telephone signals and a central office in which telephone lines are connected to permit communication but not including a business office, storage, whether inside or outside, or repair yards.

294. **Temporary:** Used or lasting for only a limited period of time; not permanent.

295. **Temporary Building:** Any non-residential prefabricated structure which is not originally manufactured or constructed at its use site, required on-site installation of utilities and/or foundation.

296. **Temporary Field Office or Construction Yard or Office:** A structure or shelter used in connection with a development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment. Temporary permits for one (1) year for a specific time and location as determined may be issued by the Village and shall be subject to review and renewal for reasonable cause.

297. **Tennis Court (Private, Not Lighted):** A surface designed and constructed for playing the game of tennis along with all fencing, nets and related appurtenances but excluding lighting for nighttime play in residential areas except as may be otherwise provided or restricted by the conditional use permit.

298. **Texas Commission on Environmental Quality (TCEQ):** Formerly referred to as the Texas Natural Resource Conservation Commission (TNRCC), the name of which changed officially on September 1, 2002.

299. **Theater, Drive-In (Outdoor):** An open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles.

300. **Theater or Playhouse (Indoor):** A building or part of a building devoted to the showing of motion pictures, or for dramatic, musical or live performances.
301. **Tire Dealer, Without Open Storage:** A retail establishment engaged in the sale or installation of tires for vehicles, but without open storage.
302. **Tire Dealer, With Open Storage:** A retail establishment engaged in the sale or installation of tires for vehicles, with open storage.
303. **Tool and Machinery Rental Shop (Indoor Storage):** A building or a portion of a building used for the display and rental of tools, machinery and instruments with no outside storage.
304. **Tract:** A single individual parcel or lot.
305. **Tractor Sales:** See "Heavy Machinery Sales and Storage".
306. **Trade and Commercial Schools:** See "School, Commercial Trade".
307. **Trailer Park or Court:** See "Mobile Home Park".
308. **Trailer, Hauling:** A vehicle or device which is pulled behind an automobile or truck and which is designed for hauling animals, produce, goods or commodities, including boats.
309. **Trailer Home:** See "Manufactured Housing, Mobile Home".
310. **Trailer or Mobile Home Space:** See "Mobile Home Space".
311. **Trailer Rental:** The display and offering for rent of trailers designed to be towed by automobiles and light load vehicles.
312. **Trailer, Travel or Camping:** A portable or mobile living unit which is used for temporary human occupancy away from the users' permanent place of residence, which does not constitute the users' principal place of residence, and which is designed to be towed behind another vehicle.
313. **Transportation and Utility Structures and Facilities:** Permanent facilities and structures operated by companies engaged in providing transportation and utility services including but not limited to railroad track rights-of-way, sewage pumping stations, telephone exchanges, transit station turnarounds, water reservoirs and water pumping stations.
314. **Truck:** A light or heavy load vehicle (see definitions for "Light Load Vehicle" and "Heavy Load Vehicle").
315. **Truck and Bus Repair** - An establishment providing major and minor automotive repair services to heavy load vehicles.
316. **Truck and Bus Leasing:** The rental of new or used panel trucks, vans, trailers, recreational vehicles or motor-driven buses in operable condition and where no repair work or intensive cleaning operations are performed.
317. **Truck Stop:** A facility for the parking, refueling or minor repair of heavy load tractor-trailer trucks. These facilities may also include retail sales of food or other items, restaurant(s), restroom/showers facilities, and/or temporary sleeping quarters.
318. **Truck Terminal:** An area and building where cargo is stored and where trucks, including tractor and trailer units, load and unload cargo on a regular basis. May include facilities for the temporary storage of loads prior to shipment.
319. **Truck Sales (Heavy Trucks):** The display, sale or rental of new or used heavy load vehicles in operable condition.

320. **Two-Family Dwelling (Duplex):** Two attached dwellings in one structure, each designed to be occupied by one family.
321. **Usable Open Space:** An open area or recreational facility that is designed and intended to be used for outdoor living or recreation purposes. An area of usable open space shall have a slope not exceeding ten percent (10%), shall have no dimension of less than ten feet (10'), and may include landscaping, walks, recreational facilities, water features and decorative objects such as art work or fountains.
322. **Use:** The purpose for which land or buildings are or may be occupied in a zoning district.
323. **Utility Distribution/Transmission Lines:** Facilities which serve to distribute and transmit electrical power, gas and water, including but not limited to electrical transmission lines, gas transmission lines, telephone lines and metering stations, whether operated by the Village or private utility company.
324. **Variance:** An adjustment in the application of the specific regulations of the Zoning Ordinance to a particular parcel of property which, because of special conditions or circumstances of hardship peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district; a variance is granted by the Zoning Board of Adjustment (ZBA) of the Village of Salado.
325. **Veterinarian Clinic (Indoor Kennels):** An establishment where animals and pets are admitted for examination and medical treatment (also see "Kennels").
326. **Village of Salado:** The Village of Salado, Texas; also referred to as the "Village".
327. **Wine:** Any alcoholic beverage containing not more than twenty-one percent (21%) alcohol made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. "Wine" includes, but is not limited to, al sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines, and like products. The term "wine" does not include Fortified Wine or cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage.
328. **Wrecking Yard (Junkyard or Auto Salvage):** Any lot upon which two or more motor vehicles of any kind, which are incapable of being operated due to condition or lack of license, have been placed for the purpose of obtaining parts for recycling or resale.
329. **Yard:** An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in this Ordinance that the building or structure may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used.
330. **Yard, Front:** A yard located in front of the front elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the main building.
331. **Yard, Rear:** The area extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot line and the rear of the outside wall of the main building. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

332. **Yard, Side:** The area between the building and side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the main building.
333. **Zero-Lot-Line Dwelling:** See "Patio Home".
334. **Zoning Board of Adjustment**: A board which is appointed by the Board of Aldermen, and which is authorized to make special exceptions and variances to the Zoning Ordinance, and to hear and decide any appeals that allege error in an order, requirement, decision or determination made by an administrative official in the enforcement of the Zoning Ordinance. Also referred to as the "ZBA".
335. **Zoning District:** A classification applied to any certain land area within the Village stipulating the limitations and requirements of land usage and development.
336. **Zoning District Map:** The official map upon which the boundaries of the various zoning districts are drawn and which is an integral part of the Zoning Ordinance. (See Section 1.3, "Zoning District Map" and Section 1.4, "Zoning District Boundaries").

Section 5.9: Permanent Cosmetics

A. **Purpose:** Standards for businesses providing Permanent Cosmetics are set forth to protect the public health and safety, and maintain the integrity of the Village's business community. These standards are intended to allow reasonable provision of services while providing adequate safeguards to neighboring enterprises.

B. **Special Provisions for Permanent Cosmetics:**

1. Permanent Cosmetics shall be Conditionally Permitted in Skin Care Clinics;
2. All Permanent Cosmetics programs shall be rendered under the supervision of a medical doctor (MD) licensed to practice in the State of Texas;
3. Technicians applying Permanent Cosmetics shall provide the Village with adequate documentation of completion all necessary educational requirements; and
4. Technicians applying Permanent Cosmetics shall provide the Village with adequate documentation of all necessary licensing approvals by the State of Texas;
5. Conditional Use Permits issued under this section are specific to the owner/operator/applicant and are non-transferable and non-assignable.

Section 5.10: Beer and Wine, Package Stores, and Mixed Beverages Sales

A. **Purpose:** Standards for businesses providing the sale of beer, wine, alcohol and mixed beverages are set forth to protect the public health and safety, and maintain the integrity of the Village's business community. These standards are intended to allow reasonable provision of services while providing adequate safeguards to neighboring enterprises.

B. **Special Provisions for Beer and Wine, and Mixed Beverages Sales:**

1. The sale of off-premises beer and wine in residential areas is hereby prohibited in accordance with Section 109.32, Texas Alcoholic Beverage Code; and

2.A Conditional Use Permit is required for beer and wine and mixed beverages sales in the Historic District.

C. Package Store shall be for the sale of alcoholic beverage for off premises consumption only.

1. Any exceptions to the following shall require the approval of the Board of Alderman:

(a) Package stores shall be located in either a Local Retail, Regional Retail or Commercial District

(b) The measurement of the distance between the place of business where alcoholic beverages are sold and a church or public hospital shall be along the property lines of the street fronts and from front door to front door in a direct line across intersection.

(c) The sale of alcoholic beverages within 300 feet of a public or private school is hereby prohibited

(d) The sale of alcoholic beverages within 300 feet of a day care or child care facility is hereby prohibited.

(e) The measurement of the distance between the place of business where alcoholic beverages are sold and a public or private school shall be in a direct line from the property line of the public school to the property line of the place of business, and in a direct line across the intersection.

(f) The measurement of the distance between the place of business where alcoholic beverages are sold and a day care or child care facility shall be in a direct line from the property line of the day care or child care facility to the property line of the place of business, and in a direct line across the intersection.

VI. PENALTIES AND ENFORCEMENT

Section 6.1: Effect of Interpretation

A. These ordinances establish the minimum requirements for the Village of Salado.. Ordinances are not intended to interfere with, abrogate, or annul any easements, covenants, or other agreements between parties.

Section 6.2: Preserving Rights in Pending Litigation & Violations Under Existing Ordinances

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

Section 6.3: Stop Orders

A. Whenever any work is being done contrary to the provisions of this article, the Village may order the work stopped by notice in writing (referred to as a "Stop Work Order") served on any persons engaged in the doing or causing such work to be done. The Stop Work Order shall be posted on the property adjacent to the activity in question, and any such person shall forthwith stop work until authorized by the Village to proceed with the work.

Section 6.4: Permit Revocation

A. A violation of this article shall authorize the Mayor/Village Administrator or his/her designee to cancel any permit depending in whole or in part on any approval under this article. If a permit is canceled, no further work shall be done on the project made the subject of the permit until the violation has been cured and new submittals under this article, as required by the Mayor/Village Administrator or his/her designee, have been made and approved in accordance with the provisions of this article and a new permit has been issued.

Section 6.5: Denial of Approvals and Permits

A. A violation of this article shall authorize the Mayor/Village Administrator or his/her designee to deny any approvals or permits sought by the person violating this article under Articles 9.400 and 11.100 of the Code of Ordinances of the Village.

Section 6.6: Penalties and Injunctive Relief

A. Any person violating this Article, upon conviction, is punishable by a fine in accordance with the following:

1. **Civil and Criminal Penalties:** The Village shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this Ordinance is hereby declared to be a nuisance.
2. **Criminal Prosecution:** Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding two thousand dollars ($2,000.00). Each day that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this Ordinance is a misdemeanor.
3. **Civil Remedies:** Nothing in this Ordinance shall be construed as a waiver of the Village's right to bring a civil action to enforce the provisions of this Ordinance, and to seek remedies as allowed by law, including, but not limited to the following:
    a. Injunctive relief to prevent specific conduct that violates the ordinance or to require specific conduct that is necessary for compliance with the ordinance; and
    b. A civil penalty up to one thousand dollars ($1,000.00) a day (with each day constituting a separate offense and separate violation) when it is shown that the defendant was actually notified of the provisions of the ordinance and after receiving notice committed acts in violation of the ordinance or failed to take action necessary for compliance with the ordinance; and
    c. Other available relief.

B. Any person violating this Article is subject to suit for injunction as well as prosecution for criminal violations.

Section 6.7: Validity

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

Section 6.8: Effective Date

This ordinance shall be effective as of the date of its adoption.

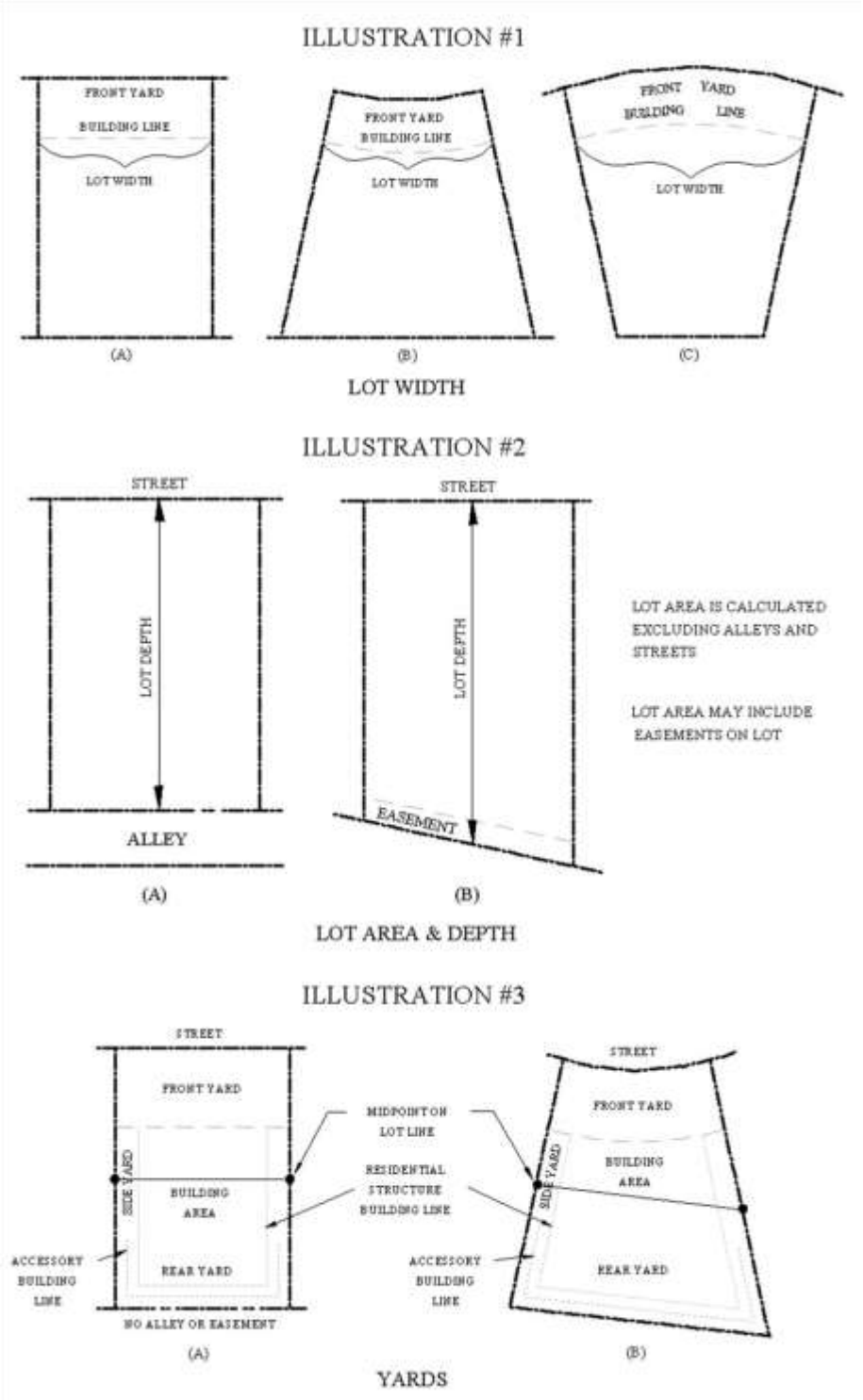
PASSED AND ADOPTED by the Board of Aldermen of the Village of Salado, Texas on the 7th day of November, 2013.

_____
Danney McCort, Mayor
Village of Salado, Texas

ATTEST:

_____
Margaret Murray, Village Secretary
Village of Salado, Texas

APPENDIX A: SETBACK MEASUREMENTS



APPENDIX B: SUMMARY OF AREA REGULATIONS

Table 1
RESIDENTIAL DISTRICTS

AREA REQUIREMENTS		A	SF-21	SF-7	SF-PH	SFA	MF-1
SIZE OF LOTS	**Minimum Lot Area**	1 acre/ 43,560 square feet	1/2 acre/ 21,000 square feet	7,000 square feet	4,500 square feet	3,000 square feet	2,420 square feet of lot area per dwelling unit; max. 18 units per acre; min. lot size - 20,000 square feet
	Minimum Lot Width	150'	100'	60'	40'	30'	100'
	Minimum Lot Depth	250'	150'	110'	110'	100'	150'
SIZE OF YARDS	**Minimum Front Yard**	50'	40'	25'	25'	25'	30'
	Minimum Side Yard	10% of lot width, max. 30'; corner lot - 25' from R.O.W.	10% of lot width, max. 25'; corner lot - 25' from R.O.W.	5'; corner lot - 20' from R.O.W.	One side yard - 0'; other side yard - 10'; corner lot - 15' from R.O.W	Refer to Section 3.6.D.2.b.	15'; 60' when bldg is more than 1 story & adjacent to a single-family zoning district
	Minimum Rear Yard	50'; 10' between main bldg and accessory bldg	25'; 10' between main bldg and accessory bldg	25'	25'; 10' between main bldg and accessory bldg	25'; 10' between main bldg and accessory bldg	25'; 80' when bldg is more than 1 story & adjacent to a single-family zoning district
Maximum Lot Coverage		20% by main bldgs; 30% by accessory bldgs & paved areas	20% by main bldgs; 30% by accessory bldgs & paved areas	35%	50%	70%	50%
Minimum Floor Area Per Dwelling Unit		800 square feet	1,000 square feet	1,000 square feet	1,000 square feet	1,000 square feet	Refer to Section 3.7.D.4.

Note: R.O.W. is an abbreviation for right-of-way
Note: Also refer to each district (Sections 3.2 through 3.15) and to Section 5.5 of this Ordinance for further information

Table 2
NONRESIDENTIAL DISTRICTS

AREA REQUIREMENTS		O	HD	LR	RR	MU	BP	C
SIZE OF LOTS	**Minimum Lot Area**	8,000 square feet	5,000 square feet	8,000 square feet	20,000 square feet	*Not Applicable*	12,000 square feet	8,000 square feet
	Minimum Lot Width	80'	50'	80'	100'	*Not Applicable*	80'	80’
	Minimum Lot Depth	100'	100'	100'	150'	*Not Applicable*	150'	100’
SIZE OF YARDS	**Minimum Front Yard**	25'	5'	5'	25'	25'	25'	25’
	Minimum Side Yard	15'; 25' when adjacent to a public R.O.W. or residential lot	10'; 15' when adjacent to a public R.O.W. or residential lot	15': also refer to Section 3.9.D.2.c.	25': also refer to Section 3.9.D.2.c.	25'	15'; 25' when adjacent to a public R.O.W. or residential lot	15’; 25' when adjacent to a public R.O.W. or residential lot
	Minimum Rear Yard	25'	15'	25'	25'	25'	25'	25’
	Adjacent to an Single Family District	60' from the applicable property line (refer to Section 3.8.D.2.d)	*Not Applicable*	60' from the applicable property line (refer to Section 3.9.D.2.e)	60' from the applicable property line (refer to Section 3.10.D.2.e)	60' from the applicable property line (refer to Section 3.11.D.2.d)	60' from the applicable property line (refer to Section 3.12.D.2.d)	60' from the applicable property line (refer to Section 3.13.D.2.d)
Maximum Lot Coverage		60%	70%	60%	60%	60%	60%	60%
Maximum Building Size		50,000 square feet	25,000 square feet	25,000 square feet	85,000 square feet	25,000 square feet	50,000 square feet	50,000 square feet

Note: R.O.W. is an abbreviation for right-of-way
Note: Also refer to each district (Sections 3.2 through 3.15) and to Section 5.5 of this Ordinance for further information

APPENDIX C: ZONING FEE SCHEDULE

Zoning Application:	$300.00 plus $5.00/acre - Residential and Non-Residential* $400.00 plus $6.00/acre – Planned Development
Appeals:	$150.00
Site Plan:	$300.00 plus $50.00/ac plus actual professional fees**
Infrastructure inspection	Actual professional fees
Variance Request:	$250.00
Zoning Ordinance Amendment Request:	$250.00
Conditional Use Permit	$200.00
Annexation	No Fee
Abandonment:	$200.00
Street Use License:	$150.00
License to Encroach:	$150.00
Development Agreement:	$5,000.00 (not refundable) plus $5,000.00 professional service deposit. Total fees shall be $5,000.00 plus actual costs of professional services plus 10%*

*For calculation purposes, acreage is rounded to the nearest whole number (example 6.49 is rounded down to 6.0 and 6.5 is rounded to 7.0).

**Professional Cost Deposits are required on plat and site development permits submission requiring legal, engineer, and/or other professional service reviews or consultations. Deposits will be calculated based on $1,000 per acre not to exceed $10,000 for the initial deposit. Professional Services fees will be deducted from the deposit as costs to the Village are incurred at a rate of the Actual Cost of Professional Service plus 10.0%. Deposits must be maintained through the life of the project.

Appendix C amended by Acts 2015, Board of Aldermen, Ord. 2015.04, eff. February 19, 2015.