

**Ordinance No. 2003.12
Village of Salado
County of Bell
State of Texas
September 18, 2003**

**ZONING ORDINANCE
Village of Salado, Texas**

**AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS, ADOPTING
NEW ZONING REGULATIONS FOR THE VILLAGE OF SALADO;
PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL
IMMUNITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Board of Aldermen of the Village of Salado, Texas retained a professional Planning Consultant to assist in the preparation of a zoning ordinance for the Village; and

WHEREAS, the Board of Aldermen appointed a Steering Committee to assist in the preparation of the Zoning Ordinance; and

WHEREAS, the Mayor and Board of Aldermen called a Public Hearing to consider the Zoning Ordinance at which public input was received; and

WHEREAS, the Steering Committee considered all input and made changes where appropriate; and

WHEREAS, the Board of Aldermen seeks to maintain the value of Salado's scenic and natural resources, which are the keystones of the Village's economic strength and quality of life through a comprehensive regulatory program that includes a zoning ordinance; and

WHEREAS, the Board of Aldermen is authorized to regulate zoning in its corporate limits by virtue of the Texas Constitution, the Village's police power and by the Texas Local Government Code, Chapter 211; and

WHEREAS, the intent of this zoning ordinance is for it to apply in its entirety in the whole of the municipalities corporate limits.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE
VILLAGE OF SALADO, TEXAS, THAT:**

Upon recommendation of the Comprehensive Plan Steering Committee, the Village of Salado Board of Aldermen hereby adopts in its entirety Zoning Ordinance dated September 2003, Attachment "A".

SEVERABILITY


It is hereby declared to be the intention of the Board of Aldermen that the sections, clauses, and phrases, of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared invalid by a court of competent jurisdiction, such invalidity, shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the Board of Aldermen without the incorporation in this Ordinance of any such invalid phrase, clause, sentence, paragraph or section.

PROPER NOTICE & OPEN MEETING


It is hereby officially found and determined that the meeting at which the Ordinance was passed was open to the public, as required, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

This Ordinance shall become effective on and after its passage and approval.

PASSED AND APPROVED this 18th day of Sep, 2003, by the Board of Aldermen of the Village of Salado, Texas, by a vote of: 5 AYE(S) 0 NO(S) 0 ABSTENTION(S).


Charlotte Douglass, Mayor
Village of Salado, Texas

ATTEST:



Dianna Zulauf, Village Secretary
Village of Salado, Texas

CERTIFICATE

THE STATE OF TEXAS
COUNTY OF BELL

I, Dianna Zulauf, being the current Village Secretary of the Village of Salado, Texas, do hereby certify that the attached is a true and correct copy of Ordinance No. 2003.12, passed and approved by the Board of Aldermen of the Village of Salado, Texas, on the 18 day of September, 2003, and such Ordinance was duly adopted at a meeting open to the public and notice of said meeting, giving the date, place and subject thereof, was posted as prescribed by Government Code 551.043.

Witness my hand and seal of office this 18 day of September, 2003.


Dianna Zulauf
Village Secretary

Village of
Salado
Texas

ZONING ORDINANCE

September, 2003

ATTACHMENT "A"

Prepared By:
Dunkin, Sefko & Associates, Inc.
Urban Planning Consultants
Dallas, Texas

In Conjunction With:
The Village of Salado Steering Committee

Zoning Ordinance of the Village of Salado, Texas

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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. 2003.12". 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 18th day of Sept., 2003". 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 ___th day of _____, 20__, 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: _____ {enter a brief description of the nature of the change}, Ordinance No. _____, effective date _____, 20__". 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 drainageways 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.

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.
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 three (3) members to two (2) year terms, and four (4) 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 Board of Aldermen shall appoint a Chairperson and a Vice-Chairperson from among the Commission membership, and each officer shall hold office for one (1) year or until replaced by a simple majority vote of the 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 on a regular basis.

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 Chairperson, 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.
2. If appointed, the ZBA shall consist of seven (7) people residing within the Village of Salado or in the Village's ETJ. At least five (5) members of the ZBA must reside within the Village of Salado.
3. Each person nominated by the Board of Aldermen to be a ZBA member must be approved by a simple majority vote of the Board of Aldermen before being appointed as a member of the Commission.
4. All appointments to the ZBA shall serve as a member for a term of office of two (2) years. 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 act as the ZBA, or shall vote to appoint members, in which case, three (3) members shall be appointed to one (1) year terms, and four (4) members to two (2) year terms. After the initial terms expire, all members shall serve two (2) year terms.
5. 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 Board.
6. The Zoning Board of Adjustments shall have the power to make the rules, regulations and bylaws for its own government.

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. 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.

E. 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.

F. 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.

G. 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 four (4) weeks 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.

H. 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.

I. 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. 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.

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, 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 land included in such a proposed change or those immediately adjacent to the area thereof extending two hundred feet (200') therefrom, 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 structure's 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; and,
 - d. Construction of project after Village approval of required site plan and other associated plans, including construction plat and engineering plans.
 2. 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 if the applicant so chooses by submission of a Site Plan.
- C. **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.
- D. **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.

E. 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.

F. 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.

- G. 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.

H. 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:** If the Mayor/Village Administrator or his/her designee approves the concept plan or site plan, no approval by the Planning & Zoning Commission or Board of Aldermen is required. 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.

I. **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:

<u>APPROVED PLAN</u>	→	<u>NEXT "PROGRESS BENCHMARK"</u>
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 Permit
for at least one of the buildings
on the approved site plan.

J. 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.

K. 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 drainageways; 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 by Board of Aldermen.

L. 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 site plan shall be valid for a period of one (1) year from the date of approval by the Board of Aldermen.

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:

<u>ABBREVIATED DESIGNATION</u>	<u>ZONING DISTRICT NAME</u>
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

- 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 until 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.
- C. **Height Regulations:**
1. **Main Building:** Maximum of forty feet (40') for the main building or house.
 2. **Accessory Buildings:** Maximum twenty-five feet (25') for accessory buildings, including detached garage/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** - 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. **Parking:** Refer to Section 5.1.
 5. **Minimum Floor Area per Dwelling Unit:** Eight hundred (800) square feet.
- E. **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 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. **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 -** One-half acre (21,000 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')

- b. **Minimum Side Yard** - Ten percent (10%) of the lot width, not exceed twenty-five feet (25'); twenty-five feet (25') from a street right-of-way for a corner lot.
- c. **Minimum Rear Yard** - Twenty-five feet (25') for the main 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.

E. 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. **Minimum Roof Pitch:** All single-family structures shall have a minimum roof pitch of 6:12.
8. **Other Regulations:** Refer to Section V, *Development Standards & Use Regulations*.

Section 3.4: SF-7, Single-Family Residential District

- A. **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 7,000 square feet in size.
- B. **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.
- 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** – Seven thousand (7,000) square feet
- 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.

E. 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. **Minimum Roof Pitch:** All single-family structures shall have a minimum roof pitch of 6:12.
- 8. **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. 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
 - 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.

E. 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:** Recreational 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 materials, 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. **Minimum Roof Pitch:** All single-family structures shall have a minimum roof pitch of 6:12.
12. **Other Regulations:** Refer to Section V, *Development Standards & Use Regulations*.

Section 3.6: SFA, Single-Family Attached Residential District

- A. 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.

B. 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.

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 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** - Three thousand (3,000) square feet
- 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.

E. 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 sideyard. 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 shall be prohibited.
6. **On-Site Dwellings:** Recreational vehicles, manufactured homes, travel trailers or motor homes may not be used for 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. **Minimum Roof Pitch:** All single-family structures shall have a minimum roof pitch of 6:12.
13. **Other Regulations:** Refer to Section V, *Development Standards & Use Regulations*.

Section 3.7: MF-1, Multiple-Family Residential District

- 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 one thousand (1,000) square feet of space. New trees 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. Façade 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
- 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 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 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. Façade 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 for low intensity, specialized retail sales that are intended to service local neighborhoods and citizens and visitors of Salado. Office uses and bed-and-breakfasts should 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 sixty feet (60').
 3. **Maximum Lot Coverage:** Sixty percent (60%) total, including main buildings and accessory buildings.

4. **Maximum Building Size:** The maximum footprint area shall not exceed fifty thousand (50,000) square feet.

E. 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 with sixteen (16) parking spaces or less may be constructed with an all-weather surface (such as gravel) in a manner that is consistent with the Village's Technical Construction Standards and Specifications (TCSS) Manual. Driveway approaches and other maneuvering or access points to roadway rights-of-way shall be constructed with a paved all-weather surface. Such parking areas shall meet all other parking-related requirements contained within Section 5.1. Parking areas with more than sixteen (16) parking spaces shall paved in accordance with 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 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 Façade 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 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.
- B. **Permitted Uses:** Those uses listed 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.
- 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** - 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 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 eighty-five thousand (85,000) square feet in size (refer to Section 4.1.I).
 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.
- 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. Façade 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 Façade 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 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.
 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. Façade 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 Façade 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. Façade 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 contractors 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. Façade 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 Façade 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. 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 building, 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.
 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 with sixteen (16) parking spaces or less may be constructed with an all-weather surface (such as gravel) in a manner that is consistent with the Village's Technical Construction Standards and Specifications (TCSS) Manual. Driveway approaches and other maneuvering or access points to roadway rights-of-way shall be constructed with a paved all-weather surface. Such parking areas shall meet all other parking-related requirements contained within Section 5.1. Parking areas with more than sixteen (16) parking spaces shall paved in accordance with Section 5.1.
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. 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 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. Façade 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 Section 3.15.M. (below), 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 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 an 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 actions.
 - 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 prepare and submit annually to the Village Board of Aldermen a report of the state of historic preservation in the village, a summary of activities for the past year and a proposed program for the next year.

- j. 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.
 - k. To request assistance of voluntary professionals as the Commission deems necessary in matters concerning this ordinance.
 - l. 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.
 - m. 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 must 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 were 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 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, viewscapes, 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. Open space requirements specified in this Subsection are in addition to the Village's general requirements for landscaping and buffering. 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:

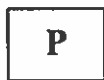
1. **Factors for Consideration:** When considering applications for a conditional use permit, the Commission in making its recommendation and the Board of Aldermen in rendering its decision on the application shall, on the basis of the site plan and other information submitted, evaluate the impact of 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; and,
 - (14) Noise.
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).

IV: USE REGULATIONS

Section 4.1: Use Regulations (Charts)

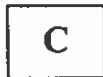
A. The use of land or buildings shall be in accordance with those listed in the following Use Charts. No land or building shall hereafter be used and no building or structure shall be erected, altered, or converted other than for those uses specified in the zoning district in which it is located. The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



Designates that the use is permitted in the zoning district indicated.



Designates that the use is prohibited in the zoning district indicated.



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.