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## **ARTICLE 1. GENERAL PROVISIONS**

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### **SECTION 1.1 ENACTING CLAUSE**

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THAT THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF CEDAR HILL, TEXAS, AS PASSED AND APPROVED ON THE 11TH DAY OF JANUARY, 1977, TOGETHER WITH ALL AMENDMENTS THERETO IS HEREBY AMENDED AND REPLACED IN ITS ENTIRETY TO READ AS FOLLOWS:

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### **SECTION 1.2 PURPOSE**

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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 of the City. They have been designed to protect and preserve places and areas of historical, cultural or architectural importance and significance in the City. 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, to avoid undue concentration of population; 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 the district, and its peculiar suitability for the particular uses specified; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

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### **SECTION 1.3 ZONING DISTRICT MAP**

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The boundaries of zoning districts set out herein are delineated upon a zoning district map of the city, adopted as part of this ordinance as fully as if the same were set forth herein in detail.

One original of the Zoning District Map shall be filed in the office of the City Secretary and labeled as Ordinance number 2001-64. This copy shall be the official Zoning District Map and shall bear the signature of the Mayor and attestation of the City Secretary. This copy shall not be changed in any manner. In case of any question, this copy, together with amending ordinances, shall be controlling.

A copy of the original Zoning District Map shall be placed in the office of the Planning and Zoning Director. The copy shall be used for reference and shall be maintained up-to-date by posting thereon all subsequent amendments. Reproductions for informational purposes may be made of the official Zoning District Map or this copy.

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**SECTION 1.4 ZONING DISTRICT BOUNDARIES**

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The 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 Official Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerline of streets, highways or alleys shall be construed to follow such centerline.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following city limits shall be construed as following city limits.
- D. Boundaries indicated, as following railroad lines shall be construed to be midway between the right-of-way lines.
- E. Boundaries indicated as following the centerline of all creeks, streams or drainage-ways shall be construed to follow such centerline, and in the event of change in the centerline, shall be construed to move with such centerline.
- F. Boundaries indicated as parallel to or extensions of features indicated in Subsections A through E above shall be so construed. Distances not specifically indicated on the official zoning maps shall be determined by the scale of the map.
- G. Whenever any street, alley, or other public way is vacated by official action of the City Council 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 way and all areas so involved shall then and henceforth be subject to all regulations of the extended districts.
- H. 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.
- I. Where physical features on the ground are at variance with information shown on the official zoning district map or when there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of Subsections A through H, the property shall be considered as classified, "RR" Rural Residential, in the same manner as provided for newly annexed territory.
- J. Zoning changes, which are still valid, made between January 11, 1977 and the dates of passage of this ordinance are indicated in approximate locations on the Zoning District Map. For exact legal descriptions, refer to adopting ordinances for each particular zoning change.

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**SECTION 1.5 COMPLIANCE REQUIRED**

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All land, buildings, structures or appurtenances thereon located within the City of Cedar Hill, Texas which are hereafter occupied, used, constructed, erected, removed, placed, demolished, or converted 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 subject to penalties as per Section 6.3.1 of this ordinance. All of the standards and regulations prescribed herein shall be considered as the minimum requirement unless explicitly stated otherwise. No building permit will be issued or no occupancy or construction of any project shall commence, until the land area for the building or project is permanently zoned for the intended use(s).

It shall be a violation of this Ordinance to engage in any use of land which is prohibited by State law or which operates in excess of State or National environmental or pollution standards as determined by the U.S. Environmental Protection Agency, Texas Air Control Board, Texas State Department of Health, or The Texas Natural Resource Conservation Commission, as the case may be.

No new uses shall be established on any land parcel unless the property is platted in accordance with the platting and subdivision regulations and standards of the City.

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**SECTION 1.6 ZONING UPON ANNEXATION**

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All territory hereinafter annexed to the City of Cedar Hill shall be classified as "RR" Rural Residential (see Section 2.3.10) until other zoning is established as deemed appropriate by the City. The procedure for establishing zoning for annexed territory shall conform to the procedure set forth in Section 2.3 of this Ordinance.

- 1.6.1** Following annexation, the Planning and Zoning Director shall schedule public hearings to zone the recently annexed land.
- 1.6.2** In an area classified as "RR" Rural Residential, no construction or use of land shall commence other than a permit which will allow the construction of a building or use permitted in the "RR" District, unless and until such area has been classified in a zoning district for which the proposed use is permitted, by the City Council in the manner prescribed by Section 2.3.
- 1.6.3** No application for a building permit or approval of a site plan shall be submitted until permanent zoning has been established by the City in accordance with Section 2.3 of this Ordinance.
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**SECTION 1.7 RESERVED**

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## SECTION 1.8 COMPLETE APPLICATION PROCEDURES

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(Ord. No. 05-250, § 1, 08-30-05)

- 1.8.1** *Completeness Determination.* Every application for a zoning permit authorized by this Zoning Ordinance shall be subject to a determination of completeness by the official responsible for processing the application. No application shall be accepted by the responsible official for processing unless it is accompanied by all documents required by and prepared in accordance with the requirements of this Unified Development Code.
- 1.8.2** *Incompleteness as Grounds for Denial.* The processing of an application by any City official or employee prior to the time the application is determined to be complete shall not be binding on the City as the official acceptance of the application for filing, and the incompleteness of the application shall be grounds for denial or revocation of the application. A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this Zoning Ordinance.
- 1.8.3** *Pre-application Conference.* A property owner may request a pre-application conference with the administrator for purposes of identifying requirements that are applicable to a zoning permit. The request shall be made in writing on a form prepared by the administrator and shall state that any proposed development concept discussed at the pre-application conference is not intended as a plan of development or application for zoning permit approval.
- 1.8.4** *Responsible Official.* A determination of completeness shall be made by the official responsible for processing the application in writing not later than the tenth business day after the date the application is submitted to the official. The determination shall specify the documents or other information needed to complete the application and shall state the date the application will expire if the documents or other information is not provided.
- 1.8.5** *When Deemed Complete.* An initial permit application that is filed on or after April 28, 2005, or any subsequent application filed after approval of such initial zoning permit, shall be deemed complete on the 11th business day after the application has been received, if the applicant has not otherwise been notified that the application is incomplete.
- 1.8.6** *Time for Completing Application.* If an application is not completed on or before the 45th day after the application is submitted to the official responsible for processing the application in accordance with the official's written notification, the application will be deemed to have expired and it will be returned to the applicant together with any accompanying documents.
- 1.8.7** *Sequence of Applications.* Notwithstanding any other provision of this Zoning Ordinance to the contrary, an application for a zoning permit, or an application to the Board of Adjustment for a variance or special exception, shall not be considered

complete unless accompanied by a copy of the zoning ordinance or other certification verifying that the proposed use for which the application is submitted is authorized by the zoning district in which the property is located. No application for a building permit shall be considered complete unless accompanied by an approved site plan or other zoning permit that applies standards to the property required by this ordinance.

**1.8.8** *Vested Rights.* For purposes of determining a vested rights petition pursuant to Section 1.9, no vested rights accrue solely from the filing of an application that has expired pursuant to this section, or from the filing of a complete initial application that is subsequently denied.

**1.8.9** *Official Filing Date.* The time period established by state law or this Zoning Ordinance for processing or deciding an application shall commence on the date that a complete application has been accepted for filing, which date shall be deemed the official filing date.

(Ord. No. 05-250, § 1, 08-30-05)

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## 1.9 DETERMINATION OF VESTED RIGHTS

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(Ord. No. 05-250, § 2, 08-30-05)

### 1.9.1 *Vested Rights Petition*

- (A) *Purpose.* The purpose of a vested rights petition is to determine whether one or more standards of this Zoning Ordinance should not be applied to a zoning permit application by operation of state law, or whether certain permits are subject to expiration.
- (B) *Definition.* For purposes of this section 1.8, the term “zoning permit” means any of the following types of applications, authorized pursuant to Ordinance No. 2001-64, as amended: conditional use permits and associated site plans; in Planned Development Districts, development plans or site plans, site plans for overlay zoning districts; landscaping plans or site plans; building permits; or certificates of occupancy.
- (C) *Applicability.* A vested rights petition may be filed with an application for a zoning permit. A vested rights petition may not be filed with a request to amend the text of the Zoning Regulations or the zoning map, or with a request for approval of a special use permit.
- (D) *Effect.* Upon granting of a vested rights petition in whole or in part, the zoning permit application shall be decided in accordance with the standards specified in the relief order based on prior ordinance requirements or development standards.

**1.9.2** Petition Requirements.

- (A) *Who May Petition.* A vested rights petition may be filed by a property owner or the owner's authorized agents, including the applicant, with any zoning permit application.
- (B) *Form of Petition.* The vested rights petition shall allege that the petitioner has a vested right for some or all of the land subject to the zoning permit application under Texas Local Government Code, Chapter 245 or successor statute, or pursuant to Texas Local Government Code, Section 43.002 or successor statute, that requires the City to review and decide the application under standards in effect prior to the effective date of the currently applicable standards. The petition shall include the following information and documents:
  - (1) A narrative description of the grounds for the petition;
  - (2) A copy of each approved or pending zoning permit or other development application which is the basis for the contention that the City may not apply current standards to the zoning permit application which is the subject of the petition;
  - (3) The date of submittal of the application for the permit, or of a development plan pursuant to which the permit was subsequently filed, if different from the official filing date.
  - (4) The date the project for which the application for the zoning permit was submitted was commenced.
  - (5) Identification of all standards otherwise applicable to the zoning permit application from which relief is sought;
- (6) Identification of the standards which the petitioner contends apply to the zoning permit application;
  - (7) Identification of any current standards which petitioner agrees can be applied to the zoning permit application at issue;
  - (8) A narrative description of how the application of current standards affect proposed use of the land, landscaping or tree preservation, open space, or park dedication, lot size, lot dimensions, lot coverage or building size shown on the development application for which the petition is filed;
  - (9) A copy of any prior vested rights determination involving the same land; and
- (C) *Time for Filing Petition.* A vested rights petition shall be filed with a zoning permit application for which a vested right is claimed. Where

more than one zoning permit application is authorized to be filed by this Zoning Ordinance, the petition may be filed simultaneously for each application.

### **1.9.3** Processing of Petition and Decision

- (A) *Responsible Official.* The official responsible for processing the zoning permit application shall process the vested rights petition. A copy of the petition shall be forwarded to the City Attorney following acceptance.
- (B) *Official's Decision.* If the responsible official is the decision maker on the zoning permit application, the official shall determine whether the relief requested in the vested rights petition should be granted in whole or in part, and shall formulate a written report summarizing the official's reasoning and setting forth the decision on the petition, which shall be delivered to the applicant within ten (10) days of the date the vested rights petition is accepted for filing.
- (C) *Decision by Commission on Petition.* If the zoning permit application is to be decided by the Planning and Zoning Commission, the planning director shall submit a report in the form of a recommendation to the decision maker. The Commission shall render a decision on the vested rights petition in conjunction with its decision on the zoning permit application.
- (D) *Appeal of Decision on Petition.* The petitioner or any interested person may appeal the responsible official's or the Commission's decision on the vested rights petition within ten (10) working days of the date of such decision to the City Council. An appeal under this subsection stays acceptance of filing of any related development applications.
- (E) *Decision by City Council.* Where the City Council is the final decision maker on the zoning permit application, or upon appeal, the City Council shall decide the vested rights petition. The request must be accompanied by a waiver of the time for decision on the application imposed under this Zoning Ordinance pending decision by the Council, which shall stay further proceedings on the application. The Council shall decide the petition, after considering the responsible official's report and any decision by the Planning and Zoning Commission with its decision on the zoning permit application or within thirty (30) calendar days of receipt of the responsible official's report, or the notice of appeal, whichever is later.

### **1.9.4** Action on Petition and Order

- (A) *Action on the Petition.* The decision-maker on the vested rights petition may take any of the following actions:

- (1) Deny the relief requested in the petition, and direct that the zoning permit application shall be reviewed and decided under currently applicable standards;
  - (2) Grant the relief requested in the petition, and direct that the zoning permit application shall be reviewed and decided in accordance with the standards contained in identified prior regulations; or
  - (3) Grant the relief requested in part, and direct that certain identified current standards shall be applied to the zoning permit application, while standards contained in identified prior regulations also shall be applied; or
  - (4) For petitions filed pursuant to Section 28-13, determine whether the zoning permit(s) should be terminated, or specify the expiration date or the conditions of expiration for such permit(s).
- (B) *Order on Petition.* The responsible official's report and each decision on the vested rights petition shall be memorialized in an order identifying the following:
- (1) The nature of the relief granted, if any;
  - (2) The approved or filed zoning permit or other development application(s) upon which relief is premised under the petition;
  - (3) Current standards which shall apply to the zoning permit application for which relief is sought;
  - (4) Prior standards which shall apply to the zoning permit application for which relief is sought, including any procedural standards;
  - (5) The statutory exception or other grounds upon which relief is denied in whole or in part on the petition.

### **1.9.5** *Criteria for Approval*

- (A) *Factors.* The decision-maker shall decide the vested rights petition based upon the following factors:
- (1) The nature and extent of prior zoning permit or other development applications filed or approved for the land subject to the petition;
  - (2) Whether any prior vested rights determinations have been made with respect to the property subject to the petition;
  - (3) Whether any prior approved applications for the property have expired or have been terminated in accordance with law;



- (4) Whether current standards adopted after commencement of the project affect proposed use of the land, landscaping or tree preservation, open space, or park dedication, lot size, lot dimensions, lot coverage or building size based upon the proposed development application;
  - (5) Whether any statutory exception applies to the standards in the current Zoning Regulations from which the applicant seeks relief;
  - (6) Whether any prior approved zoning permit or other development applications relied upon by the petitioner have expired;
- (B) *Conditions.* If the claim of vested rights under a petition is based upon a pending zoning or other development application subject to standards that have been superseded by current standards under this Zoning Ordinance, the decision maker may condition any relief granted on the petition on the approval of the application under such prior standards.

#### **1.9.6** Application Following Relief Order

Following the City's final decision on the vested rights petition, the property owner shall conform the zoning permit application for which relief is sought to such decision. If the zoning permit application on file is consistent with the relief granted on the vested rights petition, no revisions are necessary. Where proceedings have been stayed on the zoning permit application pending referral of the vested rights petition to the City Council, proceedings on the application shall resume after the Council's decision on the vested rights petition.

#### **1.9.7** Expiration. Relief granted on a vested rights petition shall expire on occurrence of one of the following events:

- (A) The petitioner or property owner fails to submit a required revised zoning permit application consistent with the relief granted within thirty (30) days of the final decision on the petition;
- (B) The zoning permit application for which relief was granted on the vested rights petition is denied under the criteria made applicable through the relief granted on the petition; or
- (C) The zoning permit application for which relief was granted on the vested rights petition expires.

(Ord. No. 05-250, § 2, 08-30-05)

## **ARTICLE 2. ZONING PROCEDURES & ADMINISTRATION**

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### **SECTION 2.1 PLANNING AND ZONING COMMISSION (P&Z)**

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#### **2.1.1 General:**

The Planning and Zoning Commission shall function according to Article III Planning and Zoning Commission, Section 16-41—16-43, in the Cedar Hill Code of Ordinances, which establishes membership and operating procedures. The powers and duties of the Planning and Zoning Commission are further defined in Section 2.3 of this ordinance and in Chapter 16 in the City's Code of Ordinances.

#### **2.1.2 Created; Membership; Officers**

There is hereby created, in accordance with Subchapter 211.007 of Vernon's Texas Local Government Code and the City Charter, a Planning and Zoning Commission which shall consist of seven (7) citizens from the City of Cedar Hill. Members shall be appointed by the mayor, subject to confirmation by the City Council. The City Council shall select replacements for the Planning and Zoning Commission members whose terms have expired. Vacancies and unexpired terms shall be appointed by the Council for the remainder of the term. Members of the Commission may be removed from office by the City Council after public hearing and for cause set forth in writing. All members shall serve without compensation. All members shall serve in accordance with Article III Planning and Zoning Commission, Section 16-41—16-43, in the Cedar Hill Code of Ordinances pertaining to attendance and tenure requirements. The Planning and Zoning Director shall keep minutes of all meetings held by the Planning and Zoning Commission and full record of all recommendations to be made by the Planning and Zoning Commission to the City Council. A Chairman and Vice-Chairman shall be elected by the Planning and Zoning Commission from its membership.

#### **2.1.3 Quorum; Voting:**

Four members of the Planning and Zoning Commission shall constitute a quorum, and all members, including the presiding chairman, shall have the right of one vote each, a quorum being present. All actions by the Planning and Zoning Commission shall be by a majority vote of those members present and an affirmative vote of four (4) members shall be necessary for the passage of any recommendation to the City Council. If any member has a conflict of interest in review of any item on the Commission's agenda, he or she shall remove themselves from the room and refrain from voting only on the item for which a conflict exists.

#### **2.1.4 Meetings:**

The Planning and Zoning Commission shall meet at such times in the Council Chambers at the City Hall or other specified locations as may be designated by the Chairman or Vice Chairman in the absence of the Chairman, 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. But in the case that no agenda item is submitted for the Commission to review no meeting shall be required.

**2.1.5 Powers and Duties:**

The Planning and Zoning Commission shall be an advisory body to the City Council and shall make recommendations regarding amendments to the Comprehensive Plan, changes of zoning and zoning to be given to newly annexed areas, and shall make recommendations regarding the approval of the plats of subdivisions as may be submitted to it for review and other planning related matters. The Planning and Zoning Commission shall conduct an annual review of the City's Comprehensive Plan and be prepared to make such recommendations to the City Council as deemed necessary to keep the City's Comprehensive Plan current with the needs and uses of the City. The Planning and Zoning Commission shall serve in an advisory capacity on any planning related item(s) in the City.

**2.1.6 Procedure On Zoning Hearings:**

The procedure and process for zoning changes and/or amendments shall be in accordance with Section 2.3 of this ordinance.

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## SECTION 2.2 ZONING BOARD OF ADJUSTMENTS (ZBA)

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### 2.2.1 Creation

There is hereby created a Board of Adjustment to be composed of five (5) members who shall be residents and qualified voters of the City of Cedar Hill and shall serve without compensation.

### 2.2.2 Members and Terms of Office

The Board of Adjustment shall consist of five (5) regular members who shall be appointed by the City Council in accordance with subchapter 211.008 through 211.011 Vernon's Texas Local Government Code as amended. The members shall serve for a period of two (2) years and until their successors are duly appointed and qualified. The City Council may provide for the appointment of alternate board members to serve in the absence of the regular members as requested by the City Manager. The Council shall select replacements for the Board of Adjustment members whose terms have expired. All members will be appointed by a majority vote of the City Council. Members may be removed by a majority vote of the members of the City Council, for cause on a written charge after a public hearing. Board members may be appointed to succeed themselves. An alternate member, as appointed by the City Council, shall fill a vacancy for the unexpired term of a member whose term becomes vacant. Any member absent from three (3) regular consecutive meetings shall be deemed to have vacated such office unless such absences were due to sickness of the member or the member's family with leave being first obtained from the Chairman.

Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public. Four (4) members of the Board shall constitute a quorum for the conduct of business. All cases to be heard by the Board of Adjustment will always be heard by a minimum number of four (4) members. The members of the Board shall regularly attend meetings and public hearings of the Board and shall serve without compensation.

### 2.2.3 Authority of Board

The Board of Adjustment shall have the authority, subject to the standards established in Sections 211.008 to 211.011 of the Texas Local Government Code and those established herein, to exercise the following powers and perform the following duties:

- 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, in accordance with Section 2.2.5 of this Ordinance;
- B. Authorize the expansion or continuation of a nonconforming structure;
- C. Authorize the expansion or continuation of a nonconforming use; and
- D. Authorize in specific cases a variance (see Section 2.2.5) 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.
- E. In exercising its authority under "A" above, the Board 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.

- F. The concurring vote of four (4) members of the Board 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 variation from the terms of this zoning ordinance; or
  4. Authorize special exceptions to this ordinance (see Section 2.2.5F).

#### **2.2.4 Limitations on Authority of Board**

- A. The Board 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 2.2.6.
- B. The Board shall have no power to grant or modify specific use authorizations as described under Section 3.20 of these regulations.
- C. The Board shall have no power to grant a zoning amendment. In the event that a request for a zoning amendment is pending before the Planning and Zoning Commission or the City Council, the Board shall neither hear nor grant any variances with respect to the subject property until final disposition of the zoning amendment.
- D. The Board shall not grant a variance for any parcel of property or portion thereof upon which a Site Plan, Preliminary Plat, or Final Plat, where required, is pending on the agenda of the Planning and Zoning Commission and, where applicable, by the City Council. All administrative remedies available to the applicant shall have been exhausted prior to hearing by the ZBA.

#### **2.2.5 Variances**

- A. 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 ZBA shall prescribe only conditions that it deems necessary for, or desirable to, the public interest. In making the findings herein below required, the ZBA 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.
- B. **Conditions Required for Variance** - 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 Section 2.2.6B of 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 his/her 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.

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.

- C. **Findings of Undue Hardship** - In order to grant a variance from these zoning regulations, the Board of Adjustment 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;
  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;
  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.
- D. A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss, nor shall it permit any person a privilege in 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 on another parcel of land.
- E. The applicant bears the burden of proof in establishing the facts justifying a variance.
- F. **Criteria to Be Used for** (Ord. No. 04-201, § 1, 04-13-04) **Special Exceptions for Nonconforming Uses and Structures** - Upon written request of the property owner, the ZBA may grant special exceptions to the provisions of this ordinance when such use or development is specifically authorized under paragraph G of this section. In reaching its decision the ZBA shall determine:

1. That the requested exception will establish only those uses permitted under the ordinance, that the location of the proposed activities and improvements are clearly defined on the site plan filed by the applicant, and (Ord. No. 04-201, § 1, 04-13-04)
2. That the exception will be wholly compatible with the use and permitted development of adjacent property as legally filed and/or developed, or that the exception has such requirements that the ZBA finds necessary to protect and maintain the current stability or future lawful development of adjacent property, and (Ord. No. 04-201, § 1, 04-13-04)
3. That these requirements may include, but are 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. (Ord. No. 04-201, § 1, 04-13-04)

**G. Authorized Special Exceptions:** (Ord. No. 04-201, § 1, 04-13-04)

1. Expansion of a nonconforming use within an existing structure a maximum of ten (10) percent; 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 (Ord. No. 04-201, § 1, 04-13-04)
2. Expansion of the gross floor area of a nonconforming structure a maximum of ten (10) percent. (Ord. No. 04-201, § 1, 04-13-04)
3. Change from one nonconforming use to another, reconstruction of a nonconforming structure that has been destroyed more than sixty percent (60%) of its value, 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. (Ord No 04-201, § 1, 04-13-04)
4. Inadvertent encroachment of building over minimum yard requirements. (Ord No 04-201, § 1, 04-13-04)
5. Building heights subject to restrictions as may be determined by the ZBA. (Ord No 04-201, § 1, 04-13-04)
6. Alternate pavement surface, provided there are conditions showing the intent to conform to the pavement surface standards or for special conditions such as historic conformance for the purpose of authenticity in the Old Town District. (Ord No 04-201, § 1, 04-13-04)
7. Garage requirements or placement, on property 10-acres or larger, if the primary structures' adjacency to other uses will not impact vehicle storage on or near right-of-way. (Ord No 04-201, § 1, 04-13-04)

## 2.2.6 Procedures

### A. *Application and Fee*

An application for granting a variance by the Board of Adjustment, other than an appeal, shall be in writing using forms provided by the City and shall be accompanied by a fee.

**B. *Notice and Hearing***

The Zoning Board of Adjustment shall hold a public hearing no later than 45 days after the date the application for action or an appeal is filed. Notice of a public hearing shall be provided to all property owners within two hundred feet (200') of the affected property ten (10) days prior to the public hearing and also published in the official local newspaper ten (10) days prior to the public hearing.

**C. *Appeals***

1. An appeal may be taken from the decision of an administrative official by an applicant for the permit on which the decision is rendered, by any person or persons directly aggrieved by the decision or by any officer, department, board or office of the municipality affected by the decision.
2. The appellant must file with the Board and the official against whom the appeal is taken a written notice of appeal specifying the grounds for the appeal within fifteen (15) days after the decision has been rendered. The officer to whom the appeal is made shall forthwith transmit to the Board all papers constituting the record of the action that is appealed.
3. An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certified in writing to the Board that 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 Board or a court of record on application, after notice to the official, if due cause is shown.
4. The appellant party may appear at the appeal hearing in person or by agent or attorney.
5. The Board shall decide the appeal within four (4) weeks after placement on its agenda after which time the request shall be deemed automatically approved. The Board 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.

**D. *Vote Required for Board Decisions***

The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of an administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under these zoning regulations, or to effect any variance to the zoning regulations granted by the Board.

**E. *Judicial Review***

Any person or persons, jointly or severally, aggrieved by a decision of the Board of Adjustment, or any taxpayer, or any officer, department, or Board of the City may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality, as stated in Section 211.011 of the Texas Local Government Code. Such petition must be presented within ten (10) days after the date the decision is filed in the Planning and Zoning office.



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**SECTION 2.3 CHANGES, AMENDMENTS AND ADMINISTRATION PROCEDURES FOR ALL ZONING ORDINANCES AND DISTRICTS**

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**2.3.1 Declaration of Policy and Review Criteria:**

The City 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.
- E. To make changes in order to implement policies within the Comprehensive Plan.

In making a determination regarding a requested zoning change, the Planning and Zoning Commission and City Council shall consider the following factors:

- F. 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 City as a whole.
- G. 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, and shall note the findings.
- H. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances, which may make a substantial part of such vacant land unavailable for development.
- I. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.
- J. How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved.
- K. Any other factors which will substantially affect the public health, safety, morals, or general welfare.

**2.3.2 Authority to Amend Ordinance:**

The City Council may from time to time, after receiving a final report thereon by the Planning and Zoning Commission and after public hearings required by law, amend, supplement, or change the regulations herein provided and amend the Zoning Ordinance text, zoning district classifications, or the boundaries of the zoning districts specified on the Zoning Map. Any Ordinance regulations or Zoning District boundary

amendment may be ordered for consideration by the City Council, be initiated by the Planning and Zoning Commission, or be requested by the owner of real property, or the authorized representative of an owner of real property.

Consideration for a change in any district boundary line or special zoning regulation may be initiated only with written consent of the property owner, or by the Planning and Zoning Commission or City Council on its own motion when it finds that public benefit will be derived from consideration of such matter. In the event the ownership stated on an application and that shown on the City records are different, the applicant shall submit proof of ownership.

No person who owes delinquent taxes, delinquent paving assessments, impact fees, or any other delinquent debts or obligations to the City of Cedar Hill, and which are directly attributable to a piece of property requested for zoning shall be allowed to submit a zoning request until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof shall have been first fully discharged by payment, or until an arrangement satisfactory to the City has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence or proof that the taxes have been paid.

### 2.3.3 Application

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 City, filed with the City and shall be accompanied by payment of the appropriate fee as established by the City Council. Processing fees charged for the subdivision of land for the City of Cedar Hill, Texas are set in Article 20-5 of the City of Cedar Hill Code of Ordinances, as may be amended. (Ord No 06-276, § 1, 01-10-06)

### 2.3.4 Processing Fee (Ord No 06-276, § 1, 01-10-06)

In order to defray administrative costs, each application made with the City of Cedar Hill requested a change, amendment or variance to the zoning ordinance shall be accompanied by the following mandatory fee:

Zoning change	\$500.00 plus \$5.00 per acre
Planned Development District	\$1000.00 plus \$5.00 per acre
Planned Development Amendment	\$1000.00 plus \$5.00 per acre
Planned Development – Development Plan	\$300.00 plus \$5.00 per acre
Planned Development – Site Plan	\$300.00 plus \$5.00 per acre
Conditional Use Permit	\$500.00 plus \$5.00 per acre
Alcoholic Beverage Site Plan District	\$500.00
Set up a Home Owners Association	\$300.00
Amend a Home Owners Association	\$300.00

Zoning Board of Adjustment	\$125.00 for residential property \$250.00 for non-residential property
Zoning Verification Letter	\$50.00
Site Plan	\$250.00 plus \$10.00 per acre
Public Hearing Signage	\$50.00 refundable upon return of sign

### **2.3.5 Public Hearing and Notice** (Ord No 06-276, § 1, 01-10-06)

- A. For zoning/rezoning requests involving real property, the Planning and Zoning Commission shall hold at least one public hearing on each zoning application, as per applicable State law (Texas Local Government Code Chapter 211, as may be amended). For proposed changes to zoning district boundaries (including rezoning requests), notice of the Planning and Zoning Commission hearing shall be accomplished by publishing the purpose, time and place of the public hearing in the official newspaper of the City not less than fifteen (15) days prior to the 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 City 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 not less than ten (10) days before such hearing is held. 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.
- B. For requests involving proposed changes to the text of the Zoning Ordinance, notice of the Planning and Zoning Commission hearing shall be accomplished by publishing the purpose, time and place of the public hearing in the official newspaper of the City 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, or which do not involve specific real property, do not require written notification to individual property owners.
- C. The City may, at its option, establish additional rules and procedures for public notification of proposed zoning changes or development proposals (such as site plans, plats, developer agreements, etc.) which may include, but not be limited to, the posting of a sign(s) on any property that is proposed for a zoning change and/or development by the applicant or its agent(s). Adherence to such rules and procedures, if so established by the City, shall be the responsibility of the applicant and shall be required as part of a zoning change or development application.

### **2.3.6 Failure to Appear** (Ord No 06-276, § 1, 01-10-06)

Failure of the applicant or his representative to appear before the Planning and Zoning Commission or City Council for more than one hearing without an approved delay by the Planning and Zoning Administrator shall constitute sufficient grounds for the Planning and Zoning Commission or the City Council to table or deny the application.

**2.3.7 Planning and Zoning Commission Consideration and Report** (Ord No 06-276, § 1, 01-10-06)

The Planning and Zoning Commission shall function in accordance with both Chapter 16, Article III of the City of Cedar Hill Code of Ordinances and Section 7 of this ordinance. The Planning and Zoning Commission, after the public hearing is closed, shall prepare its report and recommendations on the proposed change stating its findings, its evaluation of the request and of the relationship of the request to the Comprehensive Plan. The Planning and Zoning Commission may defer its report for not more than ninety (90) days from the time it is posted on the agenda or until it has had an opportunity to consider other proposed changes which may have a direct bearing thereon unless a postponement is requested by the applicant. If the Planning and Zoning Commission has not acted, the request shall be sent to the City Council as a recommendation to deny.

**2.3.8 Planning and Zoning Commission Recommendation to Deny** (Ord No 06-276, § 1, 01-10-06)

If the Planning and Zoning Commission recommends denial of the zoning change request, it shall offer reasons to the applicant for the denial, if requested by the applicant. The Planning and Zoning Commission, at its discretion, may recommend to the City Council the zoning change request be denied with prejudice. The Planning and Zoning Chairman shall inform the applicant of the right to receive reasons for the denial.

**2.3.9 City Council Consideration** (Ord No 06-276, § 1, 01-10-06)

- A. Applications Forwarded from the Planning and Zoning Commission to the City Council**  
Every application or proposal which is recommended for approval (or approval with conditions) by the Planning and Zoning Commission shall be automatically forwarded (along with the Commission's favorable recommendation) to the City Council for setting and holding of public hearing thereon. The City Council may then approve the request, approve it with conditions, or disapprove it by a simple majority vote of the Council members present and voting. An application which is recommended by the Planning and Zoning Commission for denial shall not be forwarded to the City Council unless the applicant files a written appeal with the City Secretary within ten (10) days after the Commission's decision. Said appeal will, in that instance, be forwarded to the City Council along with the Commission's reasons for denial of the request. The appeal shall be scheduled for the next possible City Council agenda, following appropriate public notification as prescribed in Section 2.3.4. Ultimate approval of the request, which was recommended for denial by the Planning and Zoning Commission, will require a three-fourths (3/4) majority vote of the City Council members present and voting in order for it to be approved. No zoning change, however, shall become effective until after the adoption of an ordinance for same and its publication, as required by law.
- B. City Council Action on Zoning/Rezoning or Text Amendment Requests** - After a public hearing is held before the City Council regarding the zoning application, the City Council 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 Council meeting to which it was tabled, or it may refer the application back to the Planning and Zoning Commission for further study.
1. If the City Council approves the request, then Subsection 2.3.8 E. will apply.
  2. If the City Council denies the request, then the same or a similar zoning application may not be filed for any portion 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 one (1) year following the denial. A different zoning change request can be filed at any time. In the instance that the request was initiated by the City and involved a proposed amendment to the text of the Zoning Ordinance, then there is no waiting period before the request can be reconsidered.

3. The City Council 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.
- C. **City Council Hearing and Notice for Zoning Changes** – Notice of the City Council public hearing for zoning/rezoning and for Zoning Ordinance text amendment requests shall be given by publishing the purpose, time and place of such hearing in the official newspaper of the City not less than fifteen (15) days prior to the date of the public hearing.
- D. **Protests** - A favorable vote of three fourths (3/4) of all members of the City Council shall be required to approve any proposed change in a zoning regulation or zoning district boundary 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 200 feet of the subject property, in compliance with the provisions of Section 211.006 of the Texas Local Government Code (commonly referred to as the “twenty percent rule”). If a protest against such proposed amendment, supplement or change has been filed with the City 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 the City Council.
- E. **Final Approval and Ordinance Adoption** - Upon approval of the zoning request by the City Council, the applicant shall submit all related material with revisions, if necessary, to the City for the preparation of the amending ordinance. A metes and bounds description of all property and appropriate exhibits must be submitted with the zoning change request application. The amending ordinance will not be approved until a correct description has been prepared. The zoning request shall be approved at the time the City Council makes a decision to approve the request as submitted or with certain conditions.

### **2.3.10 Joint Public Hearings** (Ord No 06-276, § 1, 01-10-06)

As authorized in Section 211.007 of the Texas Local Government Code, the City Council may, by a two-thirds (2/3) vote, prescribe the type of notice to be given of the time and place of a public hearing held jointly by the City Council and Planning and Zoning Commission. If the notice provisions are different than Section 2.3.4 above, then the provisions of Section 2.3.4 do not apply.

### **2.3.11 Procedure For Newly Annexed Land** (Ord No 06-276, § 1, 01-10-06)

As soon as reasonable after an annexation ordinance is approved by the City Council, the City Manager or designated city official shall prepare an application for zoning the newly annexed property to "RR" Rural Residential unless the property owner, City Council or Planning and Zoning Commission determines another zoning district is more appropriate. The application shall be placed on the Planning and Zoning Commission's agenda. All procedures as set forth in this section shall apply.

**2.3.12 Overlay Zoning District Procedures** (Ord No 06-276, § 1, 01-10-06)

- a. **Purpose and Applicability** – From time to time, the City Council may establish overlay zoning districts. An overlay zoning district is a zoning district that establishes regulations that combine with the regulations of the underlying (base) zoning district. The overlay district may prohibit uses otherwise allowed in the base district, or establish additional or different standards and conditions for all or some of such uses allowed in the base district. Adoption of the overlay district does not effect repeal of the base zoning district and all regulations contained in the base zoning district shall remain applicable to the uses allowed in the overlay district, except as expressly stated in the regulations of the overlay zoning district.
- b. **Text Amendments to Create Overlay Zoning Districts** – The City Council, upon recommendation from the Planning and Zoning Commission, may amend the text of the Comprehensive Zoning Ordinance from time to time to provide for new overlay zoning districts, in accordance with the procedures of this Section. The Council shall specify for each text amendment the following information for the overlay zoning district:
  1. The intent and purpose of the district;
  2. The types of districts with which the overlay zoning district may be combined;
  3. Minimum standards applicable within the district;
  4. Uses otherwise permitted within the base district, which are prohibited, limited or restricted within the overlay zoning district, and the standards and conditions constituting such limitations or restrictions.

**C. Procedures for Overlay Zoning District Map Amendments:**

1. Overlay zoning districts initially shall be established on the Zoning Map by the City Council, upon recommendation of the Planning and Zoning Commission, in accordance with the procedures for zoning amendments in this Section. The boundaries of the overlay zoning district shall be designated with particularity in relation to the base district or districts upon which the district is overlaid.
2. The Zoning Map may be amended to extend or contract the boundaries of an overlay zoning district in accordance with the procedures for zoning amendments in this Section.

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**SECTION 2.4 CERTIFICATES OF OCCUPANCY AND COMPLIANCE**

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

- A. Occupancy and use of a building hereafter erected or structurally altered
- B. Change in use of an existing building to a use of a different classification
- C. Change in the use of land to a use of a different classification
- D. Change in occupant or business within a building

No such use, or change of use, shall take place until such time as, the Building Official issues a Certificate of Occupancy. A fee shall be established by separate ordinance.

**2.4.2 Procedure for New or Altered Buildings:**

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. Said Certificate shall be issued after the Building Official orders the building or structure inspected and finds no violations of the provisions of this ordinance or other regulations, which are enforced by the Building Official. The Building Official or his agent, shall issue the said Certificate after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this Ordinance.

**2.4.3 Procedure for Vacant Land or a Change in Building Use:**

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 said Building Official or his agent. If the proposed use is a conforming use, as herein provided, written application shall be made to the said Building Official. If the proposed use is found to be in conformity with the provisions of this Ordinance, including parking requirements, (Ord No 04-201, § 2, 04-13-04), 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 Building Official. If parking requirements are not found in conformity, the applicant shall submit a site plan showing all parking in conformance with use and pavement type requirements. (Ord No 04-201, § 2, 04-13-04)

**2.4.4 Contents:**

Every Certificate of Occupancy shall contain the following: 1) 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 Uniform Building Code, group and division of occupancy, 6) the name of the Building Official, 7) use (uses) allowed, and 8) issue date of Certificate of Occupancy.

**2.4.5** *Reserved.*

**2.4.6 Posting:**

The Certificate of Occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Building Official or his authorized agent.

**2.4.7 Revocation:**

The Building Official may, in writing, suspend or revoke a Certificate of Occupancy issued under the provisions of this ordinance whenever the Certificate is issued in error, or on the basis of incorrect information supplied, or when it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provision of this ordinance or the building code and other codes adopted by the City, and any amendments thereto. Appeal of the Building Official's decision shall be to the Board of Adjustment.



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**SECTION 2.5 NONCONFORMING USES AND STRUCTURES**

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**2.5.1 Intent Of Provisions:**

- A. Within the districts established by this ordinance or amendments thereto, there exist lots, structures, uses of land and structures, and characteristics of use which were lawful 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 are met.
- B. It is further the intent of this ordinance that nonconforming uses shall not be enlarged upon, expanded or extended, and not be used as a basis for adding other structures or uses prohibited elsewhere in the same district.
- C. Nonconforming uses are hereby declared to be incompatible with the permitted uses in the districts involved.

**2.5.2 Nonconforming Status:**

- A. 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 C. below, shall be deemed a non-conforming use, lot or structure provided that:
  - 1. Such use, platted lot or structure was in existence under and in compliance with the provisions of the immediately prior zoning ordinance; or
  - 2. Such use, platted lot or structure was a lawful, non-conforming use, lot or structure under the immediately prior zoning ordinance; or
  - 3. Such use, platted lot or structure was in existence at the time of annexation to the City, was a legal use of the land at such time, and has been in regular and continuous use since such time.
- B. 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 C. below, shall be deemed to be in violation of this ordinance, and the City shall be entitled to enforce fully the terms of this ordinance with respect to such use, platted lot, or structure.
- C. The following types of platted lots shall be deemed in conformance with the provisions of this ordinance, notwithstanding the fact that such lot does not meet the standards of this ordinance in the district in which it is located:
  - 1. Any vacant lot that conformed to the City 's zoning district regulations at the time that it was platted; or
  - 2. Any lot occupied by a single-family dwelling authorized under the zoning district regulations in which the lot is located.

- D. A lot of record that is nonconforming may be occupied by a single-family dwelling.

### **2.5.3 Continuing Lawful Use Of Land And Structures:**

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

### **2.5.4 Abandonment of Nonconforming Uses:**

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

### **2.5.5 Changing Nonconforming Uses:**

- A. A nonconforming use shall not be changed to another nonconforming use.
- B. 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.
- C. A conforming use located in a non-conforming structure may be changed to another conforming use.

### **2.5.6 Expansion of Nonconforming Uses and Structures:**

- A. A nonconforming use may be extended throughout the structure in which it is located, provided that:
  - 1. 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
  - 2. The number of dwelling units occupying the structure shall not exceed the number of dwelling units existing at the time the use became nonconforming.
- B. A non-conforming use occupying a structure shall not be extended to occupy land outside the structure.

- C. 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.

**2.5.7 Restoration of Nonconforming Structure:**

- A. If more than sixty (60) percent of the total appraised value of a nonconforming structure, as determined from the records of the Dallas County Central Appraisal District, has been destroyed (total destruction), it may be rebuilt only in conformity with the standards of this ordinance.
- B. If less than sixty (60) percent of the total appraised value of a nonconforming structure is destroyed (partial destruction), it may be reconstructed to its original dimensions.
- C. 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 Section 2.5.6.

**2.5.8 Right to Proceed Preserved:**

Nothing contained in this Section 11 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.

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**SECTION 2.6 SITE PLAN REVIEW**

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**2.6.1 Site Plan Review:**

- A. **Purpose** - This Section establishes a site plan review process for proposed nonresidential and multi-family residential developments. The purpose of the review is to ensure efficient and safe land development, harmonious use of land, compliance with appropriate design standards, safe and efficient vehicular and pedestrian circulation, parking and loading, and adequate water supply, drainage and storm water management, sanitary facilities, and other utilities and services.
- B. **Applicability** - Site plan review and approval shall be required for the following:
1. Any nonresidential development
  2. Any multi-family development or manufactured/mobile home park
  3. Any development with two (2) or more buildings per platted lot
  4. Any development in a Planned Development District or subject to a Conditional Use Permit (public hearings may also be required, see Sections 3.19 and 3.20).
  5. Any change in use from a residential use to a non-residential use.  
(Ord. No. 01-71, § 1, 07-21-01)
  6. Any modification to a site that involves increased parking requirements or a change in the front or side wall footprint.  
(Ord. No. 01-71, § 1, 07-21-01)

No site plan application shall be considered complete unless the application is accompanied by verification that a final plat for the lot has been recorded and the zoning for the property has been approved. No application for a building permit shall be considered complete for any of the above developments unless the application is accompanied by an approved site plan and all required engineering/construction plans that have been approved by the City. No building shall be occupied until all construction and development conforms to the site plan and engineering/construction plans, as approved by the City. A public hearing on a site plan is not required unless a site plan is prepared in conjunction with a zoning request for a Planned Development or a CUP. (Ord. No. 05-250 § 3, 08-30-05)

- C. **Exemptions and exceptions** - Site plan review shall not be required for State parks or single-family (attached or detached) except as provided in (B.4.) above, unless the proposed subdivision will include a private amenity/facility comprised of one or more buildings (e.g., a private recreation/swimming facility, etc.) or a golf course, or unless the proposed subdivision will have private (i.e., not public) streets. In these instances, site plan submission and approval (in accordance with this Section) will be required for the private amenity/facility, the golf course clubhouse/hospitality area, and the gated (i.e., restricted access) entrances.

- D. **Site plan submission requirements** - The site plan submission shall be comprised of the following (all required items/information must be received by the Planning and Zoning Administrator, or his designee, in order for a site plan/development review submission to be considered complete -- incomplete submissions will not be reviewed until all deficient items/information has been received):
1. **Application form** (to be provided by the City) signed by the owner or his designated representative (if the applicant is not the owner of the subject property, then he shall submit verification in the form of a notarized statement that he is acting as an authorized agent for the property owner).
  2. **Filing fee** (as established within Appendix A-6 of this Ordinance).
  3. **Verification** that all taxes and assessments on the subject property have been paid (see Subsection E below).
  4. **Copies of the site plan** (on 24" x 36" sheet, and drawn to a known engineering scale that is large enough to be clearly legible), the quantity of which shall be determined by the Planning and Zoning Administrator, or designee.
  5. **Complete sets of engineering/construction plans** (including the site plan and plat) for all site work and for all required public improvements (e.g., water, wastewater, grading/storm drainage, streets, alleys, fire lanes and hydrants, etc.), the quantity of which shall be determined by the Planning and Zoning Administrator, or designee.
  6. **Final plat/replat submission** (as per the Subdivision Ordinance), if the property has not yet been platted, or if additional easements or rights-of-way will need to be established for the proposed development.
  7. **Landscaping and irrigation plans**, the quantity of which shall be determined by the Planning and Zoning Administrator, or designee.
  8. **Building facade** (i.e., elevation) plans, the quantity of which shall be determined by the Planning and Zoning Administrator, or designee.
  9. Any **additional information/materials** (i.e., plans, maps, exhibits, legal description of property, information about proposed uses, etc.) as deemed necessary by the Planning and Zoning Administrator, or designee, in order to ensure that the request is understood.
- E. **Taxes** - No person who owes delinquent taxes, delinquent paving assessments, impact fees, or any other delinquent debts or obligations to the City of Cedar Hill, and which are directly attributable to a piece of property shall be allowed to submit an application for site plan/development review until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof shall have been first fully paid, or until an arrangement satisfactory to the City has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence or proof that the taxes have been paid.
- F. **Site plan details** - The site plan and accompanying engineering/construction plans shall contain sufficient information relative to site design and construction to clearly show the extent of the proposed development/ construction, and shall include but not be limited to the following:

1. A site inventory analysis including major existing vegetation, natural watercourses, creeks or bodies of water, and an analysis of planned changes in such natural features as a result of the development. This shall include a delineation of any flood prone areas.
2. Any existing and proposed public/private streets and alleys; building sites or lots; any areas reserved as parks, parkways, playgrounds, utility easements or school sites; any proposed street widening and street changes (i.e., median cuts and turn lanes); the points of ingress and egress from existing/proposed streets; location and description of existing and proposed utility services, including size of water and sewer mains and laterals, and storm drainage structures (including grading); the location and width for all driveway openings; topography at no more than two-foot (2') contours; and existing development on all abutting sites and the zoning classification thereof.
3. Placement of all buildings on the site, showing the building footprints and setback lines, and all property lines, street curb lines, alley lines, easements, screening walls, signage, any service/delivery areas for trucks, fire lanes, and parking areas (including parking space counts and a schedule of parking ratios used for the various proposed uses).
4. A landscape plan showing turf areas, screening walls, ornamental plantings, any existing wooded areas and trees to be planted.
5. Building facade (i.e., elevation) plans showing elevations with any attached (i.e., wall-mounted) signage to be used, as determined appropriate by the Planning and Zoning Administrator, or designee.

Provision of the above items shall conform to the principles and standards of this Ordinance. To ensure the submission of adequate information, the City is hereby empowered to maintain and distribute a separate list of specific requirements for site plan review applications. Upon periodic review, the Planning and Zoning Administrator (or designee) shall have the authority to update such requirements for site plan/development review applications.

- G. Supplemental requirements** - The City's staff may require other information and data for specific site plans. This data may include but is not limited to geologic information, water yields, flood data, environmental information, traffic impact analysis, road capacities, market information, economic data for the proposed development, hours of operation, elevations and perspective drawings, lighting, and similar information. Approval of a site plan may establish conditions for construction based upon such information.
- H. 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 City of Cedar Hill, and to ensure that all developments are, to the best extent possible, constructed according to the City's codes and ordinances.

The Planning and Zoning Administrator, or designee, shall review the site plan for compliance with all applicable City ordinances and with the Comprehensive Plan; for harmony with surrounding uses and with long-range plans for the future development of Cedar Hill; for the promotion of the health, safety, order, efficiency, and economy of the City; and for the maintenance of property values and the general welfare.

Site plan review and evaluation by the Planning and Zoning Administrator, or designee, shall be performed with respect to the following:

1. The site plan's compliance with all provisions of the Zoning Ordinance and other ordinances of the City of Cedar Hill including but not limited to off-street parking and loading, lighting, open space, and the generation of objectionable smoke, fumes, noise, odors, dust, glare, vibration, or heat.
2. 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.
3. The relationship of the development to adjacent uses in terms of harmonious design, setbacks, maintenance of property values, and any possible negative impacts.
4. The provision of a safe and efficient vehicular and pedestrian circulation system.
5. 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.
6. 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.
7. The coordination of streets so as to arrange a convenient system consistent with the Thoroughfare Plan of the City of Cedar Hill.
8. 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.
9. Exterior lighting to ensure safe movement and for security purposes, which shall be arranged so as to minimize glare and reflection upon adjacent properties.
10. The location, size, and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
11. Protection and conservation of soils from erosion by wind or water or from excavation or grading.
12. Protection and conservation of watercourses and areas subject to flooding.
13. The adequacy of water, drainage, sewerage facilities, solid waste disposal, and other utilities necessary for essential services to residents and occupants.

#### **2.6.2 APPROVAL PROCESS:**

- A. The Planning and Zoning Administrator (or designee) shall review and evaluate all site plan submissions, and shall make a recommendation to the Planning and Zoning Commission to approve the site plan, to approve the site plan with conditions or stipulations, or to deny the site plan for certain reasons. The Planning and Zoning Administrator, or designee, may prepare a written report/evaluation of the site plan/development application, which may include background information on the subject property, its zoning history, development and zoning patterns surrounding the site, discussion of any issues or concerns, and a staff

- recommendation as described above. The staff report/evaluation should be made available to members of the Planning and Zoning Commission prior to the meeting date on which the application will be considered in order to allow time for review and for site visitation, if necessary.
- B. **Site Plan Consideration** - The Planning and Zoning Administrator, or designee, shall schedule consideration of the site plan on the regular agenda of the Planning and Zoning 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 Planning and Zoning Commission shall have final review of the site plan and shall approve the site plan, approve the site plan with conditions or stipulations, or deny the site plan. If the site plan is denied by the Planning and Zoning Commission, the applicant may request an appeal to the City Council. All requests for appeal must be made in writing to the Planning and Zoning Administrator within thirty (30) calendar days following the Commission's action. After the appeal is received, the Planning and Zoning Administrator shall schedule the appeal on the City Council's agenda within sixty (60) days following submission of the appeal.
- C. **Lapse of Site Plan Approval** – Except as provided in Section 3.19.10 (Planned Development Site Plan), if a building permit for a use subject to a site plan has not been issued within one (1) year of the date of final approval of the site plan by the Planning and Zoning Commission (or the City Council, if applicable), the site plan shall expire. Thereafter, a new site plan must be approved prior to development of the use under standards then in effect.

### 2.6.3 Revisions To The Approved Site Plan:

- A. **Minor Revisions/Amendment** - It is recognized that final architectural and engineering design may necessitate minor changes in the approved site plan. In such cases, the Planning and Zoning Administrator, or his designee, shall have the authority to approve minor modifications to an approved site plan (which shall be submitted as an “amended site plan” which substantially conforms to the previously approved site plan), provided that such modifications do not materially change traffic circulation, building location(s) on the site, proximity of building(s) to nearby residential areas, the size or height (i.e., enlarge) of building(s), or any other conditions specifically attached as part of the Planning and Zoning Commission's or City Council's approval of the site plan. Submission materials and requirements for approval of an amended site plan shall be as determined by the Planning and Zoning Administrator, or his designee.
- B. **Major revisions** - In the event of revisions that are more extensive in nature (i.e., do not conform to the description for minor amendments above), a “revised site plan” must be resubmitted, reviewed by the Planning and Zoning Administrator (or his designee), and reconsidered by the Planning and Zoning Commission or City Council in accordance with the procedures set forth in this Section.



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## ARTICLE 5. DEVELOPMENT STANDARDS

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### SECTION 5.1 OFF-STREET PARKING AND LOADING REQUIREMENTS

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#### 5.1.1 Purpose:

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

#### 5.1.2 Residential Districts -- Special Off-Street Parking Provisions:

- A. Required off-street parking shall be provided on the same site as the use it is to serve.
- B. All vehicle parking shall be on a concrete paved parking surface, except in the RR district. All driveways and approaches to parking spaces shall be similarly paved, except in the RR district. A driveway or approach extending longer than 50 feet from the right-of-way may be paved in asphalt up to 50 feet from the public right-of-way toward the parking spaces. (Ord. No. 01-71 § 11, 07-21-01)
- C. No required parking space, garage, carport, or other automobile storage space shall be used for the storage of any heavy load vehicle (see definitions for “Heavy Load Vehicle”).
- D. Required garages shall not be enclosed for residential living purposes unless and until they are replaced with separate garages, either attached or detached, that complies with the requirements of the Comprehensive Zoning Ordinance and Building Code of the City of Cedar Hill. Residential properties platted prior to March 26, 1985, and Planned Development Districts that have no garage requirement are exempt from this paragraph. (Ord. No. 01-71 § 13, 07-21-01)

#### 5.1.3 Nonresidential and MF Districts -- Special Off-Street Parking Provisions:

- A. To prevent nuisance situations, all parking area lighting shall be designed and operated so as not to reflect or shine on adjacent properties and in accordance with the standards established in Section 5.8.
- B. For safety and fire-fighting purposes, free access through to adjacent nonresidential parking areas shall be provided in accordance with Section 5.6.
- C. All required off-street parking, maneuvering, loading and storage areas shall be paved with reinforced concrete and in accordance with the parking lot paving requirements in the City's Code of Ordinances (i.e., no parking shall be permitted on grass, within landscaped areas, or on other unimproved surfaces). (Ord. No. 06-276, § 15, 01-10-06)
- D. Parking spaces shall be permanently and clearly identified by stripes, buttons, tiles, curbs, barriers, or other approved methods. Non-permanent type marking, such as paint, shall be

- regularly maintained to ensure continuous clear identification of the space.
- E. Each standard off-street surface parking space size shall be in accordance with the design standards as shown on Illustration 10 for space size and design. Specific parking space sizes, exclusive of aisles, driveways and maneuvering areas shall be nine feet (9') by eighteen feet (18') standard spaces and eight feet (8') by twenty-two feet (22') for parallel spaces.
  - F. All parking and loading spaces, and vehicle sales or display areas on private property shall be paved and shall have a vehicle stopping device installed so as to prevent parking of motor vehicles in any required landscaped areas, to prevent vehicles from hitting buildings, to protect public and/or private utility structures/facilities, and to prevent parked vehicles from overhanging a public right-of-way line, public sidewalk, or adjacent private property. An extra-wide sidewalk on private property may be permitted so as to allow encroachment of vehicle overhang while maintaining an unobstructed three-foot (3') minimum sidewalk width. The requirement shall apply only where spaces are adjacent to the walks, right-of-way, and required landscaping. Parking shall not be permitted to encroach upon the public right-of-way in any case. For new construction only, all vehicle maneuvering shall take place on-site. No public right-of-way shall be used for backing or maneuvering into or from a parking space, or for circulation within the parking lot.
  - G. In all nonresidential and multi-family zoning districts, the perimeter of all parking lots and driveways shall be provided with concrete curbs or other means to control traffic.
  - H. Refuse storage facilities placed in a parking lot shall not be located in a designated parking or loading space. Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies.
  - I. Handicap parking space(s) shall be provided according to building codes, State laws, and requirements of the Americans with Disabilities Act (ADA).
  - J. In all nonresidential and multi-family zoning categories, designated parking and loading areas shall not be used for the repair, storage, dismantling or servicing (except for normal maintenance of a private vehicle) of vehicles or equipment; or for the storage of materials or supplies, or for any other use in conflict with the designated parking and loading areas (i.e., advertising or open storage of raw materials).
  - K. To ensure that all requirements set forth in this Section are carried forward, it will be the responsibility of the owner of the parking area to adequately maintain the facility. All off-street parking areas shall be kept free of trash, debris, vehicle repair operation or display and advertising uses. At no time after initial approval of the parking area layout can changes be made in the location and number of provided spaces without approval of the Planning and Zoning Administrator, or his designee.
  - L. When parking is prohibited within the street yard by this ordinance, it shall be behind the front façade of the building and in the side or rear except if the lot or development to be built is: (Ord. No. 04-201, § 7, 04-13-04) (Ord. No. 06-276, § 16, 01-10-06)
    - 1. Encumbered with an easement, septic system, or water feature that restricts the amount of land available for such required parking for the approved uses for that district or; (Ord. No. 04-201, § 7, 04-13-04)

2. A platted lot of such size and/or existing building placement that all required parking located on the side or rear yards restrict the allowed uses for that district. (Ord. No. 04-201, § 7, 04-13-04)

**M. Off-street stacking requirements for drive-through facilities:**

1. A stacking space shall be an area on a site measuring eight feet (8') by twenty feet (20') with direct forward access to a service window or station of a drive-through facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area. An escape lane, of at least eight (8) feet in width and with negotiable geometric design, must be provided to allow vehicles to get out of stacking lane in the event of a stalled vehicle, emergency, accidental entry, etc.
2. For financial institutions with drive-through facilities, each teller window or station, human or mechanical, shall be provided with a minimum of five (5) stacking spaces. One escape lane shall be provided.
3. For each service window of a drive-through restaurant, a minimum of six (6) spaces shall be provided for the first vehicle stop (usually the menu/order board), and two (2) spaces shall be provided for each additional vehicle stop (order/pick-up windows, etc.). One escape lane shall be provided from the beginning of the stacking lane to the first stop (e.g., menu/order board).
4. For retail operations (other than restaurants, banks, etc.) and kiosks that provide drive-up service (e.g., pharmacy, dry cleaners, etc.), a minimum of three (3) stacking spaces for each service window shall be provided.
5. For a full-service car wash, each vacuum or gas pump lane shall be provided with a minimum of four (4) stacking spaces. For the finish/drying area, adequate vehicle stacking and storage space must be provided to keep finished vehicles out of circulation aisles, access easements, fire lanes, streets, etc.
6. For each automated self-service (drive-through/rollover) car wash bay, a minimum of three (3) stacking spaces, in addition to the wash bay itself, shall be provided. One stacking space shall be provided at the exit end of each wash bay for window-drying and other detailing.
7. For each wand-type self-service (open) car wash bay, a minimum of two (2) stacking spaces, in addition to the wash bay itself, shall be provided. One stacking space shall be provided at the exit end of each wash bay for window-drying and other detailing, unless a separate area/shade structure is provided (outside of circulation aisles) for these activities.
8. For automobile quick-lube type facilities, a minimum of three (3) stacking spaces shall be provided for each service bay in addition to the service bay(s) itself.

**5.1.4 Off-Street Loading Space – All Districts:**

- A. All retail, commercial, industrial and service structures shall provide and maintain off-street facilities for receiving and loading merchandise, supplies and materials within a building or on the lot or tract. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks off-street. Each site shall provide a designated on-site maneuvering area for trucks (see Illustration 2). Such off-street loading space may be adjacent to a public alley or private service drive or may consist of a truck berth within the

structure. Such off-street loading space or truck berth shall consist of a minimum area of ten by forty-five feet (10' x 45'), and such spaces or berths shall be provided in accordance with the following schedule:

<u>Total Square Feet of Gross Floor Area in Structure</u>	<u>Minimum Required Spaces or Berths</u>
0 (zero) to 10,000 square feet	None
10,001 to 50,000 square feet	1
50,001 to 100,000 square feet	2
100,001 to 200,000 square feet	3
Each additional 100,000 square feet	1 additional

- B. In all zoning districts, loading docks or service/delivery entrances shall not be constructed facing any collector or major thoroughfare, and shall not be visible from any public street. Loading docks or service/delivery entrances (which may include overhead rolling steel doors) may be constructed facing a collector or major thoroughfare if they are set back a minimum of seventy-five feet (75') from the right-of-way line of the street, and if they are visually screened from the roadway (using a "line of sight" which is measured from a vertical height of five feet (5') at the right-of-way line of the roadway). Such screening shall be subject to the following standards:
  - 1. Screening shall be a brick/masonry wall not less than six feet (6') in height.
  - 2. A living screen, or a living screen with berm, of equal height may be substituted upon approval (on the site plan) by the Planning and Zoning Commission and City Council. Living screen materials shall be in accordance with the City of Cedar Hill's approved plant list (see Appendix E), or as may be otherwise approved by the Planning and Zoning Commission and City Council on the site plan.
  - 3. Screening shall be provided for a linear distance equal to the length of the area where the loading docks/service areas are exposed to the public street.
- C. Loading docks for any establishment which customarily receives goods between the hours of 9:00 p.m. and 8:00 a.m. and is adjacent to a residential use or district shall be designed and constructed so as to enclose the loading operation on three sides, in order to reduce the effects of the noise of the operation on adjacent residences.
- D. Kindergartens, elementary schools, day schools, and similar child training and care establishments shall provide one (1) paved off-street pedestrian loading and unloading space for an automobile on a through, "circular" drive for each ten (10) students cared for excluding child care in a residence. An additional lane shall also be required to allow pass by or through traffic to move while automobiles waiting or parked to pick up children occupy loading/unloading areas.
- E. High Schools and similar training establishments shall provide one (1) paved off-street pedestrian loading and unloading space for an automobile on a through, "circular" drive for each 75 students. An additional lane shall also be required to allow pass by or through traffic to move while automobiles waiting or parked to pick up students occupy loading/unloading areas. (Ord. No. 06-276, § 17, 01-10-06)

**5.1.5 Parking Access From A Public Street -- All Districts:**

- A. In the approval of a detailed Site Plan, design consideration shall be given to providing entrance/exit drives which extend into the site to provide adequate queuing of vehicles on the site.
- B. In all Districts (except all Single-Family and Townhome zoning districts) building plans shall provide for entrance/exit drive(s) appropriately designed and located to minimize traffic congestion or conflict within the site and with adjoining public streets as approved by the Planning and Zoning Administrator, or his designee.
  - 1. Based upon analysis by the City, if projected volumes of traffic entering or leaving a development are likely to interfere with the projected peak traffic flow volumes on adjoining streets, additional right-of-way and paving in the form of a deceleration lane or turn lane may be required of a developer in order to reduce such interference.
  - 2. The determination of additional right-of-way or paving requirements shall be made at the time the final site plan is submitted for approval.
- C. Vehicular access to non-residential uses shall not be permitted from alleys serving residential areas.
- D. Parking space configuration, location, arrangement, size and circulation in all Districts shall be constructed according to Illustration 10.

**5.1.6 Schedule of Parking Space Requirements:**

In all districts, the minimum number of off-street parking spaces to be provided shall be as follows (refer to Section 4.1.2 for relation of parking groups to permitted uses): (Ord. No. 01-71 § 12, 07-21-01) (Ord. No. 06-276, § 18, 01-10-06)

<b>Group</b>	<b>Minimum Number of Off-Street Parking Spaces Required</b>
1.	1 per unit
2.	2 per unit
3.	2 per unit
4.	2 per unit — 2-car garage
5.	2 per unit — 1-car garage
6.	1 per 50 sq. ft. of gross floor area + 12
7.	1 per 100 sq. ft. of gross floor area
8.	1 per 200 sq. ft. of gross floor area
9.	1 per 250 sq. ft. of gross floor area
10.	1 per 300 sq. ft. of gross floor area
11.	1 per 400 sq. ft. of gross floor area
12.	1 per 500 sq. ft. of gross floor area
13.	1 per 600 sq. ft. of gross floor area
14.	1 per 800 sq. ft. of gross floor area
15.	1 per 1,000 sq. ft. of gross floor area
16.	1 per 1,000 sq. ft. of gross site area
17.	1 per 1,500 sq. ft. of gross site area
18.	1 per 2,000 sq. ft. of storage yard

19. 1 per 3 students
20. 1 per 5 students
21. 1 per 15 students
22. 1 per 25 students
23. 1 per employee on largest shift + 1 per 1,000 sq. ft.
24. 1 per bay or pump island
25. 1 per guest room
26. 1 per 4 patrons
27. 1 per 4 beds
28. 1 per 2.5 seats
29. 1 per 4 seats
30. 1 per 6 machines
31. 5 per hole
32. 5 per alley or table
33. 3 queuing spaces per bay or stall
34. 5 queuing spaces per bay or stall
35. 1 per vehicle stored
36. 1 per each seat
37. *Reserved*
38. 1 per 20 units
39. 2 per caretakers unit
40. Less than 15,000 sq. ft. of gross floor area – 1 per 200 sq. ft.  
 15,000-75,000 sq. ft. of gross floor area – 1 per 225 sq. ft.  
 75,001 – 400,000 sq. ft. of gross floor area – 1 per 250 sq. ft.  
 400,001-600,000 sq. ft. of gross floor area – 1 per 275 sq. ft.  
 600,001 and greater sq. ft. of gross floor area – 1 per 300 sq. ft.  
 \* Surface parking shall not exceed 110% of minimum required.

**5.1.7 Rules For Computing Number Of Parking Spaces:** (Ord. No. 06-276, § 19, 01-10-06)

In computing the number of parking spaces required for each of the above uses, the following rules shall govern:

- A. "**Floor Area**" shall mean the gross floor area of the specific use.
- B. "**Seat**" shall be interpreted as follows:
  1. For fixed (e.g., church pews, grandstands, benches, etc.) seating, one seat equals 1.75 feet of length;
  2. For flexible (e.g., folding chairs, etc.) seating areas, one seat equals eight (8) square feet of floor area occupied by such seating area (includes aisles).
- C. Where fractional spaces result, the parking spaces required shall be constructed up to the next whole number.
- D. The parking space requirements for a new or unlisted use not specifically mentioned herein shall be the same as required for a use of similar nature. If the proposed use is not similar to any of the uses listed herein, a determination shall be made by the Planning and Zoning Administrator, or his designee, in accordance with the requirements for the most closely

related use specified in this Section.

- E. Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.
- F. For buildings which have mixed uses within the same structure (such as retail and office), the parking requirement shall be calculated for the most intensive use. In cases where the design of the interior of the structure is not practical for alteration, the parking requirement may be calculated for each use within a structure for buildings over 40,000 square feet.
- G. **Shared parking** may be allowed in the case of mixed uses (different buildings) under the following conditions. Up to fifty percent (50%) of the parking spaces required for a theater or other place of evening entertainment (after 6:00 p.m.), or for a church, may be provided and used jointly by banks, offices, and similar uses not normally open, used, or operated during evening hours. Shared parking must be on the same parking lot. The Planning and Zoning Administrator, or his designee shall determine reduction due to shared parking. To assure retention of the shared parking spaces, each property owner shall properly draw and execute a document expressing the same and shall file this agreement with the City of Cedar Hill.

#### **5.1.8 Location of Parking Spaces:**

All parking spaces required herein shall be located on the same lot with the building or use served, except as follows:

- A. Where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located not to exceed six hundred (600) feet from any nonresidential building served.
- B. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, approval by the Planning and Zoning Commission and City Council is required according to the following criteria:
  - 1. Off-site parking may be permitted on an immediately contiguous lot or tract, or on a lot or tract within one hundred fifty feet (150'), or one thousand feet (1,000') within the OT zoning district, of such building or structure providing:
    - a. That a permanent easement of the parking facilities in favor of the premises to be benefited shall be dedicated and recorded as a condition of such use, or that a long-term "Remote Parking Lease Agreement" be provided upon approval by the City as a condition of such use.

#### **5.1.9 Use of Required Parking Spaces, Non-Residential Districts:**

Required off-street parking and loading spaces shall be used only for these respective purposes and shall not be used for refuse containers, cart corrals, recycling kiosks, storage or permanent display of boats, trailers, campers, motor vehicles or other goods, materials, or products for sale.

**5.1.10 Fire Lanes:**

Fire lanes shall be provided in all multi-family (and in some single-family attached) and nonresidential developments, as required by the adopted Fire Code of the City (also see the Subdivision Ordinance for certain fire lane regulations).



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**SECTION 5.2 LANDSCAPE REQUIREMENTS**

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**5.2.1 Purpose:**

Landscaping is accepted as adding value to property and is in the interest of the general welfare of the City. Therefore, landscaping adjacent to public streets is hereafter required of new development, except as specified below. (Ord. No. 03-156, § 4, 08-26-03)

**5.2.2 Landscaping Standards for Non-Single-Family Use Districts:**

- A. On any property for which a site plan is required, the amount of the minimum required landscaping within the street yard shall be provided in an amount as prescribed in the property's zoning district. (Ord. No. 01-71 § 15, 07-21-01)
- B. All of the required tree plantings, either proposed or existing, shall be located in the street yard area.
- C. At least one (1) tree of at least three (3) inches in caliper (either existing or planted) shall be included and replaced as necessary as per the following ratios:
  1. In street yards less than 10,000 square feet, one (1) tree per one thousand (1,000) square feet or fraction thereof of street yard;
  2. In street yards between ten thousand (10,000) and one hundred ten thousand (110,000) square feet, one (1) tree per two thousand five hundred (2,500) square feet or fraction thereof over ten thousand (10,000) square feet is added to the requirement of ten (10) trees.
  3. In street yards over one hundred ten thousand (110,000) square feet, one (1) tree per five thousand (5,000) square feet or fraction thereof street yard area and over one hundred ten thousand (110,000) square feet is added to the requirement of fifty (50) trees. (Ord. No. 01-71 § 14, 07-21-01)
- D. Trees' specifications and definitions shall be references to the "American Standard for Nursery Stock".
- E. An existing or planted tree which is at least (8) inches in diameter, or at least six (6) inches in diameter and at least fifteen (15) feet tall, shall be planted in a permeable area no less than four (4) feet wide.
- F. Preservation of existing trees. Tree credits shall be awarded, based on the following criteria:
  1. The existing trees shall be in a healthy, vigorous, growing conditions;
  2. The area below the dripline shall remain undisturbed, either by cutting or filling, in the development process;
  3. The developer/owner shall not put an impervious material under the dripline. Permeable pavements will be considered as impervious materials.
- G. Credits toward landscaping requirements. Each square foot of landscaped area which is

- permeable and within the area encompassed by the dripline of a tree shall count as one and one-half (1.5) square feet of landscaped area for the purposes of satisfying the requirements of subsection (a) above, as applicable. Thus, each square foot of landscaped area which is permeable and contiguous to the landscaped area within the dripline shall count as one and one-half (1.5) square feet of landscaped area for the purposes of satisfying the requirements of subsection (a), as applicable.
- H. In foregoing one hundred fifty (150) percent credit shall be subject to the following limitations. Neither overlapping dripline areas, nor areas contiguous to the dripline areas which overlap, shall be counted twice. Moreover, a tree dripline area shall not qualify for credit under this subsection if (1) less than one-half of the dripline area is permeable cover; (2) there have been any damaging changes in the original grade of the dripline under the tree, or (3) the total of such area receiving such credit around the tree exceeds the total square footage of landscaped area within the dripline.
- I. Replacement of preservation trees. Should any tree designated for preservation in the landscaped plan die at any time after approval of the landscape plan or issuance of a certificate of occupancy, the owner shall replace the tree with the equivalent species or a tree which will obtain the same height, spread and growth characteristics. The replacement tree shall be three (3) inches in caliper and installed as directed by this article. Failure to make the replacements within ninety (90) days after notification by the city shall result in a fine as outlined in this article.
- J. The existing natural landscape character (especially native junipers, oaks, elms and pecan trees) shall be preserved to the extent reasonable and feasible. In an area of the street yard containing a stand of trees, the owner shall use best good faith efforts to preserve such trees. In determining whether there is compliance with this subsection, the building official shall consider topographical constraints on design, drainage, access and egress, utilities, and other factors reasonable related to the health, safety and welfare of the public with necessitated disturbance of the existing natural landscape character, economic usefulness of the property without disturbance of its natural character, the nature and quality of the landscaping installed to replace it, and such other factors as may be relevant and proper.
- K. Indiscriminate clearing or stripping of the natural vegetation on a lot is expressly prohibited.
- L. Screening of vehicular use areas, parking areas, parking lots and their parked vehicles from the street view shall be provided. Such parking lot screening shall be a minimum of 3-feet in height and shall be comprised of a continuous landscaped hedge, earth berm, or masonry wall. The screening hedge, berm or wall shall not be placed or located in a manner that would obstruct traffic visibility from any street, drive, or alley intersection. (Ord. No. 03-143 § 7, 02-25-03)
- M. A minimum amount of the total area of all vehicular use areas and parking areas of a lot shall be devoted to landscaped islands, peninsulas, or medians, The minimum total area in such islands, peninsulas and medians in the street yard shall be ninety (90) square feet for each twelve (12) parking spaces. The minimum total area in such islands, peninsulas and medians in the remainder of the lot (i.e., the non-street yard) shall be sixty (60) square feet for each twelve (12) parking spaces therein.
- N. The number, size and shape of islands, peninsulas and medians in both street yards and non-street yards shall be at the discretion of the owner; however, no parking space shall be located further than fifty (50) feet from a permeable landscaped island, peninsula or median. All islands, peninsulas and medians required in the areas stated above shall be more or less

- evenly distributed throughout such parking areas, respectfully; however, the distribution and location of landscaped islands, peninsulas and medians may be adjusted to accommodate existing trees or other natural features, so long as the total area requirements for landscaped islands, peninsulas and medians for the respective parking areas above are satisfied.
- O. All required landscaping shall be irrigated by one (1) of the following methods:
    - 1. An underground sprinkling system;
    - 2. A hose attachment within one hundred (100) feet of all landscaping; provided, however, a hose attachment within two hundred (200) feet of all landscaping in non-street yards shall be sufficient.
  - P. All landscaping which is in required landscaped areas and which is adjacent to pavement shall be protected with concrete curbs or equivalent barriers when necessary to protect trees.
  - Q. Landscaping in landscaped area shall not obstruct the view between the street and the access drives and parking aisles near the street yard entries and exits, nor shall any landscaping which creates an obstruction of view be located in the radius of any curb return.
  - R. Landowners are encouraged to landscape the areas within the non-paved street right-of-way abutting their land. Provided, however;
    - 1. The city may at any time require such landscaping to be removed, and the city shall not be responsible or liable in the event any landscaping in the right-of-way must be removed or is requested to be moved by the city;
    - 2. Such landscaping in the right-of-way shall observe the provisions of the city pertaining to traffic and pertaining to traffic and pedestrian safety;
    - 3. Any underground sprinkler systems, planters or other permanent structures placed in the right-of-way shall require a license agreement with the city. When any other governmental jurisdiction is trustee of the public right-of-way at the particular location in question, arrangements must be made with such other jurisdiction.

### **5.2.3 Landscaping Standards for Industrial and Industrial Park Districts:**

- A. A landscaping plan shall be submitted as part of the building permit submittals.
- B. Not less than five percent (5%) of the gross land area shall be provided as permanent landscaped area.
- C. All of the required landscape area shall be located in the street yard.
- D. All of the required tree plantings either proposed or existing shall be located in the street yard area.
- E. At least one (1) tree of at least three (3) inches in caliper shall be included and replaced as necessary as per the following ratios:
  - 1. If five percent (5%) of gross land area is of less than 10,000 square feet, one (1) tree per one thousand (1,000) square feet or fraction thereof of gross land area.

2. If five percent (5%) of gross land area is between ten thousand (10,000) and one hundred then thousand (110,000) square feet, one (1) tree per two thousand five hundred (2,5000) square feet or fraction thereof of over then thousand (10,000) square feet is added to the requirement of ten (10) trees.

An existing or planted tree which is at least either (8) inches in diameter, or at least six (6) inches in diameter and at least fifteen (15) feet tall, shall be considered as two (2) trees for purposes of satisfying this subsection. All newly planted trees shall be planted in a permeable area no less than four (4) feet wide.

- F. All required landscaping shall be irrigated by one (1) of the following methods:
  1. An underground sprinkling system.
  2. A hose attachment within one hundred (100) feet of all landscaping.
- G. A minimum amount of the total area of all vehicular use areas and parking areas of a lot shall be devoted to landscaped islands, peninsulas, or medians. The minimum total area in such islands peninsulas and medians shall be ninety (90) square feet for each twelve parking spaces.

The number, size and shape of the islands, peninsulas and medians shall be at the discretion of the owner; however no parking space shall be located further than 50 feet from a permeable landscaped island, peninsula or median. All islands, peninsulas and medians required in the areas stated above shall be more or less evenly distributed throughout such parking areas, however the distribution and location of the landscaped islands, peninsulas and medians may be adjusted to accommodate existing trees or other natural feature, so long as the area requirement for landscaped island, peninsula or median for the parking areas are satisfied.

- H. All landscaping which is required landscaped areas and which is adjacent to pavement shall be protected with concrete curbs or equivalent barrier when necessary to protect trees.
- I. Properties having a common property line with the ROW of U.S. Highway 67 shall, in addition to the landscape requirements stated above, construct a landscaped strip along the U.S. Highway 67 ROW that meets all of the following standards. (Ord. No. 2004-207 § 3, 08-10-04)
  1. The landscape strip shall be a minimum of 25-feet in depth and extend from side property line to side property line. The landscape strip may be crossed by driveways and sidewalks but shall otherwise remain landscaped. Compliance with these US 67 landscape standards shall apply to new construction, the expansion of an existing building by 30% or more of its square footage or 3,000 square feet, which ever is less, or upon the conversion of a structure from a residential use to a non residential use. (Ord. No. 2004-207 § 3, 08-10-04)
  2. The landscaped strip shall be fully irrigated with an automatic underground sprinkler system which shall be maintained by the owner in good working condition. (Ord. No. 2004-207 § 3, 08-10-04)
  3. The landscape strip shall include turf, groundcover, shrubbery, flowers and trees and shall be maintained in a neat and orderly fashion. (Ord. No. 2004-207 §3, 08-10-04)
  4. In addition to the trees required by this section above, not less than one tree of at

least four (4) inches in caliper shall be planted and maintained within the landscape strip for every 25-feet of ROW frontage along US 67. All trees to be planted shall be selected from the list of approved trees (see Appendix E).  
(Ord. No. 2004-207 § 3, 08-10-04)

5. When vehicular maneuvering areas or parking areas are located between the building and the landscaped strip, the vehicular maneuvering areas or parking areas shall be screened with a 3-foot tall hedge, earth berm, or masonry wall and shall be designed not to obscure traffic visibility. (Ord. No. 2004-207 § 3, 08-10-04)

#### 5.2.4 Landscaping Standards for Single-Family Districts (Ord. No. 03-156, § 5, 08-26-03)

**A. Applicability** – The regulations contained in this chapter 5.2.4 shall apply to all lots or dwelling sites that are zoned for single family 10,000 square foot lots or smaller, on which a new dwelling is to be constructed.

**B. Minimum Landscaping** - Prior to being occupied, all dwellings meeting the above stated applicability shall be landscaped as herein provided:

- a. **Trees Required** – A sum total of at least 5-caliper inches of trees shall be provided within the street yard. Existing trees that are preserved on the site that are at least 15-foot tall and in a health condition may be used to satisfy this requirement. The caliper inches of existing trees shall be measured 4-feet above the ground. Any trees planted to satisfy this requirement shall meet all the following standards:
  - i. Newly planted trees shall be container grown and a minimum of 3-inch caliper, measured 6-inches above grade;
  - ii. Newly planted trees shall be among the list of “Large or Medium” trees specified within the Cedar Hill approved tree list (see appendix E, Cedar Hill Comprehensive Zoning Ordinance);
  - iii. Newly planted trees shall be warranted by the installer in favor of all subsequent lot owners for a period of not less than one year.
- b. **Foundation Planting Required** – At least one 2-gallon shrub for each 2 linear feet of street facing foundation, less driveways and sidewalks, shall be planted to shield the dwelling foundation from street view. All shrubs planted to satisfy this requirement shall meet all the following requirements:
  - i. Shall be either a shrub listed on the City of Cedar Hill’s “*Approved Plant List*” or shall be a locally adaptable shrub as recommended by a nurseryman;
  - ii. Shall be warranted for a period of not less than one year from the date the dwelling is released by the City for occupancy. This warrantee shall be completely transferable to any subsequent property owner and shall cover the plants and their installation.
- c. **Ground Cover or Grass Required** – The entire street yard, other than driveways, walkways, sidewalks, ponds, gardens, etc., shall be planted in grass or ground cover.

- C. **Relief** – Waivers to the requirement to landscape residential lots shall lie with the P&Z. Waivers shall be considered on a lot by lot basis.
  
- D. **Effect Date** – These regulations shall become effective immediately for any parcel that has not been final platted and filed of record at the county at the passage of this ordinance, however, any lot platted and filed of record at the County prior to the passage of this ordinance shall not be subject to this section 5.2.4 until March 1, 2004.

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**SECTION 5.3 FENCING, WALLS AND SCREENING REQUIREMENTS**

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**5.3.1 Purpose:**

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

**5.3.2 Screening Of Nonresidential And Multi-Family Areas:**

A. In the event that multi-family or non-residential uses side or back upon a single-family or a residential PD district, or in the event that any non-residential district sides or backs to a multiple-family district, a solid brick/masonry screening wall of not less than six feet (6'), nor more than eight feet (8'), in height shall be erected on the property line separating these districts. The purpose of the screening wall or fence is to provide a visual and protective barrier between the properties. The screening of a non-residential use, such as a church, school or other non-residential facility, authorized by this code to be within a zoning district shall provide screening to buffer it from the residential uses. Screening shall be a masonry wall, finished on both sides, located along the common property line and be a minimum of 6-feet in height. The City Council may approve an alternative screen during site plan approval provided the Council is satisfied that the non-residential use is adequately buffered from the adjacent residential property. (Ord. No. 03-143 § 8, 02-25-03)

1. The owner of the multi-family property shall be responsible for and shall build and maintain the required wall on the property line dividing the property from the one or two family zoning. This construction requirement applies only when multi-family is adjacent to residential uses.
2. When screening is required between nonresidential and residential uses, it shall be the responsibility of the nonresidential use to construct and maintain the screening wall.
3. Any screening wall or fence required under the provisions of this Section, under a Conditional Use Permit, Planned Development District, or other requirement shall be constructed of masonry, reinforced concrete, or other similar suitable permanent materials which do not contain openings. All wall or fence openings shall be equipped with gates equal in height and screening characteristics to the wall or fence.
4. Alternative equivalent screening may be approved through the site plan approval process, Section 2.6. (Ord. No. 01-71 § 16, 07-21-01). A conservation buffer, not be less than 50-feet in width, may be approved by Council as alternative equivalent screening provided the owner shall maintain this area in natural condition. (Ord. No. 04-201, § 10, 04-13-04)

B. All required screening walls shall be equally finished on both sides of the wall.

C. Open storage of materials, commodities or equipment shall be screened with a minimum six-foot (6') fence or wall. See Section 5.8 for definition of outside storage. (Ord. No. 01-71 § 17, 07-21-01)

- D. In districts permitting open storage, screening shall be required only for those areas used for open storage. A six-foot (6') screening fence or wall shall be provided and maintained at the property line adjacent to the area to be screened by one or a combination of the following methods:
1. Solid masonry (brick, concrete block or concrete panels)
  2. P.V.C. screening
  3. Wrought iron with solid landscape screening
  4. Alternate equivalent screening may be approved through the site plan approval process under Section 2.6
- E. Wall Standards for screening are as follows:

Masonry screening walls (or other acceptable method of screening) should be constructed between nonresidential and residential uses to help buffer the residential neighborhood, and to minimize pedestrian access to the rear (i.e., service/delivery) portions of the nonresidential buildings (e.g., to discourage children from playing in shopping center service driveways, getting into dumpsters, etc.).

Screening walls should be constructed of low maintenance, high quality materials, which are consistent with the exterior finish of the main building(s) in material and color. Where possible and economically feasible, screening walls around sales, storage, display and service areas, and around dumpster enclosures, should be extensions of the development's architectural design, as well as consistent with the exterior building finish in color and material. Painted or coated screening walls should be avoided due to high maintenance requirements.

No outdoor sales, storage or display (reference Section 5.4.9) may exceed the height of the screening fence or wall. Outdoor sales, storage or display which exceeds eight feet (8') in height shall require a Conditional Use Permit (see Section 3.20).

- F. Refuse storage areas which are not within a screened rear service area and which are visible from a public right-of-way for all nonresidential and multi-family uses shall be visually screened by a minimum six-foot (6') solid masonry wall on at least three sides (see Illustration 11) for refuse container enclosure diagrams). The fourth side, which is to be used for garbage pickup service, may provide an optional gate to secure the refuse storage area. Alternate equivalent screening methods may be approved through the site plan approval process, Section 2.6. Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies. Adequate reinforced paved areas shall be provided for refuse facilities and their approaches for loading and unloading.
- G. Plans and specifications for screening and/or fencing around ground-mounted utility structures (e.g., transformers, natural gas regulating stations, etc.) shall be approved in writing by the affected utility company, and shall be submitted, along with an approval letter/document from the utility company, to the Planning and Zoning Administrator (or his designee) for review and approval prior to construction of said screening/fencing.

### **5.3.3 Fences In Residential Areas:**

- A. Any fence or wall located to the rear of the minimum required front yard line shall not exceed eight feet (8') in height.



- B. Except as provided by (C) below, no fence or wall shall be permitted in front of any single-family or townhouse structure except platted lots within the Rural Residential district where the fence may be constructed to the front property line. No fence shall be erected in any front yard or side yard which is adjacent to a public street. No residential fence shall be closer than twenty feet (20') to a public street except in cases where the side or rear building line of the yards on continuous corner lots adjoin the fence may be constructed out to the property line of said side yard.
- C. Decorative fences with openings not less than fifty percent (50%) of the fence area and not exceeding three feet (3') in height are permitted in front yards. Chain link, woven wire mesh or similar materials are not considered decorative fencing.
- D. No barbed wire or high voltage electrical fencing shall be allowed except as used for farm or ranching purposes on undeveloped land over three (3) acres in size.
- E. Gates designed for vehicular access shall be set back from the property or right-of-way line a minimum of twenty feet (20'), and shall have gates designed to swing inward and away from the property or right-of-way line. If gates are to be of the sliding type, they shall operate (i.e., slide) fully within the property into which the gates give access, and they shall not encroach (i.e., project or slide over) any neighboring property line or street/alley right-of-way line.
- F. Fences around swimming pools shall comply with the Standard Swimming Pool Code.
- G. See Section 5.4.10 for sight visibility requirements.
- H. Special purpose fencing, such as fencing around tennis courts, is permitted.

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**SECTION 5.4 SUPPLEMENTAL REGULATIONS**

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**5.4.1 Setbacks and Lot Configuration:**

- A. **Measuring Setbacks** - All setback measurements shall be made in accordance with Illustrations 6, 7, and 8.
- B. **Configuration of Lots** - Wherever possible, flag lots (i.e., lots with minimal, or panhandle type, frontage) shall be avoided. Similarly, through (i.e., double frontage) lots (particularly within residential zoning districts) shall also be avoided wherever possible. (Also see Subdivision Ordinance for regulations pertaining to the configuration of lots.)

**5.4.2 Front Yard:**

- A. On all corner lots, the front yard setback shall be observed along the frontage of both intersecting streets, unless approved specifically otherwise on a final plat. Where single-family and townhouse lots have double frontage, extending from one street to another, or are on a corner, a required front yard shall be provided on both streets unless a side or rear yard building line has been established along one frontage on the plat, in which event only one required front yard need be observed. The side and/or rear yards in the case of single-family and townhouse uses shall be identified and the front of the structure shall not face the side or rear yard (see Illustration 9).
- B. Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage (see Illustration 3).
- C. The front yard shall be measured from the property line to the front face of the building, to the nearest supporting member of a covered porch or terrace, or to any attached accessory building. Eaves and roof extensions or a porch without posts or columns may project into the required front yard for a distance not to exceed four feet (4'), and subsurface structures, platforms or slabs may not project into the front yard to a height greater than thirty inches (30") above the average grade of the yard (see Illustration 4).
- D. Lots fronting on the bubble portion of a cul-de-sac or “eyebrow” of a street shall have a minimum lot width of 70-feet unless a lesser lot width is specified for the zoning district in which the lot is located. Measurement of the width of such lots shall be in a straight line from the points of the intersection of the building line with the side lot line. (See Illustration 6) (Ord No. 02-103 § 1, 03-26-02)
- E. Gasoline service station pump islands that parallel a public street may be located a minimum of eighteen feet (18') to the property line adjacent to a public street. For pump islands that are perpendicular or diagonal to a public street, the setback shall be thirty feet (30') in order to prevent vehicles stacking out into the street while waiting for a pump position. Pump islands may extend beyond the front building line as described above (provided that all other requirements of this Ordinance are met), but shall not be closer than fifteen feet (15') to any property line that is not adjacent to a public street.
- F. Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front, side, or rear yard shall be measured from the future right-of-way line.

### 5.4.3 Side Yards:

- A. On a corner lot used for one or two-family dwellings, both street exposures shall be treated as front yards on all lots, except where one street exposure is designated as a side yard and separated from the adjacent lot by an alley. In such case, a building line may be designated on the final plat by the Planning and Zoning Administrator, or designee, with a minimum side yard of fifteen feet (15'). On lots which were official lots of record prior to the effective date of this Ordinance, the minimum side yard adjacent to a side street shall comply with the minimum required side yard for the respective district.
- B. Every part of a required side yard shall be open and unobstructed except for the ordinary projections of window sills, belt courses, cornices, and other architectural features not to exceed twelve inches (12") into the required side yard, and roof eaves projecting not to exceed thirty-six inches (36") into the required side yard. Air conditioning compressors and similar equipment are permitted in the side yard.
- C. Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front, side, or rear yard shall be measured from the future right-of-way line.

### 5.4.4 Special Height Regulations:

- A. In the districts where the height of buildings is restricted to two (2) or two and one-half (2.5) stories, cooling towers may extend for an additional height not to exceed fifty feet (50') above the average grade line of the building. Water stand pipes and tanks, church steeples, domes and spires, school buildings, and institutional buildings may be erected to exceed the height limit, specified in the particular zoning district, provided that one (1) additional foot shall be added to the width and depth of front, side, and rear yards for each foot that such structures exceed the district height limit. (Ord. No. 2004-208 § 3, 06-22-04)
- B. In any district where a structure is permitted to be constructed above two (2) stories, an additional setback shall be required from any existing single-family residential use or zoning district. The additional setback shall be two feet (2') for every one foot (1') in height above two (2) stories from the single-family district boundary line or property line, whichever is closer. A Conditional Use Permit shall be required for any request involving a building taller than the maximum height allowed in a non-residential district. (Ord. No. 2004-208 § 3, 06-22-04)

#### 5.4.5.1 Telecommunications Facilities

Except for facilities listed in Section 5.4.6.A, in all districts in which telecommunications facilities are authorized and in addition to use limitations contained in Article 4, the following standards and procedures apply to such uses.

#### A. Definitions.

1. Antenna: A metallic, graphite, fiberglass or other device which is attached to a transmission tower, cellular tower, monopole, mast, building or other structure for transmitting and receiving electromagnetic waves.
2. Building-mounted facility: A telecommunications facility in which antennas are mounted to the roof or facade of a building.
3. Cellular Communications Facility: A telecommunications facility, including but not limited to

an antenna or tower.

4. Lattice tower: A guyed or self-supporting three- or four-sided, open steel frame structure used to support telecommunications equipment.
5. Monopole: A single, self-supporting vertical pole with no guy wire anchors, usually consisting of a galvanized or other unpainted metal or a wooden pole, with below grade foundations that is intended to support antennas necessary to deliver and receive cellular or personal communications services transmissions.
6. Telecommunications tower: A free-standing structure consisting of a support structure, antenna and associated equipment. The support structure may be a wooden pole, monopole, lattice tower, light standard or other vertical support.
7. Telecommunications facility: An unmanned facility consisting of equipment for the reception, switching or receiving of wireless telecommunications.

#### **B. Height and Setback Standards For Telecommunications Towers**

1. Except as provided in Section 5.4.5.1.B.2, the height of a telecommunications tower, excluding antenna array, shall be a function of distance of the tower from any residential use, and shall be subject to the following standards:

- a. No tower shall be erected within two hundred (200) feet of any residential use.
- b. The height of the tower shall not exceed seventy-five (75) feet in height, if the tower is located two hundred (200) or more feet and less than two hundred fifty (250) feet from any residential use.

The height of the tower shall not exceed one hundred (100) feet in height, if the tower is located two hundred fifty (250) or more and less than five hundred forty (540) feet from any residential use.

The height of the tower shall not exceed one hundred twenty (120) feet in height, if the tower is located five hundred forty (540) feet or more from any residential use.

Only monopole towers shall be allowed within five hundred forty (540) feet of any residential use.

The antenna array shall not exceed the allowed tower height by more than ten (10) feet.

- g. All guys and guy anchors shall be set back a minimum of twenty (20) feet from any property line.

The tower shall be erected and operated in compliance with current Federal Communication Commission and other applicable federal and state standards.

2. The height limitations in Section 5.4.5.1.B.1 shall not apply in the following circumstances:
  - a. There are no more than two residential uses within two hundred (200) feet of the tower base.
  - b. The proposed tower is erected to replace existing poles and either:
    - i) The pole replaced is a functioning utility pole or light standard within a utility easement or public right-of-way, recreation facility light pole or telecommunication tower; or
    - ii) Replacement tower height, including antenna array, does not exceed:
      - (a) The height of the original utility, light standard, or recreation facility pole by more than ten (10) feet; and
      - (b) The replacement tower does not obstruct a public sidewalk, public alley, or other public right-of-way, and
      - (c) Pole function is not significantly altered.
  - c. Towers erected to be used by a public agency, including those for police, fire, EMS, 911, or other similar public emergency communications for the city.
3. For the purpose of applying the restrictions set forth in section 5.4.5.1.B.2 subsections (a), (b), and (c), the term “residential use” has the meaning set forth in Section 4.1.2, use charts, but excludes property that is:
  - a. Vacant and unplatted; or
  - b. Used as a college dormitory.
4. Distances in this section shall be measured along a single straight line between the center of the tower base and the nearest point on any property line of a residential zoning district or use.

#### **Building-mounted Facilities**

Antennas on the rooftop or above a structure shall be screened, constructed and/or colored to match the structure to which they are attached and may not exceed the height of the rooftop or structure by more than ten (10) feet.

Antennas mounted on the side of a building or structure shall be painted to match the color of the building or structure or the background against which they are most commonly seen.

Antennas may be located wholly within any building authorized in the zoning district.

If an accessory equipment shelter is present, it must blend with the surrounding building(s) in architectural character or color.

**Landscaping.** The entire facility must be aesthetically and architecturally compatible with its environment. The telecommunications tower itself must be camouflaged to blend with the surrounding environment through the use of color, materials and design. The entire facility and its landscape must be maintained in accordance with Section 5.2 of these zoning district regulations. A sample of the intended design must be submitted to the city at the time of application.

**Accessory Buildings.** A single-story unmanned accessory building of no more than three hundred (300) square feet gross floor area is permissible to store equipment needed to send and to receive transmissions but may not include offices or long term storage of vehicles.

**Inspections.** The city reserves the right to make inspections of any telecommunication facility within corporate limits of the city to ensure structural integrity. Based upon the results of the inspection, the city may require repair or removal of the telecommunications facility.

**Application Requirements.** Any person, firm, corporation, or any other entity desiring to build a telecommunication facility within the corporate city limits of the city must obtain a building permit, pay appropriate fees and submit a signed application that includes all materials and information detailed herein.

Name of applicant.

Address of applicant.

Location of proposed site.

Type of support structure and antenna and height.

Photos and/or drawings of all equipment, structures and antennas.

Names and addresses of telecommunication providers or users of the proposed tower or antenna.

Applicants master antenna/tower plan for the city and surrounding area, if necessary.

Detailed account of co-location efforts.

If a new tower is allowed, the owner must certify in writing a willingness to allow co-location at the new site, as well as the technological and fiscal feasibility of co-location.

Any other requirement of this ordinance.

**Application Fee.** The city will charge an application fee of one hundred dollars (\$100.00) for telecommunications towers located within the corporate city limits of the city.

#### **5.4.5.2 Broadcast Towers and Antennas.**

Except for facilities listed in Section 5.4.6.A, in all districts in which broadcast towers and antennas are authorized and in addition to use limitations contained in Article 4, the following

standards and procedures apply to such uses.

**A. Design Requirements:**

1. The tower and guy wires must all be located on same tract of land.
2. All tower properties shall be surrounded by a fence. Tower base and guy anchors should be protected by a six (6) foot tall fence with at least 3 strands of barbed wire on top. All fences shall be kept in good repair.
3. All towers to be constructed shall be able to support equipment that is capable of transmitting 5 television broadcast signals and 10 FM broadcast signals.
4. All antennas required by this section shall be located at or above 1,800 feet above sea level.
5. A panel antenna maybe used to meet the FM broadcast signal requirements.
6. A tower cross section showing antenna types and locations shall be provided by the applicant.
7. Steel Antenna Towers and Antenna supporting structures shall be designed and engineered in compliance with Ansi/TIA/EIA-222-F-1996, or to current design standard.

**B. Site Plan Required.** A site plan must be submitted showing the following:

1. Property boundaries and adjacent property lines and streets.
2. Tower and guy wire locations.
3. Building location and square feet.
4. Drive and parking area location and material.
5. Fence locations with height and material specified.
6. Tower cross section showing antenna types and location with elevations above sea level specified.

**C. Building Permit Required.** A building permit is required before adding or replacing any antenna, transmission line, or appurtenance involving a 3 inch or larger line. A permit is also required for adding or replacing antenna or transmission line located more than 500 feet above the tower base. In addition to all other requirements, an applicant for a building permit shall submit the following:

1. A certification signed and sealed by a registered Engineer of the State of Texas attesting to structural integrity of the tower as it is planned to be loaded and during all points of construction. The certification shall include a written description of the method, materials, equipment, tools, and personnel to be used in the installation of the antenna and a statement that the tower is structurally capable of withstanding such construction activities.
2. Provide city with projected fall pattern for all new towers.

3. An indemnity agreement approved by the City Attorney.
4. For tower applications, FAA’s Determination of No Hazard to Air Navigation.
5. In addition to the requirements of this Section 5.4.5.5.C, the requirements of Section 5.4.5.1.A.2 and Section 5.4.6 apply to applications for a building permit for existing towers.

#### **5.4.6 Regulations Applicable to All Towers & Antenna**

##### **A. Applicability**

1. The following regulations apply to all commercial and amateur antennae and support structures, unless expressly exempted in subsection 2. A building permit shall be required prior to erection or installation of any antenna, antenna support structure and related structures/equipment, except for those facilities expressly exempted in subsection 2.
2. The following types of direct broadcast satellite reception antennae, multi-channel multi-point distribution (as defined by the FCC) antennae, television reception antennae, or amateur radio antennae that are not mounted on a pole or mast that is twenty feet (20') or more in height are exempt from the regulations in this section, except as provided in subsection 3.
  - a. Antennae that are one (1) meter or less in diameter in residential zoning districts, and antennae that are two (2) meters or less in diameter, in non-residential zoning districts;
  - b. Antennae designed to only receive television broadcasts;
  - c. Amateur radio antennae concealed behind or located upon or within attics, eaves, gutters or roofing components of the building; and
  - d. Amateur radio ground-mounted whips and wire antennae.
3. The regulations contained in Sections 5.4.6.D.1, 5.4.6.D.5, and 5.4.6.D.11, apply to all commercial and amateur antennae and support structures.

##### **B. Modifications & Maintenance**

1. Steel antenna towers and antenna supporting structures shall submit to the City a structural analysis performed by a registered professional structural engineer whenever there is a change in antennas, and/or appurtenances, involving 3 inch or larger transmission lines.
2. Owners of towers shall perform periodic tower inspection and maintenance to assure safety and extend the tower’s service life. Commencing in 1998 for existing guyed towers approved during or prior to 1995 and for existing monopoles and self-supporting towers approved during or prior to 1993, a major inspection of each tower shall be performed, and thereafter, every 3 years for guyed towers and every 5 years for



monopoles and self supporting towers. For guyed towers approved after 1995, inspections shall commence 3 years from the date of approval of the building permit authorizing construction of the tower and every 3 years thereafter. For monopoles and self-supporting towers approved after 1993, inspections shall commence 5 years from the date of approval of the building permit authorizing construction of the tower and every 5 years thereafter.

3. A report containing information on the following items shall be submitted to the City upon completion of each inspection:
  - a. A tower inspection crew is to be hired by the tower owner to perform the tower inspection.
  - b. Tower inspection crews shall use a City-provided inspection report (see forms provided by the City).
  - c. The inspection crews report will then be reviewed by a registered professional engineer familiar with tower construction to review the report and make repair recommendations.
  - d. The registered professional engineer will then submit a letter to the city verifying that the repairs have been made to the tower.
  - e. The tower inspection crew and registered professional engineer shall be hired by the tower owner and be an independent contractor.
  - f. Once the inspection process is completed, the tower owner shall provide the city with the tower inspection report, engineer repair recommendation letter, engineer repairs and maintenance completed letter.

**C. Nonconformity & Termination of Use.** Towers and antennas which are not in use for six (6) months shall be deemed abandoned and shall be removed by the owner of the facility within ninety (90) days of the end of such six-month period. Upon removal, the site shall be re-vegetated to blend with the existing surrounding vegetation., and otherwise shall be returned to its original condition.

**D. General Requirements**

1. No amateur or commercial antenna, antenna support structure, microwave reflector/antenna, or associated foundations or support wires or appurtenances shall be located within any required setback area for the front, side or rear yards.
2. All antennae and support structures must meet or exceed the current standards and regulations of the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), and/or all other applicable Federal, State and local authorities. If those standards change, then the owner/user of an antenna or support structure must bring the antenna/structure into compliance within six (6) months or as may otherwise be required by the applicable regulating authority.
3. All installations shall comply with applicable Federal, State and local building codes

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

4. Antennae (amateur or commercial) shall not create electromagnetic or other interference with the City of Cedar Hill's and the County's radio frequencies and public safety operations, as required by the FCC. Antennae also shall not interfere with radio or television reception of nearby property owners. In no manner shall the use of such equipment infringe upon adjoining property owners.
5. No antenna or support structure shall be located so as to create a visual obstruction within critical visibility areas (such as at street intersections or where a private driveway enters a roadway) or a traffic safety problem.
6. Safeguards shall be utilized to prevent unauthorized access to an antenna installation (e.g., on a water tower or utility structure, a freestanding installation, etc.). Safeguards include certain devices identified/recommended by the manufacturer of the antenna or support structure, a fence, a climbing guard, or other commercially available safety devices. Climbing spikes, if utilized, shall be removed immediately following use.
7. Temporary antennae shall only be allowed in the following instances:
  - a. In conjunction with a festival, carnival, rodeo or other special event/activity.
  - b. In case of an emergency (e.g., severe weather, etc.) or a news coverage event;
  - c. When needed to restore service on a temporary basis after failure of an antenna installation. The City must be notified within 72 hours of the placement of a temporary antenna. If the temporary antenna is to be needed for more than seven (7) days, then the owner/user must apply for and acquire a permit for the temporary installation on or before the eighth (8th) day following initial placement of the antenna.
8. Collocation is greatly encouraged by the City.

All new support structures over fifty feet (50') in height shall be constructed to support antennae for at least two carriers, unless the structure is an alternative or stealth design, or the support structure is replacing an existing utility structure or light standard. Sufficient area for associated structures and equipment shall also be provided.

- b. A support structure which is modified or reconstructed in order to accommodate collocation shall be of the same type, design and height as the existing structure, and it may be moved on the same property within fifty feet (50') of its original location provided that it is not moved any closer to residentially zoned property (if the structure was allowed by CUP, then its new location shall be within the physical/land boundaries of the CUP). The original (i.e., former) support structure shall be removed from the property within ninety (90) days following completion of the new structure.

- c. Where an additional antenna is to be attached to an existing support structure that already has an antenna mounted upon it, the new antenna shall comply with and be compatible with the design of the existing antenna on the collocated structure.
9. Support buildings and equipment storage areas/buildings shall be screened from public view if mounted on a rooftop. When ground mounted, they shall meet all applicable front, side and rear yard setback requirements of the applicable base zoning district. They shall also be of a neutral color and shall use exterior finish colors and materials that are compatible with nearby structures. –They shall be screened from public view by a dense, opaque evergreen landscaped screen with an initial planting height of three feet (3'), and which will attain an ultimate height of six feet (6') at maturity. A six-foot (6') solid masonry wall may be used in lieu of the landscaped screen provided exterior finish materials are compatible with nearby structures. The use of a wood fence for screening is prohibited, and wrought iron or chain link may only be used in conjunction with a landscaped screen as specified above.
10. Satellite dishes and other similar antennae shall be permitted on the roof of a building, as long as satellite dishes do not exceed one meter (39") in diameter and antennae do not extend over twelve feet (10') above the roof of the building. A letter certifying the roof's/building's structural stability shall be written and sealed by a registered architect or engineer, and shall be submitted to the City Manager, or his/her designee, prior to any approval of a roof-mounted antenna. Roof-mounted antennae that comply with the provisions of these regulations do not require additional yard setbacks or setbacks from residential areas or dwellings. (Ord. No. 2006-276 § 20, 01-10-06)
11. Only one (1) amateur antenna/support structure shall be permitted per residential lot, except that a maximum of two (2) satellite dishes may be allowed if both units are no larger than one meter (39") in diameter (only one allowed if over one meter in diameter). Satellite dishes in any residential district shall not exceed twelve feet (12') in diameter, and must be permitted by the City Manager or his/her designee.
12. All commercial signs, flags, lights and attachments other than those required for emergency identification, communications operations, structural stability, or as required for flight visibility by the FAA and/or FCC shall be prohibited on any antenna or antenna support structure. However, lights may remain or be placed upon light standards that are altered or replaced in order for them to serve as antenna support structures provided that said lights are not commercial (i.e., for-profit) in nature, and provided that said lights are placed/replaced as the same size, configuration, number of bulbs, degree of luminance, etc. as they previously existed prior to support structure modification/replacement.

#### **5.4.7 Adult Entertainment Establishment Regulations (Sexually Oriented Businesses)**

##### **A. Purpose.**

1. The regulations established herein are intended to ensure that the adverse effects created by Adult Entertainment Establishments are minimized and controlled so as not to cause

or contribute to crime, increased blighting, or downgrading of adjacent property and the surrounding neighborhood by restricting their proximity to public parks, schools, hospitals, churches, certain governmental and civic facilities, and residentially zoned areas.

2. The regulations established herein are intended to protect and preserve the quality, property values, integrity and character of the cities neighborhoods and commercial districts, deter the spread of urban blight, and protect the citizens of Cedar Hill from objectionable effects of Adult Entertainment Establishments.
  3. It is the intent of this Article to prevent the concentration of Adult Entertainment Establishments within the City of Cedar Hill, Texas. The provisions of this Article are not intended to impose a limitation or restriction on the content of any communicative materials, or restrict or deny access by adults to sexually oriented material protected by the First Amendment of the Constitution of the United States, nor to deny access by distributors of sexually oriented entertainment to their intended market.
- B. Definitions.** The following definitions shall be applied to determine whether or not sexually oriented commercial activities exist or are proposed and are, therefore, subject to the regulations of this article.
1. **Adult arcade** means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by the depicting or describing of “specific sexual activities” or “specified anatomical areas.”
  2. **Adult bookstore or adult video store** means a commercial establishment, which, as a primary business, offers for sale or rental for any form of consideration only one (1) or more of the following:
    - a. Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, videocassettes or other video reproductions, slides or other visual representations which depict or describe of “specific sexual activities” or “specified anatomical areas”; or
    - b. Instruments, devices, or paraphernalia that are designed for use in connection with “specified sexual activities.”
  3. **Adult cabaret** means a nightclub, bar, restaurant, or similar commercial establishment that regularly features:

Persons who appear in a state of nudity; or  
Live performances which are characterized by the exposure of “specific sexual activities” or “specified anatomical areas”;  
Films, motion pictures, videocassettes, slides, or other photographic reproductions, which are characterized by the depiction or description of “specific sexual activities” or “specified anatomical areas”.
  4. **Adult motel** means a hotel, motel, or similar commercial establishment which:
    - a. Offers accommodations to the public for any form of consideration, provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of sexual activities or anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this adult type photographic

- reproductions; or
- b. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
  - c. Allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than ten (10) hours.
  - d. Evidence that a sleeping room in a hotel, motel, or similar commercial establishment has been rented and vacated two (2) or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the business is an adult motel.
5. ***Adult motion picture theater*** means an enclosed building or outdoor screen presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to 'specified sexual activities' or "specified anatomical areas" for observation by patrons of such establishments, and which offers such materials for at least any one hundred twenty (120) days in a twelve-month period.
  6. ***Adult theater*** means a theater, concert hall, auditorium, or similar commercial establishment, which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of “specific sexual activities” or “specified anatomical areas”.
  7. ***Nude live entertainment club*** means any bar, club, theater, lounge, or establishment which offers live nude entertainment by dancers, models, actors, actresses, players, waitresses or waiters. Nude live entertainment shall mean live human dancers, models actors, actresses, players, waitresses, or waiters whose pubic area, buttocks, or genitals are exposed to the view of patrons at any time.
  8. ***Nude model studio*** means any place where a person who appears in a state of nudity or displays “specified anatomical areas” is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.
  9. ***Nudity or nude*** means the appearance of a human bare buttock, anus, male genitals, female genitals, or female breast.
  10. ***Sexually oriented business*** means an adult arcade, adult bookstore, or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio or sexual encounter center.
  11. ***Sexually oriented business activities*** means a massage parlor, nude studio, modeling studio, adult bookstore, adult movie theater, adult video arcade, adult movie arcade, adult video store, adult motel, or other commercial enterprises the primary business of which is the offering of a service or the selling, renting, or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer.
  12. ***Specified anatomical areas*** means less than completely covered human genitals, pubic region, buttocks, and female breast below a point immediately above the top of the areola.
  13. ***Specified sexual activities*** means:
    - (1) Human genitals in a state of simulated sexual stimulation of arousal;
    - (2) Acts of human masturbation, sexual intercourse or sodomy;
    - (3) Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast;
    - (4) “Sexual intercourse”, “sexual contact”, or “deviate sexual intercourse” as defined in Section 21.01, Texas Penal Code.

### C. Location.

1. It shall be unlawful to operate an Adult Entertainment Establishment, as herein defined, within the City of Cedar Hill unless such use is located on property zoned to the Industrial District of the City of Cedar Hill.
2. Adult Entertainment Establishments shall be subject to, and comply with, the rules and provisions of the building code, fire code, or any other applicable code or ordinance of the City of Cedar Hill. Where conflict exists between the prescriptions established in this Article and requirements of the building code, fire code, or any other applicable code or ordinance of the City of Cedar Hill, the more restrictive requirements shall apply.
3. An Adult Entertainment Establishment shall be located as herein defined:
  - a. Shall not be located or expanded within one thousand (1,000) feet of any residentially zoned property or residence; and
  - b. Shall not be located or expanded within one thousand (1,000) feet of any other Adult Entertainment Establishment; and
  - c. Shall not be located or expanded within one thousand (1,000) feet of any church, synagogue or temple, civic facility, hospital, school or public park, as such uses are defined by this ordinance, or any day care center, day nursery or kindergarten operating under authorization of a Special Use Permit approved by the City of Cedar Hill.
  - d. Shall not be located or expanded within five hundred (500) feet of the U. S. Highway 67 right-of-way.
  - e. Measurements pursuant to this section shall be made in a straight line, without regard to intervening structures or objects, from the nearest property line of the premises of an Adult Entertainment Establishment to:
    - (1) The nearest boundary of a residential district or property line of a residence.
    - (2) The nearest property line of the premise of any other Adult Entertainment Establishment.
    - (3) The nearest property line of the premises of a church, synagogue, temple, civic facility, hospital, school, public park, day care center, day nursery, or kindergarten.
    - (4) The nearest property line of U.S. Highway 67 right-of-way.

### D. License.

1. **Definitions:** The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
  - a. **Licensee** means a person on whose name a license to operate a sexually oriented business has been issued, as well as any and all individuals listed as applicants on the application for a license.
  - b. **Person** means an individual, proprietorship, partnership, corporation, association, or other legal entity.
2. **License required.**
  - a. A person commits an offense if he operates a sexually oriented business without obtaining a valid license issued by the city for such business.
  - b. An application for a license must be made to the city secretary on the form prescribed by that official. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of the total floor space occupied by the total business and total floor space occupied by the sexually oriented business portion of the business. The sketch need not be professionally prepared, but it must show the interior dimensions of the business to an accuracy of

plus or minus six (6) inches.

- c. The applicant must be qualified according to the provisions of this chapter, and all state laws governing the business affairs of the respective establishment, including by way of example but not by way of limitation, the Texas Alcoholic Beverage Code, either currently in existence or enacted hereafter. The premises must be inspected and found to be in compliance with all applicable laws and ordinances by the health department, fire department and code enforcement department. Application must be approved by the chief of police and city manager or designated representative.
- d. If a person who wishes to operate a sexually oriented business is an individual, he must sign the application for a license as the applicant. If the person who wishes to operate a sexually oriented business is not an individual, each individual who has a twenty (20) percent or greater interest in the business must sign the application for a license as the applicant. Each applicant must be qualified under this article, and each applicant shall be considered a licensee if a license is granted.
- e. Acquisition of a license under this article is a separate and distinct requirement from any other licensing requirement. Possession of some other license shall not relieve a person of the requirement to obtain a license pursuant to this article.

### 3. **Issuance of License.**

- a. All applications for a license under this article shall be accompanied by a nonrefundable application fee of one hundred dollars (\$100.00). An application shall not be considered to have been filed until the fee is paid and all information required by the application form has been submitted.
- b. Upon approval by the city manager or his designated representative the city secretary shall issue the license to an applicant within thirty (30) days of the filing of the application, unless he finds one (1) or more of the following to be true:
  - (1) An applicant is under eighteen (18) years of age;
  - (2) An applicant or applicant's spouse is overdue in his payment to the city of taxes, fees, fines or penalties assessed against him or imposed upon him in relation to a sexually oriented business;
  - (3) An applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form;
  - (4) An applicant or an applicant's spouse has been convicted of a violation of a provision of this section, other than the offense of operating a sexually oriented business without a license, within two (2) years immediately preceding the application. The fact that a conviction is being appealed shall have no effect.
  - (5) An applicant is residing with a person who has been denied a license by the city to operate a sexually oriented business within the preceding twelve (12) months or residing with a person whose license to operate a sexually oriented business has been revoked within the preceding twelve (12) months.
  - (6) The premises to be used for the sexually oriented business have not been approved by the health department, fire department, or code enforcement department as being in compliance with applicable laws, ordinances and Chapter 21 of the Texas Penal Code;
  - (7) An applicant or applicant's spouse has been convicted of a crime involving:
    - (a) Any of the following offenses, as described in Chapter 43 of the Texas Penal Code:
      - (i) Prostitution;
      - (ii) Promotion of prostitution;

- (iii) Aggravated promotion of prostitution;
  - (iv) Compelling prostitution;
  - (v) Obscenity;
  - (vi) Sale, distribution or display of harmful material to a minor;
  - (vii) Sexual performance by a child;
  - (viii) Possession of child pornography.
- (b) Any of the following offenses, as described in Chapter 21 of the Texas Penal Code;
- (i) Public lewdness;
  - (ii) Indecent exposure;
  - (iii) Indecency with a child;
- (c) Sexual assault or aggravated sexual assault, as described in Chapter 22 of the Texas Penal Code;
- (d) Incest, solicitation of a child or harboring a runaway child, as described in Chapter 25, of the Texas Penal Code;
- (e) Criminal attempt, conspiracy or solicitation to commit any of the following offenses:
- (i) Prostitution;
  - (ii) Promotion of prostitution;
  - (iii) Aggravated promotion of prostitution;
  - (iv) Compelling prostitution;
  - (v) Obscenity;
  - (vi) Sale, distribution or display of harmful material to a minor;
  - (vii) Sexual performance by a child;
  - (viii) Possession of child pornography;
- (f) A similar crime to those described herein in a jurisdiction other than Texas for which:
- (i) Less than two (2) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is a misdemeanor offense;
  - (ii) Less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two (2) or more misdemeanor offenses occurring within any twenty- four (24) month period.
- c. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or applicant's spouse.
- d. An applicant who has been convicted or whose spouse has been convicted of an offense listed in subsection (b) (7) may qualify for a sexually oriented business license only when the time period required by subsection (b)(7) has elapsed.
- e. The license, if granted, shall state on its face the name of the persons to whom it has been granted, the expiration date and the address of the sexually oriented business. The license shall be posted in a conspicuous place at or near the entrance to the sexually oriented businesses so that it can be easily read at any time. The license is effective for only the location stated in the application and is not transferable to other locations.
- 4. Expiration.**
- a. Each license issued pursuant to this section shall expire on December thirty-first of each year. A license may be renewed by submission to the city secretary of an application on the form prescribed by such official and payment of a non- refundable procession fee of one hundred dollars (\$100.00) at least thirty (30) days in advance of



the expiration date. The renewal application must be reviewed in accordance with the same standards and requirements for an original license application as set out in subsection 3.

- b. When a renewal application is denied, the applicant shall not be issued a license for one (1) year from the date of the denial. If subsequent to denial, the city secretary finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least ninety (90) days elapsed since the date the denial became final.
- c. The denial of a license renewal may be appealed in the same manner as a license suspension or revocation.

**5. Fees.**

- a. The license fee shall be one thousand dollars (\$1,000.00) per year to operate a sexually oriented business.
- b. Payment of another license fee required by the city, state or any other entity shall not exempt the person from payment of the fee set out in this section. Nor shall payment of the license fee prescribed in this section exempt the person from payment of any other license fee.

**6. Suspension of license.** The City Manager or his designated representative shall suspend a license for a period not to exceed thirty (30) days if he determines that a license or an employee of a licensee has:

- (1) Violated or is not in compliance with sections of this article;
- (2) Engaged in the use of alcoholic beverages or controlled substances while on the sexually oriented business premises;
- (3) Refused to allow an inspection of the sexually oriented business premises, as authorized by this section;
- (4) Knowingly permitted gambling by any person on the sexually oriented business premises;
- (1) Licensee or employee of a licensee acts knowingly or with knowledge, with respect to the nature of his conduct or to circumstances surrounding his conduct when he is aware of the nature of his conduct or that the prohibited circumstances exist or that he ought to be aware of a substantial and unjustifiable risk that the prohibited circumstances exist or the results will occur and the licensee or employee of the licensee fails to take necessary steps to prohibit or protect against the prohibited circumstances or risk.

- e. Demonstrated inability to operate or manage a sexually oriented business in a peaceful and law-abiding manner.

**7. Revocation.**

- a. The city manager or his designated representative shall revoke a license if a cause for suspension in subsection 6 (above) occurs, and the license has been suspended within the preceding twelve (12) months.
- b. The city manager or his designated representative shall revoke a license if he determines that:
  - (1) A licensee gave false or misleading information in the material submitted during the application or license renewal process;
  - (2) A licensee or an employee has knowingly allowed possession, use or sale of a controlled substance on the premises;
  - (3) A licensee or an employee has knowingly allowed prostitution on the premises;

- (4) A licensee or an employee has knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended.
  - (5) A licensee has been convicted of an offense listed in section D.3(b)(7)(a), for which the time period required in section D.3(b)(7)(b) has not elapsed;
  - (6) On two (2) or more occasions within a twelve-month period, a person committed an offense, occurring in or on the licensed premises of a crime listed in section D/3(b)(7)(a), for which a conviction has been obtained; and the person or persons were employees of the sexually oriented business at the time the offenses were committed;
  - (7) A licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation or sexual contact to occur in or on the licensed premises. The term 'sexual contact I shall have the same meaning as it is defined in Section 21.01, Texas Penal Code; or
  - (8) A licensee is delinquent in payment to the city of hotel occupancy taxes, ad valorem taxes or sales taxes related to the sexually oriented business.
- c. The fact that a conviction is being appealed shall have no effect and the revocation of the license.
  - d. Subsection (b)(7) above does not apply to adult motels as a grounds for revoking the license, unless the licensee or employee knowingly allowed the act of sexual intercourse, sodomy, oral copulation, masturbation or sexual contact to occur in a public place or with public view.
  - e. When the City Manager or his designated representative revokes a license, the revocation shall continue for one (1) year; and the licensee shall not be issued a sexually oriented business license for one (1) year from the date the revocation became effective. If, subsequent to the revocation, the City Manager or designated representative finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date the revocation became effective. If the license was revoked under subsection (b)(5) above, an applicant may not be granted another license until the appropriate number of years required under section D.3(b)(7)(b) has elapsed since the termination of any sentence, parole or probation.
8. **Appeal.**
- a. If a license under this article is denied, suspended or revoked, the applicant shall be informed of that action in writing in a notice that also states the basis for the action. The aggrieved party may appeal that action to the city council by filing a notice of appeal with the city secretary's office within ten (10) days of receiving the notice of the decision to deny, suspend or revoke the license. In the notice of appeal, the appealing party shall clearly set out his reasons for believing that the action to deny, suspend or revoke the license was in error.
  - b. After an appeal is filed, the city council shall conduct a public hearing on the appeal within thirty (30) days. Within thirty (30) days of closing the public hearing, the city council shall make its decision on the appeal. A written notice stating out the council's decision shall be given to the appealing part. If the council fails to act within the time frame stated herein, the denial, suspension or revocation of the license shall be overturned.
9. **Transfer.** A licensee shall not transfer his license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the application.

10. **Injunction.** A person who operates or causes to be operated a sexually oriented business without the license required under this section is subject to a suit for injunctions, as well as prosecution for criminal violations.
11. **Defense to prosecution.** It is a defense to prosecution under section B., that each item of descriptive printed, film or video material offered for sale or rental, taken as a whole, contains serious literary, artistic, political or scientific value.

**5.4.8 Open Storage Areas:** Open storage of materials, commodities or equipment shall be located behind the front building line and observe all setback requirements for the main structure or building. This standard does not apply to outside display (see definition of outside display in Section 5.8).

**5.4.9 Outdoor Sales, Storage and Display:**

- A. In the Local Retail (LR) district, outdoor sales, storage or display shall not be permitted within the street yard. It shall not exceed the following percentages of the gross floor area of the building or business establishment: (Ord. 2004-207 § 4, 08-10-04)

<u>Size of Building/Business (gross sq. ft. of floor area)</u>	<u>Maximum Allowed Area for Outdoor Sales/Storage/Display</u>
0 (zero) to 9,999 sq. ft.	Five percent (5%)
10,000 to 49,999 sq. ft.	Ten percent (10%)
50,000 to 99,999 sq. ft.	Fifteen percent (15%)
100,000 or greater sq. ft.	Twenty percent (20%)

- B. In the Industrial Park (IP) and the Industrial (I) districts, there shall be no outdoor storage of any commodity or goods between the US 67 streetyard. Upon the effective date of this section, properties having a common property line with the ROW of US 67 that have outdoor sales, storage or display within the US 67 streetyard, may continue but may not expand beyond the area of land used for outdoor sales storage or display. Once the outdoor sales, storage or display within the US 67 streetyard has been discontinued, the right to have outdoor sales, storage or display within the US 67 streetyard shall cease. (Ord. 2004-207 § 4, 08-10-04)
- C. Additional outdoor sales, storage or display area may be authorized on a case-by-case basis through the Conditional Use Permit (CUP) process (see Section 3.20). (Ord. 2004-207 § 4, 08-10-04)
- 1) Businesses with a minimum floor area of twenty thousand (20,000) square feet or more may display merchandise in front of the building up to a maximum distance of twelve feet (12') forward of the front building face. Such display of merchandise shall not incroach any building setback, right-of-way or property line. Temporary display of retail commodities and goods shall not remain outdoors overnight except for seasonal items such as Christmas trees or pumpkins. (Ord. 2004-207 § 4, 08-10-04)
  - 2) No outdoor sales, storage or display shall be located within any fire lane or within any vehicle drive aisle, maneuvering area, or required parking space (as required in Section 5.1). (Ord. 2004-207 § 4, 08-10-04)

- 3) No storage containers shall be placed within the street yard except for a limited time period to temporarily accommodate storage during such activities as remodeling or renovation of the building. (Ord. 2004-207 § 4, 08-10-04)

**5.4.10 Sight Visibility:** Visual clearance shall be provided in all zoning districts so that no fence, wall, architectural screen, earth mounding or landscaping thirty inches (30") or higher above the street center line obstructs the vision of a motor vehicle driver approaching any street, alley, or driveway intersection as follows:

- A. At a street intersection, clear vision must be maintained for a minimum of twenty-five feet (25') across any lot measured from the corner of the property line in both directions (see Illustration 12).
- B. At an intersection with an alley, this clearance must be maintained for ten feet (10') (see Illustration 12).
- C. Shrubs and hedges that are typically less than thirty inches (30") in height at maturity, as measured from the centerline of the street, may be located in the visual clearance areas of all districts.

**5.4.11 Nonresidential Uses in Residential Zoning Districts:** Nonresidential uses (e.g., churches, schools, day/child care centers, etc.) permitted in residential zoning districts shall conform to the LR zoning district standards unless otherwise stated in this Ordinance.

**5.4.12 Certain Large Domestic Animals Allowed Within Specific Districts:** The stabling of horses, cattle, sheep and goats may be kept within any zoning district subject to the requirements of the Cedar Hill Code of Ordinances. (Ord. 04-201, § 12, 04-13-04)

**5.4.13 Veterinarian Uses within Non-Residential districts:** Veterinarian clinics or hospitals shall be authorized within non-residential districts if conforming to the following provisions: (Ord. 04-201, § 12, 04-13-04)

- A. An indoor clinic or hospital run under the direction of a Veterinarian shall be located entirely within a completely enclosed, soundproofed, and air conditioned building and any noise or odors created by activities within shall not be perceptible beyond the property line. No animals are kept outside the building at any time. Sufficient area for outdoor exercise will be fully screened from view of any public right-of-way with 6-8 foot screening wall conforming to §5.3.2- Fencing Walls and Screening Requirements. (Ord. 04-201, § 12, 04-13-04)
- B. An indoor/outdoor clinic or hospital run under the direction of a Veterinarian shall be located entirely within a completely enclosed, soundproofed, and air conditioned building and any noise or odors created by activities within shall not be perceptible beyond the property line. Sufficient area for pens, kennels, and outdoor exercise area shall be provided and pens and kennels shall be enclosed by a permanent type of fencing. All outdoor areas shall be fully screened from view of any public right-of-way with a 6-8 foot screening wall and the outdoor pen, kennel, and exercise area shall be set back at least one-hundred and fifty (150') feet and likewise screened from a residentially-zoned district, measured in a straight line from the outdoor pen area. These screening walls shall be in conformance with § 5.3.2 Fencing Walls and Screening Requirements – Screening of Nonresidential and Multi-Family Areas. (Ord. 04-201, § 12, 04-13-04)

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**SECTION 5.5 PERFORMANCE STANDARDS**

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- 5.5.1** In all zoning districts, any use indicated in the permitted use list shall conform in operation, location, and construction to the performance standards as administered by County, State, or Federal agencies. All uses, including those, which may be allowed by PD or CUP, shall conform in operation, location, and construction to appropriate performance standards for noise, smoke, and particulate matter, odorous matter, fire, or explosive hazard material, toxic and noxious matter, vibration, and glare.
- 5.5.2** All Federal and State pollution, noise, and requirements for toxic waste disposal shall be observed.
- 5.5.3 Noise:**

**Definitions:**

**A-Weighted Sound Level** means the sound pressure level in decibel as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

**Background Noise** means noise from all sources other than that under specific consideration including traffic operating on public thoroughfare, and is established by measuring the noise level over an eight minute period of time.

**Bounding Lot Line** means the far side of any street, alley, stream, or other permanently dedicated open space from the stationary source when such open space exists between the lot line of the stationary source and adjacent property. When no such open space exists, the common line between two pieces of property shall be interpreted as the bounding lot line.

**Daytime** means the hours between 7:00 a.m. and 8:00 p.m. on any given day.

**Decibel (dB)** means a unit for measuring the volume of a sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 Micronewtons per square meter).

**Noise** means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

**Sound** means the weighted sound pressure level obtained by the use of a sound level meter and frequency weighing network such as A, B, or C as specified in American National Standards Institute specifications for sound level meters (ANSI SI.4-1971, or the latest approved revision thereto). If the frequency weighting employed is not indicated, the A-weighting shall apply.

**Sound Level Meter** means an instrument which includes a microphone amplifier, RMS detector, integrator or time averager, output meter and weighting networks used to measure sound pressure levels.

**Sound Pressure** means the instantaneous difference between the actual pressure and the

average or barometric pressure at a given point in space, as produced by sound energy.

**Sound Pressure Level (SPL)** means 20 times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference pressure of 20 micropascals ( $20 \times 10^{-6}$  N/m<sup>2</sup>). The sound pressure level is denoted L<sub>p</sub> or SPL and is expressed in decibel.

**Time Weighted** means an established period of time during which the sound pressure levels are averaged.

### General Provisions

A person shall not conduct a use that creates a noise level that exceeds the standards established in this section.

A sound level meter that meets the standards of the American Standards Association must be used to determine whether a noise level violates a noise standard in this section. The instrument must be maintained in a good working condition. A calibration check should be made prior to and following any noise investigation.

Traffic, aircraft, and other background noises are not considered in measuring noise levels except when such noises are being generated on and as a result of the uses of a property being investigated for a potential noise violation.

For purposes of this section, identifiable portions of a Planned Development District (PD) used for residential uses shall be treated as a residential zoning district. Identifiable portions of a Planned Development District (PD) used for nonresidential uses permitted in all nonresidential districts except Commercial (C), Industrial Park (IP) and Industrial (I) shall be treated as a nonresidential district. Identifiable portions of a Planned Development District (PD) used for uses allowed only in Commercial (C), Industrial Park (IP) and Industrial (I) shall be treated like an Industrial/ Commercial district.

The requirements of this section do not apply to:

- a. Noises coming from daytime construction and maintenance activities performed on structures housing legal uses.
- b. Noises from safety signals, warning devices or other sound generating equipment used to warn the public of an emergency or for public safety.
- c. Lawn maintenance, repair of personal vehicles, and home repair of places of residences as long as these activities are conducted in the daytime hours as a normal function of a permitted use and the equipment is maintained in proper working order.

**Maximum Permissible Sound Pressure Levels.** At no point at the bounding property line of any use shall the sound pressure level of any operation or activity exceed the standards specified in the following table.

<b>Zoning District</b>	<b>Maximum Permissible daytime Decibel Limit at Bounding property Line</b>	<b>Maximum Permissible daytime Decibel Limit at nearest Specified Zoning District Line</b>
Uses located in Residential Districts (RR, SF-E, SF-22, SF-10, SF-8.5, SF-7, TH and MF)	56 dBA	56 dBA
Uses located in Nonresidential Districts (OT, NS, LR, CC), excluding Industrial / Commercial Districts (C, IP, I)	63 dBA	56 dBA at residential zoning district boundaries, 63 dBA at nonresidential Districts excluding Industrial Districts.
Uses located in Industrial or Heavy Commercial Districts (C, IP and I)	70 dBA	56 dBA at residential zoning district boundaries, 63 dBA at nonresidential Districts excluding Industrial Districts.
Planned Development Districts or portions thereof used for residential uses	56 dBA	56 dBA
Planned Development Districts or portions thereof used for nonresidential uses	63 dBA	56 dBA at residential zoning district boundaries, 63 dBA at nonresidential Districts excluding Industrial Districts.
Planned Development Districts or portions thereof used for industrial/heavy commercial uses	70 dBA	56 dBA at residential zoning district boundaries, 63 dBA at nonresidential Districts excluding Industrial Districts.

**Noise Level Adjustments**

The maximum noise levels permitted in subsection C shall be adjusted by subtracting 7 dBA for noise present at night time.

The maximum noise levels permitted in subsection C shall be adjusted by subtracting 7 dBA for noise that is impulsive (meter reading changes at a rate greater than 10 decibels per second).

The maximum noise levels permitted in subsection C shall be adjusted by adding 10dBA when:

Noise has an "on time" of no more than:	and an "off time" between successive "on times" of at least	Decibels added to permitted noise level
0.5 minutes	one half hour	10
5.0 minutes	one hour	10
10.0 minutes	two hours	10
20.0 minutes	four hours	10

"Off time" is when the level of the primary noise being measured does not exceed that of the background noise by more than five dBA.

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

As dark or darker in shade as that designated as No. 2 on the Ringleman Chart as published by the United States Bureau of Mines Information Circular 7118.

Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke or contaminants in the standard prescribed in 3-1302-1 above except that, when the presence of uncombined water is the only reason for failure to comply or when such contaminants are emitted inside a building which prevents their escape into the atmosphere, the standards specified in 3-1302-1 and -2 shall not apply.

The emission of particulate matter from all sources shall not exceed 0.5 pounds per acre of property within the plant site per any one hour.

Open storage and open processing operations, including on-site transportation movements which are the source of wind or air borne dust or other particulate matter; or which involves dust or other particulate air contaminants, generating equipment such as used in paint spraying, grain handling, sand or gravel processing or storage or sand blasting shall be so conducted that dust and other particulate matter so generated are not transported across the boundary line of the tract on which the use is located in concentrations exceeding four grains per 1000 cubic feet of air.



**5.5.5 Odorous Matter:**

- A. No use shall be located or operated which involves the emission of odorous matter from a source of operation where the odorous matter exceeds the odor threshold at the bounding property line or any point beyond the tract on which such use or operation is located.
- B. The odor threshold as herein set forth shall be determined by observation by a person or persons. In any case, where uncertainty may arise or where the operator or owner of an odor emitting use may disagree with the enforcing officer or where specific measurement of odor concentration is required, methods and procedures shall be used according to accepted industry standards.

**5.5.6 Fire Or Explosive Hazard Material:**

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

**5.5.7 Toxic And Noxious Matter:** No operation or use shall emit a concentration across the bounding property line of the tract on which such operation or use is located of toxic or noxious matter which will exceed 10 percent of the concentration (exposure) considered as the threshold limit for an industrial worker as such standards are set forth by the Texas State Department of Health in "Threshold Limit Values Business Health Regulation No. 3," a copy of which is hereby incorporated by reference. No nuclear or radioactive manufacturing or disposal shall be permitted unless approved by the Fire Marshall.

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

<b><u>Frequency</u></b> <b><u>Cycles Per Second</u></b>	<b><u>Displacement</u></b> <b><u>in inches</u></b>
0 to 10	0.0010
10 to 20	0.0008
20 to 30	0.0005
30 to 40	0.0004
40 and over	0.0003

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**SECTION 5.6 LIGHTING AND GLARE STANDARDS**

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**5.6.1 Purpose:**

Standards for controlling lighting and glare are set forth to reduce the annoyance and inconvenience to property owners and traffic hazards to motorists. These standards are intended to allow reasonable enjoyment of adjacent and nearby property by their owners and occupants while requiring adequate levels of lighting of parking areas.

**5.6.2 Nonresidential Site Lighting And Glare Standards:**

- A. Any use shall be operated so as not to produce obnoxious and intense glare or direct illumination across the bounding property line from a visible source of illumination of such intensity as to create a nuisance or detract from the use or enjoyment of adjacent property. All outside lights shall be made up of a light source and reflector so selected that acting together, the light beam is controlled and not directed across any bounding property line above a height of three (3) feet. All lighting shall have full cut-off lenses per IESNA (Illuminating Engineering Society of North America) standards and be directed toward the area it is intended to illuminate. The allowable maximum intensity measured at the property line of a residential use in a residential district shall be 0.50 foot candles. Light poles shall be placed on the site a setback equal to its height from all adjacent residential property. All existing lighting shall install full cutoff lenses per IESNA (Illuminating Engineering Society of North America) standards as replaced or be feature-focused. All façade lights and up-lights shall be limited to facades only. (Ord. No. 06-276, § 22, 01-10-06)
- B. All off-street parking areas for non-residential uses in non-residential districts which are used after dark shall be illuminated beginning one-half (2) hour after sunset and continuing throughout the hours of business operation. If only a portion of a parking area is offered for use after dark, only that part is required to be illuminated in accordance with these standards. However, the portion offered for use shall be clearly designated. Lighting within the parking areas shall meet the following minimum intensity requirements: (Ord. No. 06-276, § 22, 01-10-06)
  1. Minimum at any point on the parking area surface to be at least 0.6 foot candles initial, and at least 0.3 foot candles maintained or one-third (1/3) of the average, whichever is greater.
  2. Illumination shall not exceed an average of one (1) foot candle at ground level and shall distribute not more than 0.50 foot candles of light upon any adjacent residentially zoned area.
  3. The maximum illumination under canopies shall be 50-foot candles of light.

**5.6.3 Residential Lighting And Glare Standards:**

Residential lighting for security and night recreation use is permitted in all residential districts provided the following requirements are met:

1. Direct lighting over ten feet (10') in height is shielded from adjacent property.
2. No light source shall exceed thirty-five feet (35') in height. Street lights and other traffic

safety lighting are exempt from this standard.

3. Lighting shall not directly shine on adjacent dwellings.

**5.7.1 5.6.4 Luminaries:**

Light sources shall be of a down-light type, indirect, diffused, or shielded type luminaries installed and maintained so as to reduce glare effect and consequent interference with use of adjacent properties and boundary streets. Bare bulbs above seventy-five (75) watts and strings of lamps are prohibited, except for temporary lighting as provided in 5.6.5 below.

**5.7.2 5.6.5 Special Or Temporary Lighting -- Low Wattage:**

Bare bulbs or strings of lamps are prohibited, except during holidays special lighting shall be permitted for a maximum time period of forty-five (45) days for each holiday used.

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**SECTION 5.7 EXTERIOR CONSTRUCTION REQUIREMENTS**

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**5.7.1 Exterior Construction Standards:**

A. **Definitions:** For the purpose of this section the following definitions shall apply:

1. Masonry construction shall include all construction of stone material (including artificial stone), brick material, concrete masonry units, or concrete panel construction, which is composed of solid, cavity, faced, or veneered-wall construction.

The standards for masonry construction types are listed below:

- a. Stone Material: Masonry construction using stone material may consist of granite, marble, limestone, slate, river rock, and other hard and durable naturally occurring all weather stone. Cut stone and dimensioned stone techniques are acceptable.
  - b. Brick Material - Brick material used for masonry construction shall be hard fired (kiln fired) clay or slate material which meets the latest version of ASTM standard C216, Standard Specification for Facing Brick (Solid Masonry Unit Made of Clay or Shale), and shall be Severe Weather (SW) grade, and Type FBA or FBS or better. Unfired or under-fired clay, sand, or shale brick are not allowed.
  - c. Concrete Masonry Units: Concrete masonry units used for masonry construction shall meet the latest version of the following applicable specifications; ASTM C90, Standard Specification for Hollow Load Bearing Concrete Masonry Units; ASTM C145, Standard Specification for Solid Load Bearing Masonry Units; ASTM C129, Standard Specification for Hollow and Solid Non-load Bearing Units. Concrete masonry units shall have an indented, hammered, split face finish or other similar architectural finish, integrally colored, subject to approval by the Planning and Zoning Commission. Lightweight concrete block or cinder block construction is not acceptable as an exterior finish.
  - d. Concrete Panel Construction: Concrete finish, pre-cast panel or tilt wall construction shall be painted, fluted, or exposed aggregate. Other architectural concrete finish is subject to approval by the Planning and Zoning Commission. Smooth or untextured concrete finishes are not acceptable unless painted.
  - e. Acrylic Matrix or Synthetic Plaster Finishes: A three component finish system consisting of 100% acrylic matrix ceramically colored aggregate and sealer, or 100% synthetic plaster having two types of application, spraying or trowling. Exterior coat may be 1/16" to 3/32" in thickness. Each product can be applied to a variety of backing such as gyp sheathing, plywood, particle board, or foam board. A base coat and fiberglass mesh is used to smooth and level surfaces, corners and joints.
2. Glass and metal standards are as follows:
    - a. Glass walls shall include glass curtain walls or glass block construction. Glass curtain wall shall be defined as an exterior wall which carries no structural loads, and which may consist of the combination of metal, glass, or other surfacing material supported in a metal framework.

- b. *Reserved.*
  - c. The use of corrugated metal, plastic, or fiberglass panels is prohibited.
  - d. The use of galvanized, aluminum coated, zinc-aluminum coated or unpainted exterior metal finish is prohibited.
3. **Wall Surface Area** – The area of a wall shall be found by multiplying the height of a wall (i.e., that distance between the foundation and the upper-most top plate line) times the width of the wall as seen from a direction perpendicular to the façade or building face.
  4. **Minimum Masonry Calculation** – To find the minimum amount of masonry required, multiply the wall area (see above) less the cumulative area of doors and windows, by the minimum percentage specified in the respective zoning district regulations. Unless specified within the particular district regulations, the minimum masonry specified by regulation shall apply to each wall elevation.

### 5.7.2 Construction Standards:

**A. Construction standards:** The standards and criteria contained within this section are deemed to be minimum standards and shall apply to all new, altered or repaired construction occurring within the City.

#### 1. Residential:

- a. All residential buildings and structures located in the residential zoning districts shall be of exterior fire resistant construction in an amount specified for the specific zoning district.
- b. **Exemptions** - Accessory buildings two hundred forty (240) square feet or less are excluded from these provisions. Barns on property of three (3) acres or more providing such barns are used solely for agricultural purposes as distinguished from commercial or industrial purposes shall be exempt from provisions of this section.

#### 2. Nonresidential

- a. All nonresidential uses shall be of exterior fire resistant construction and with masonry percentages as specified in particular district regulations. This shall be calculated as a percent of the total exterior walls above grade level, excluding doors and windows, constructed of masonry or glass wall construction, in accordance with the City's building code and fire prevention code. Consideration for exceptions shall be subject to approval by the Planning and Zoning Commission. Chimneys shall be full masonry brick, stone or synthetic plaster/acrylic matrix from slab to cap.
- b. Metal accessory buildings over two hundred forty (240) square feet may be located in the Commercial and Industrial zoning districts and shall be constructed in accordance with the City's building code and fire prevention code, except that any structure within two hundred feet (200') of a major thoroughfare or residential zoning district shall be constructed of masonry or glass wall construction. Metal exterior walls shall be compatible in color with the principal building and existing surrounding structures.

When walls are metal, the use of corrugated panels is prohibited; profiled panels, deep

ribbed panels and concealed fastener systems are permitted. Exterior finish for metal walls fronting or siding on public streets shall be of a permanent material such as a baked or enamel finish or painted to the wall manufacturer's standards. The use of galvanized, corrugated aluminum coated, zinc-aluminum coated, or unpainted exterior metal finish is prohibited.

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

**B. Procedure for determining alternative exterior materials:**

1. All requests for alternative exterior building materials shall be noted and described on a site plan to be submitted to the Planning and Zoning Commission for approval. If requested by the City, a sample of the material may be required to be submitted with the site plan.
2. The City may approve an alternative exterior material if it is determined it is equivalent or better than masonry according to the criteria listed for exceptions below as part of the approval of a site plan submitted to the Planning and Zoning Commission for approval.
3. Consideration for exceptions to the above requirements shall be based only on the following:
  - a. Architectural design and creativity
  - b. Compatibility with surrounding developed properties.
  - c. Architectural variances may be considered for, but not limited to, Gingerbread, Victorian, English Tudor, or Log designs.

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**SECTION 5.8 DEFINITIONS**

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**Definitions:**

For the purpose of these regulations, certain terms and words are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word shall is mandatory and not directory. For any term or use not defined herein, Webster's Dictionary (latest edition) shall be used.

**ACCESSORY APARTMENT** - See "Servant's Quarters".

**ACCESSORY BUILDING (RESIDENTIAL)** - In a residential district, a subordinate building attached or detached and used for a purpose customarily incidental to the main structure such as a private garage for automobile storage, tool house, lath or greenhouse as a hobby (no business), home workshop, children's playhouse, storage house or garden shelter, but not involving the conduct of a business.

**ACCESSORY BUILDING (BUSINESS OR INDUSTRY)** - In the nonresidential Districts, a subordinate building to the main building, limited in height to not over the height of the main building and not exceeding fifty percent (50%) of the floor area of the main building and used for purposes directly accessory and incidental to the main use.

**ACCESSORY USE** - A use customarily incidental, appropriate and subordinate to the principal use of land or building(s) and located upon the same lot therewith.

**ADULT DAY CARE FACILITY** – A facility with a structured, comprehensive program that is designed to meet the needs of adults with functional impairments through an individual plan of care by providing health, social, and related support services in a protective setting that provides services under an Adult Day Care Program on a daily or regular basis, but not overnight, to four or more elderly or handicapped persons who are not related by blood, marriage, or adoption to the owner of the facility. The Owner must be licensed to establish or operate an adult day care facility in Texas and be in compliance with Texas Administrative Code § 40(1)(98). (Ord. No. 06-276, § 21, 01-10-06)

**AIRPORT OR LANDING FIELD** - A place where an aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair and various accommodations for passengers.

**ALLEY** - A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

**AMBULANCE SERVICE** - Provision of private (not operated by the City of Cedar Hill) emergency transportation which may include medical care, and including storage and maintenance of vehicles.

**AMUSEMENT ARCADE (ALSO VIDEO ARCADE)** - Any building, room, place or establishment of any nature or kind and by whatever name called, where more than ten percent (10%) of the public floor area is devoted to three (3) or more amusement devices operated for a profit, whether the same be operated in conjunction with any other business or not, including but not limited to such amusement devices as coin-operated pinball machines, video games, electronic games, shuffle boards, pool tables or other similar amusement devices. Provided, however, the term "amusement device", as used herein, shall not include musical devices, billiard tables which are not coin-operated machines designed exclusively for children and devices designed to train persons in athletic skills or golf, tennis, baseball, archery or other similar sports.

**AMUSEMENT, COMMERCIAL (INDOOR)** - An amusement enterprise wholly enclosed in a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line and including, but not limited to, a bowling alley or billiard parlor.

**AMUSEMENT, COMMERCIAL (OUTDOOR)** - Any amusement enterprise offering entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open including, but not limited to, a golf driving range, archery range and miniature golf course.

**ANIMAL BOARDING AND KENNELS** (Ord. 04-201, § 13, 04-13-04) - Facility where small domesticated household animals are temporarily housed, groomed, bred, boarded, training, or sold for commercial purposes in indoor kennels. See “Domesticated Household Animals (Indoor)” (Ord. 04-201, § 13, 04-13-04)

**ANIMAL BOARDING AND KENNELS (INDOOR/OUTDOOR)** - Facility where small or large domesticated household animals are temporarily housed, groomed, bred, boarded, trained, or sold for commercial purposes in indoor or outdoor kennels or pens. See “Domesticated Household Animals (Outdoor)” (Ord. 04-201, § 13, 04-13-04)

**ANTENNA** - The arrangement of wires or metal rods used in transmission, retransmission and/or reception of radio, television, electromagnetic, or microwave signals (includes microwave reflectors/antennas and satellite dishes).

**ANTENNA SUPPORT STRUCTURE** - Any tower, mast, pole, tripod, box frame, or other structure utilized for the purpose of transmission, retransmission, and/or reception of electromagnetic, radio, television, or microwave signals. Erected means a tower or pole designed for the sole purpose of antenna support while mounted or attached means the use of an existing structure for antenna support.

**ANTIQUÉ SHOP, SALES INDOORS** - A retail establishment engaged in the selling of works of art, furniture or other artifacts of an earlier period, with all sales and storage occurring inside a building.

**APARTMENT** - See “Multi-Family Dwelling”.

**APPLIANCE REPAIR** - See “Household Appliance Service And Repair”.

**ART GALLERY OR MUSEUM** - An institution for the collection, display and distribution of objects of art or science and which is sponsored by a public or quasi-public agency and which facility is open to the general public.

**ASPHALT BATCHING PLANT** - See “Concrete Batching Plant”.

**ASSEMBLY, HEAVY** - A business where parts, manufactured elsewhere, are assembled with the assistance of power-driven machines and materials-handling equipment, and manipulated primarily by lifting machinery which produces low dust and fiber, and all materials are assembled within an enclosed building.

**ASSEMBLY, LIGHT** - A business where parts, manufactured elsewhere, are assembled with the assistance of power-driven machines and materials-handling equipment, and manipulated primarily by hand which produces low dust and fiber, and all materials are assembled and stored within an enclosed building.

**ASSISTED LIVING FACILITY** - A congregate residence facility for ten or more elderly (over 55 years of age) persons, regardless of legal relationship, who need limited assistance with daily living activities. A limited number of support services such as meals, laundry, housekeeping, transportation and social or



recreational services may be provided or associated with the assisted living facility. Units may be attached or detached, single- or double-occupancy, and may include limited or full kitchen facilities. Full-time medical or nursing care is not typically provided by the facility, but may be privately arranged for by individual residents on a part-time or temporary basis (e.g., visiting nurses, etc.).

**AUTO AUCTION** - See “Auto Storage”.

**AUTO LAUNDRY OR CAR WASH** - Washing, waxing or cleaning of automobiles or light duty trucks.

**AUTO FINANCE AND LEASING** - Leasing of automobiles, motorcycles, and light load vehicles but no outside storage.

**AUTO PARTS AND ACCESSORY SALES (INDOORS)** - The use of any building or other premise for the primary inside display and sale of new or used parts for automobiles, panel trucks or vans, trailers, or recreation vehicles.

**AUTO RENTAL** - Storage or renting of automobiles and light trucks.

**AUTO SALES (NEW & USED)** - Retail sales of new automobiles or light load vehicles, including, as a minor part of the business, the sales of used automobiles or light load vehicles and the service of new or used vehicles.

**AUTO SALES (USED)** - Retail sales, or offering for sale, used automobiles or light load vehicles.

**AUTO STORAGE OR AUTO AUCTION** - The storage or impoundment, on a lot or tract, paved in accordance with parking lot paving requirements set forth in the Code of Ordinances, of operable automobiles for the purpose of holding such vehicles for sale or distribution.

**AUTOMOBILE** - A self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people including but not limited to the following: passenger cars, trucks, buses, motor scooters and motorcycles.

**AUTOMOBILE ACCESSORY INSTALLATION (MINOR)** - Minor installation of minor automobile accessories such as car alarms, radio and stereo equipment, window tinting, pin striping, cellular telephones and similar accessories.

**AUTOMOBILE REPAIR GARAGE** - An establishment providing major or minor automobile repair services to all motor vehicles with the exception of heavy load vehicles.

**AUTOMOBILE REPAIR, MAJOR** - General repair or reconditioning of engines, air-conditioning systems and transmissions for motor vehicles; wrecker service; collision services, including body, frame or fender straightening or repair; customizing; painting; vehicle steam cleaning; undercoating and rust-proofing; those uses listed under "Automobile Repair, Minor"; and other similar uses.

**AUTOMOBILE REPAIR, MINOR** - Minor repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as grease, oil, spark plug, and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses, brake parts; automobile washing and polishing; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air-conditioning systems, and other similar minor services for motor vehicles except heavy load vehicles, but not including any operation named under "Automobile Repair, Major" or any other similar use.

**AUTOMOTIVE GASOLINE OR MOTOR FUEL SERVICE STATION** - Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of automobile fuels, lubricants, and automobile accessories, including those operations listed under Minor Automobile Repair. Vehicles, which are inoperative or are being repaired, may not remain parked outside an Automobile Service Station for a period greater than forty-eight (48) hours.

**BAKERY OR CONFECTIONERY (RETAIL)** - A facility less than 1500 square feet for the production and/or sale of baked goods.

**BAKERY OR CONFECTIONERY (WHOLESALE OR COMMERCIAL)** - A manufacturing facility over 2500 square feet for the production and distribution of baked goods and confectioneries to retail outlets.

**BALLROOM DANCING** - An establishment open to the general public for dancing.

**BANK, SAVINGS AND LOAN, OR CREDIT UNION** - An establishment for the custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds.

**BARN** - A structure intended for the purpose of storage of farming and ranching related equipment.

**BASEMENT (OR CELLAR)** - A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes by other than a janitor employed on the premises.

**BASE ZONING DISTRICT** – Underlying district which shows on the most recently adopted zoning map.

**BED AND BREAKFAST INN OR FACILITY** - a dwelling occupied as a permanent residence by an owner or renter which serves breakfast and provides or offers sleeping accommodations in not more than five (5) rooms for transient guests for compensation.

**BLOCK** - A piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the Director of Planning shall determine the outline of the block.

**BOARDING OR ROOMING HOUSE** - A dwelling other than a hotel, where for compensation and by prearrangement for definite periods, meals, or lodging and meals are provided.

**BROADCAST TOWER** - See “Radio, Television And Broadcast Tower”.

**BUILDING** - Any structure intended for shelter, occupancy, housing or enclosure for persons, animals or chattel. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate building.

**BUILDING HEIGHT** - The height of a building, or portion of a building, shall be measured from the average established grade at the street lot line or from the average natural ground level, if higher, or if no street grade has been established, to the highest point of the roof’s surface if a flat surface; to the deck line of mansard roofs; and the mean height level between eaves and ridge for hip and gable roofs. In measuring the height of a building, the following structures shall be excluded: chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes or spires, and parapet walls not exceeding four (4) feet in height.

**BUILDING LINE** - A line parallel or approximately parallel, to any lot line at a specific distance there from, marking the minimum distance from the lot line that a building may be erected. (See Illustration 6)

**BUILDING, MAIN OR PRIMARY** - A building in which the principal use of the lot on which it is situated is conducted. In a residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.

**BUILDING MATERIALS AND HARDWARE SALES (INDOOR OR OUTDOOR)** - Materials, tools, and hardware customarily used in the construction of buildings and other structures, including facilities for storage of materials for retail sales. Sometimes referenced as a home improvement center. "Outdoor" means the storage of materials and products outside of the main building.

**BUILDING OFFICIAL** - The inspector or administrative official charged with responsibility for issuing permits and enforcing the Zoning Ordinance and Building Code.

**BUILDING SITE** – See "Lot" definition.

**BUS REPAIR OR LEASING** - See “Truck and Bus Repair or Leasing”.

**BUS STATION OR TERMINAL** - Any premises for the transient housing or parking of motor-driven buses and the loading and unloading of passengers.

**CAFETERIA** - See “Restaurant or Cafeteria”.

**CAMPER SALES** - See “Recreational Vehicle\Camper Sales”.

**CAMPING TRAILER** - See “Trailer, Travel or Camping”.

**CARETAKERS' OR GUARDS' RESIDENCE (NON-RESIDENTIAL)** - A residence located on premises with a main residential or non-residential use and occupied only by a caretaker or guard employed on the premises.

**CARNIVAL, CIRCUS OR TENT SERVICE (TEMPORARY)** - Outdoor or indoor commercial amusement provided on a temporary basis.

**CARPORT** - A structure open on a minimum of two sides designed or used to shelter not more than three vehicles and not to exceed twenty-four feet on its longest dimension. Also called "covered parking area."

**CAR WASH** - See “Auto Laundry”.

**CEMETERY OR MAUSOLEUM** - Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

**CEMETERY, ANIMAL** - Same as cemetery except for only the burial of dead animals.

**CERTIFICATE OF OCCUPANCY** - An official certificate issued by the City through the Building Official which indicates conformance with the zoning regulations and building codes and authorizes legal use of the premises for which it is issued; may be referred to as an Occupancy Permit.

**CHILD CARE CENTER (OR DAY CARE CENTER)** - A commercial institution or place designed

for the care or training of twelve (12) or more unrelated children under fourteen (14) years of age for less than 24 hours a day.

**CHURCH, RECTORY, OR TEMPLE** - A building for regular assembly for religious worship which is used primarily and designed for such purpose and those accessory activities which are customarily associated therewith, and the place of residence for ministers, priests, nuns or rabbis on the premises (tax exempt as defined by State law). For the purposes of this ordinance, bible study and other similar activities which occur in a person's primary residence shall not apply to this definition.

**CITY COUNCIL** - The governing body of the City of Cedar Hill, Texas

**CIVIC CENTER** - A building or complex of buildings that house municipal offices and services, and which may include cultural, recreational, athletic, convention or entertainment facilities owned and/or operated by a municipality.

**CIVIC CLUB** - See “Fraternal Organization, Lodge, Civic Club, Fraternity/Sorority Club, Or Union”.

**CLEANING PLANT** – See “Laundry and Dry Cleaning” or Laundry and Dying Plant” (Ord. 04-201, § 14, 04-13-04)

**COLLEGE OR UNIVERSITY** - An academic institution of higher learning, accredited or recognized by the State and covering a program or series of programs of academic study.

**COMMERCIAL AMUSEMENT (INDOOR)** - See “Amusement, Commercial (Indoor)”.

**COMMERCIAL AMUSEMENT (OUTDOOR)** - See “Amusement, Commercial (Outdoor)”.

**COMMERCIAL SCHOOL** – See “Trade and Commercial School”.

**COMMUNICATIONS OPERATIONS (AMATEUR)** - The transmission, retransmission and/or reception of radio, television, electromagnetic, or microwave signals for private or personal use and not for the purpose of operating a business and/or for financial gain.

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

**COMMUNITY CENTER (PUBLIC)** - A building or complex of buildings that house cultural, recreational, athletic, or entertainment facilities owned and/or operated by a governmental agency or private non-profit agency.

**COMMUNITY HOME** - A place where not more than six (6) physically or mentally impaired or handicapped persons are provided room and board, as well as supervised care and rehabilitation by not more than two (2) persons as licensed by the Texas Department of Mental Health and Mental Retardation (also see Chapter 123 of the Texas Human Resources Code). (Ord. No. 06-276, § 21, 01-10-06)

**COMPREHENSIVE PLAN** - Document adopted by the City that consists of graphic and textual policies which govern the future development of the City and which consists of various components governing specific geographic areas and functions and services of the City.

**CONCRETE OR ASPHALT BATCHING PLANT (PERMANENT)** - A permanent manufacturing facility for the production of concrete or asphalt.

**CONCRETE OR ASPHALT BATCHING PLANT (TEMPORARY)** - A temporary manufacturing facility for the production of concrete or asphalt during construction of a project, and to be removed when the project is completed.

**CONGREGATE HOUSING** - See "Retirement Housing for the Elderly."

**CONSTRUCTION YARD OR FIELD OFFICE** –See “Temporary Field Office”.

**CONTINUING CARE RETIREMENT COMMUNITY** - A housing development designed to provide a full range of accommodations for older adults (55 years of age or older), including independent living, assisted living and skilled full-time nursing or medical care. Residents may move from one level to another as their needs change.

**CONVALESCENT HOME** – See “Skilled Nursing Facility”.

**CONVENIENCE STORE** – See “Food and Beverage Store with Gasoline Sales”.

**COPY SHOP OR PRINTING** - An establishment that reproduces, in printed form, individual orders from a business, profession, service, industry or government organization and occupies less than 4,000 square feet.

**CONTRACTOR'S SHOP WITH OUTSIDE STORAGE YARD** - A building, part of a building, or land area for the construction or storage of materials, equipment, tools, products, and vehicles.

**COUNTRY CLUB (PRIVATE)** - A land area and buildings that may include a golf course, clubhouse, dining room, swimming pool, tennis courts and similar recreational or service uses available only to members and their guests.

**COURT** - An open, unobstructed space, bounded on more than two sides by the walls of a building. An inner court is entirely surrounded by the exterior walls of a building. An outer court has one side open to a street, alley, yard, or other permanent open space.

**COVERAGE** - The lot area covered by all buildings located thereon, including the area covered by all overhanging roofs.

**CREDIT UNION** - See “Bank”.

**CUSTOM PERSONAL SERVICE SHOP** – See “Personal Service Shop”.

**DANCE STUDIO** – See “Gymnastics or Dance Studio”.

**DAY CAMP FOR CHILDREN** - A facility arranged and conducted for the organized recreation and instruction of children including outdoor activities on a daytime basis

**DAY CARE CENTER** – See “Child Care Center”.

**DENSITY** - The total number of residential buildings allowed upon a given tract of land usually expressed in total number of units per gross acres or net acre.

**DETACHED** - Having no physical connection above the top of the floor line of the first floor with any other building or structure.

**DISTRIBUTION CENTER** - Building or facility used for the storage and distribution of wholesale items/products.

**DOMESTICATED HOUSEHOLD ANIMALS (INDOOR)** - The following captive born species shall include: Dog, Budgerigar (Parakeet), Cat, Canary, Guinea Pig, Pigeon, Rabbit, Other Common Cage Birds, Mouse, Aquarium Fish (Captive Born), Rat, Psittacine (Captive Bred [Parrot and Parrot-Like Birds]), Gerbil, Finch (Captive Bred), Golden Hamster, Ferret, and Chinchilla. (Ord. 04-201, § 13, 04-13-04)

**DOMESTICATED HOUSEHOLD ANIMALS (OUTDOOR)** – The following captive born species, are included: Horse, Domestic Fowl, Donkey, Goose, Pig, Duck (Mallard Type or Muscovy), Sheep, Turkey, Goat, Guinea Fowl, Cattle, Peafowl, Llama, Alpaca, and Honey Bee in addition to those listed in Domesticated Animals (Indoor). (Ord. 04-201, § 13, 04-13-04)

**DRAPERY OR FURNITURE UPHOLSTERING SHOP** - An establishment for the production, display and sale of draperies and soft coverings for furniture.

**DWELLING** - Any building or portion thereof, which is designed or used as living quarters for one or more families.

**DWELLING, SINGLE FAMILY ATTACHED (TOWNHOUSE)** - See Single Family (Attached).

**EASEMENT** - A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

**EATING PLACE** – See “Restaurant or Cafeteria”.

**ELECTRICAL SUBSTATION (HIGH VOLTAGE BULK POWER)** - A subsidiary station in which electric current is transformed.

**ENCLOSED BUILDING** - A structure that is floored, roofed and surrounded by at least three outside walls.

**EXTENDED STAY MOTEL** – See “Residential Hotel”.

**FAIRGROUNDS OR EXHIBITION AREA** - An area or space either outside or within a building for the display of topic-specific goods or information.

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

**FAMILY HOME (Child Care in Place of Residence)** - A facility that regularly provides care in the caretaker's own residence for not more than five (5) children under fourteen (14) years of age, excluding the caretaker's own children. No outside employment is allowed at the facility. This facility shall conform to Chapter 42 of the Human Resources Code of the State of Texas, as amended, and in accordance with such standards as may be promulgated by the Texas Department of Human Resources

**FARM, RANCH, GARDEN, CROPS OR ORCHARD** - An area used for growing usual farm products, vegetables, fruits, trees, and grain and for the raising thereon of the usual farm animals such as horses, cattle, and sheep and including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or

other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.

**FEDERAL GOVERNMENT BUILDING** – See “Public Building”.

**FEED AND GRAIN STORE** - An establishment for the selling of corn, grain and other food stuffs for animals and livestock, and including implements and goods related to agricultural processes, but not including farm machinery.

**FIRE, POLICE OR MUNICIPAL BUILDING** - Any public service building of the municipal government including a library or City Hall, but excluding storage yards, utility shops and equipment centers.

**FLEA MARKET (INDOOR)** - An indoor premise where the main use is the sale of new and used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, objects, or equipment, in small quantities, in broken stalls, lots or parcels, not in bulk, for the use or consumption by the immediate purchaser in a building, open air, or partly enclosed booths or stalls not within a wholly enclosed building. The term flea market shall not be deemed to include wholesale sales establishments or rental services establishments, but shall be deemed to include personal service establishments, food services establishments, retail services establishments, and auction establishments. This definition does not pertain to retail sidewalk sales or garage sales. Arts and crafts shows or sales held by non-profit organizations are also not included under this definition.

**FLOOD PLAIN** - An area of land subject to inundation by a 100-year frequency flood as determined using standard engineering practices and generally as shown on the FIRM Flood Insurance Rate Map of the City of Cedar Hill.

**FLOOR AREA** - The total gross square feet of floor space within the outside dimensions of a building including each floor level, but excluding carports, open porches, residential garages, accessory buildings, and breezeways.

**FLOOR AREA RATIO (FAR)** - The floor area of a main building or buildings on a lot, divided by the lot area. (See Illustration 1)

**FLORIST SHOP** - An establishment for the display and retail sale of flowers, small plants and accessories

**FOOD OR GROCERY STORE** - A retail business establishment that displays and sells consumable goods which are not to be eaten on the premises. Prepared food may be sold only as a secondary or accessory use.

**FOOD AND BEVERAGE STORE WITH GASOLINE SALES (CONVENIENCE STORE)** - Retail establishment selling food for off-premises consumption and gasoline. Does not include or offer any automobile repair services.

**FRANCHISED PRIVATE UTILITY (NOT LISTED)** - A utility such as one distributing heat, chilled water, closed circuit television or similar service and requiring a franchise to operate in the City of Cedar Hill.

**FRATERNAL ORGANIZATION, LODGE, CIVIC CLUB, FRATERNITY/SORORITY CLUB, OR UNION** - An organized group having a restricted membership and specific purpose related to the welfare of the members such as Elks, Masons, Knights of Columbus, or a labor union.

**FRONT YARD** - See “Yard, Front”.

**FUEL SALES** - Any building, land area or other premises or portion thereof that is used or intended to be used for the retail dispensing and/or sales of automobile fuels, lubricants and/or accessories, and not including automotive repair.

**FUNERAL HOME OR MORTUARY** - A place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

**FURNITURE, HOME FURNISHINGS OR APPLIANCE STORES** - This group includes retail stores selling new goods for furnishing the home including, but not limited to furniture, floor coverings, draperies, glass and chinaware, domestic stoves, refrigerators, and other household electrical and gas appliances.

**FURNITURE STORE (NEW AND USED)** - Same as above except sales may include used items.

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

**GARAGE/ACCESSORY/CONVERSION DWELLING** - A residential dwelling unit attached to or over a garage but not attached to the main residential structure.

**GARDEN SHOP** - A facility which is engaged in the selling of flowers, ornamental plants, shrubs, trees, seeds, garden and lawn supplies, and other materials used in planting and landscaping, but not including cultivation and propagation activities outside a building.

**GASOLINE SERVICE OR FILLING STATION** - See “Automobile Gasoline or Motor Fuel Service Station”.

**GENERAL MANUFACTURING** - See “Industrial, General”.

**GENERAL RETAIL STORES** - This major group includes retail stores which sell a number of lines of primarily new merchandise including but not limited to dry goods, apparel and accessories, furniture and home furnishings, small wares, small appliances, hardware, and food. The stores included in this group are known as department stores, variety stores, general merchandise stores, general stores, etc. (Also see Retail Store)

**GOLF COURSE** - An area of twenty (20) acres or more improved with trees, greens, fairways, hazards, and which may include clubhouses.

**GROUP DAY-CARE HOME** - See “Registered Family Home”.

**GUEST HOUSE** – See “Servant’s Quarters”.

**GYMNASTIC OR DANCE STUDIO** - A building or portion of a building used as a place of work for a gymnast or dancer or for instructional classes in gymnastics or dance.

**HALF-WAY HOUSE** – See “Rehabilitation Care Facility”.

**HARDWARE SALES** – See “Building Materials”.



**HAULING OR STORAGE COMPANY** - See “Motor Freight Company”.

**HEAVY LOAD VEHICLE** - A self-propelled vehicle having a Manufacturer's Recommended Gross Vehicle Weight (GVW) of greater than 15,000 pounds (including trailers), such as large recreational vehicles (originally manufactured as RVs, not converted), tractor-trailers, buses, vans, and other similar vehicles. The term "truck" shall be construed to mean "Heavy Load Vehicle" unless specifically stated otherwise.

**HEAVY MACHINERY SALES AND STORAGE** - A building or open area used for the display, sale, rental or storage of heavy machinery, tractors or similar machines, or a group of machines which function together as a unit.

**HELIPORT** - An area of land or water or a structural surface which is used, or intended for use, for the landing and taking off of helicopters, and any appurtenant areas which are used, or intended for use for heliport buildings and other heliport facilities.

**HELISTOP** - The same as a heliport, except that no refueling, maintenance, repairs or storage of helicopters is permitted.

**HOME FOR AGED, RESIDENCE** - A home where elderly people are provided with lodging and meals without nursing care being a primary function.

**HOME OCCUPATION OR HOME-BASED BUSINESS** - Any occupation or activity carried on principally by the inhabitants of a dwelling which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, and which is conducted entirely within the main building; provided that no trading in merchandise or selling of goods or services is carried out on a regular basis and in connection with which there is no display of merchandise and no mechanical equipment is used, except such as is customary for purely domestic or household purposes and does not create obnoxious noise or other conditions such as odor, increased traffic, smoke or electrical interference.

**HORSE STABLES** – See “Stable”.

**HOSPICE** – Facility or program designed to provide a centralized program of palliative and supportive services to dying persons and their families in the form of physical, psychological, social and spiritual care either directly or on a consulting basis with the patient’s physician. (Ord. No. 06-276, § 21, 01-10-06)

**HOSPITAL (ACUTE CARE)** - An institution where sick or injured patients are given medical or surgical treatment intended to restore them to health and an active life and which is licensed by the State of Texas.

**HOSPITAL (CHRONIC CARE)** - An institution where those persons suffering from illness, injury, deformity or deficiency of age are given care and treatment on a prolonged or permanent basis and which is licensed by the State of Texas.

**HOTEL** – See “Motel and Hotel”.

**HOUSEHOLD APPLIANCE SERVICE AND REPAIR** - The maintenance and rehabilitation of appliances customarily used in the home including but not limited to washing and drying machines, refrigerators, dishwashers, trash compactors, ovens and ranges, countertop kitchen appliances, vacuum cleaners and hair dryers.

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

**HOUSEHOLD CARE INSTITUTION** - A facility which provides residence and care to ten or more persons regardless of legal relationship who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; convalescing from illness; or temporarily homeless due to fire, natural disaster, or financial setback together with supervisory personnel.

**HUD CODE MANUFACTURED HOME** – See “Mobile Home”.

**INCIDENTAL OR ACCESSORY RETAIL AND SERVICE USES** - Any use different from the primary use but which compliments and/or supplements the primary use. Incidental shall mean an area which constitutes not more than fifteen percent (15%) of the main use.

**INDEPENDENT LIVING CENTER** – See “Retirement Housing for the Elderly”.

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

**INDUSTRIALIZED HOME OR MODULAR HOME** - Means a structure or building module as defined, under the jurisdiction and control of the Texas Department of Labor and Standards and that is installed and used as a residence by a consumer, transportable in one or more sections on a temporary chassis or other conveyance device, and designed to be used on a permanent foundation system. The term includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term does not include a mobile home as defined in the Texas Manufactured Housing Standards Act (Article 5221f V.T.C.S.); nor does it include building modules incorporating concrete or masonry as the primary structural component.

**INSTITUTION FOR ALCOHOLIC, NARCOTIC OR PSYCHIATRIC PATIENTS, also REHABILITATION CARE INSTITUTION** - An institution offering resident or out-patient treatment to alcoholic, narcotic or psychiatric patients.

**JUNK YARD** – See “Wrecking Yard”.

**KENNELS (INDOOR PENS)** - An establishment with indoor pens in which more than four (4) dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained or sold for commercial purposes.

**KENNELS (OUTDOOR PENS)** - An establishment with outdoor pens in which more than four (4) dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained or sold for commercial purposes.

**KINDERGARTEN OR NURSERY SCHOOL (PRIVATE)** - An establishment where more than three

(3) children are housed for care or training during the day or portion thereof.

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

**LABORATORY EQUIPMENT MANUFACTURING** - A facility that makes or produces equipment or products used for research or testing.

**LABORATORY, SCIENTIFIC OR RESEARCH** - An establishment that engages in research, testing or evaluation of materials or products.

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

**LAUNDROMAT (OR SELF-SERVE WASHATERIA)** - A facility where patrons wash, dry or dry clean clothing and other fabrics in machines operated by the patron.

**LAUNDRY OR DRY CLEANING (PICK-UP AND/OR SELF SERVICE)** – A custom cleaning shop not exceeding three thousand (3,000) square feet of floor area and may include customer self-service laundry and cleaning. (Ord. 04-201, § 14, 04-13-04)

**LAUNDRY OR DYING PLANT (COMMERCIAL/WHOLESALE)** – An industrial facility where fabrics are cleaned with substantially non-aqueous organic solvents on a commercial or wholesale basis. (Ord. 04-201, § 14, 04-13-04)

**LIGHT LOAD VEHICLES** - A self-propelled vehicle having a Manufacturer's Recommended Gross Vehicle Weight (GVW) not greater than 15,000 pounds, and having no more than two axles, such as pick-up trucks, vans, recreational vehicles (less than thirty-two feet [32'] in length), campers and other similar vehicles but not including automobiles and motorcycles.

**LIGHT MANUFACTURING OR INDUSTRIAL USE** - Manufacturing of finished products or parts, predominantly from previously prepared materials, including fabrication, assembly, and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing.

**LOADING SPACE** - An off-street space or berth used for the delivery and loading or unloading of vehicles.

**LOCAL UTILITY LINE** - The facilities provided by a municipality or a franchised utility company for distribution or collection of gas, water, surface drainage water, sewage, electric power or telephone service including pad and pole mounted transformers.

**LOT** - Platted land (as specified in Section 212 of the Texas Local Government Code) occupied or intended to be occupied by one main building and the required parking, or a group of main buildings, and accessory building and uses, including such open spaces as are required by the Ordinance, and other laws or ordinances, and having its principal frontage on a public street or officially approved place. (See Illustrations 6, 7 and 8)

**LOT AREA** - The total area, measured on a horizontal plane, included within lot lines.

**LOT, CORNER** - A lot which has at least two adjacent sides abutting for their full lengths on a street, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five degrees (135°). (See Illustration 9)

**LOT DEPTH** - The closest horizontal distance between the front and rear lot lines. (See Illustration 7)

**LOT, DOUBLE FRONTAGE** - A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot. (See Illustration 5)

**LOT, FLAG** - A lot having access to a street by means of a parcel of land generally having a depth greater than its frontage, but not less than thirty-five (35) feet.

**LOT, INTERIOR** - A lot other than a corner lot.

**LOT FRONTAGE** - That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

**LOT LINE, FRONT** - The narrower side of the lot abutting a street. Where two lot lines abutting streets are of equal length, the owner shall have a choice in designating which shall be the lot frontage. For a lot which has a boundary line which does not abut the front street line, is not a rear lot line and lies along the same general directional orientation as the front and rear lot lines, said line shall be considered a front lot line in establishing minimum setback lines. (See Illustration 6)

**LOT, KEY** - A corner lot whose exterior side is adjacent to the front yard of another lot.

**LOT LINE, REAR** - The lot line farthest from and most parallel to the front lot line. For triangular lots, the point opposite the front lot line shall be considered the rear lot line and have a value of zero. (See Illustration 8).

**LOT LINE, SIDE** - Any lot line not the front or rear lot line.

**LOT LINES OR PROPERTY LINES** - The lines bounding a lot as defined herein.

**LOT OF RECORD** - A lot that is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Dallas County.

**LOT WIDTH** - The horizontal distance measured between side lot lines parallel to the front lot/property line, and measured from the point on the building line which is closest to the front building setback line. (See Illustration 6)

**MAIN BUILDING** - The building or buildings on a lot which are occupied by the primary use.

**MANUFACTURED HOME DISPLAY OR SALES (NEW)** - The offering for sale, storage, or display of new trailers or mobile homes on a parcel of land but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

**MASONRY CONSTRUCTION** - Exterior construction materials including brick, stone, granite, marble, concrete and other built up/tilt panels.

**MAUSOLEUM** - Property used for the interring of the dead and where bodies are interred above ground in stacked vaults.

**MEDICAL FACILITIES**

- a. **Dental, Medical, or Chiropractic Clinic** - A facility or group of offices for one or more physicians for the examination and treatment of ill and afflicted human outpatients provided that patients are not kept overnight except under emergency conditions.
- b. **Dental Office or Doctors Office** - Same as dental or medical clinic.
- c. **Hospital** - An institution providing health services primarily for human inpatient medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central services facilities, and staff offices which are an integral part of the facilities.
- d. **Massage Establishment** - Any place of business in which massage therapy is practiced by a massage therapist, as defined and licensed by State law. "Massage therapy", as a health care service, means the manipulation of soft tissue for therapeutic purposes. The term includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body massage. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower or cabinet baths. Equivalent terms for "massage therapy" are massage, therapeutic massage. Massage and "therapeutic" do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.
- e. **Public Health Center** - A facility primarily utilized by a health unit for providing public health services including related facilities such as laboratories, clinics and administrative offices operated in connection therewith.
- f. **Sanitarium** - An institution providing health facilities for inpatient medical treatment or treatment and recuperation making use of natural therapeutic agents.
- g. **Surgical Out-patient Facility** - An establishment offering any type of surgical procedures and related care which, in the opinion of the attending physician, can be performed safely without requiring inpatient overnight hospital care and exclusive of such surgical and related care as licensed physicians ordinarily may elect to perform in their private offices.

**MESSAGE THERAPIST** – See “Medical Facility – Massage Establishment”.

**MICROWAVE REFLECTOR/ANTENNA** - An apparatus constructed of solid, mesh, or perforated materials of any configuration that is used to receive and/or transmit microwave signals from a terrestrial or orbitally-located transmitter or transmitter relay. The definition is meant to include, but is not limited to, what are commonly referred to as satellite receive only earth stations, or satellite dishes. (Also see Section 5.4.5.)

**MINI-WAREHOUSE** (also termed Self-Storage) - Small individual storage units for rent or lease, restricted solely to the storage of items. The conduct of sales, business or any other activity within the individual storage units, other than storage, shall be prohibited.

**MOBILE HOME OR HUD CODE MANUFACTURED HOME** - A dwelling designed to be transported on its own chassis on the highway in one or more sections by a prime mover and which is constructed with a base section so as to be independently self-supporting and not requiring a permanent foundation for year-round living.

**MOBILE HOME AS A FIXED DWELLING** - A dwelling designed to be transported intact or in major sections on the highway and which is placed on a standard building lot, connected to utilities, placed on permanent supports and occupied as a fixed dwelling.

**MOBILE HOME DISPLAY OR SALES (USED)** - The offering for sale, storage, or display of used trailers or mobile homes on a parcel of land but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

**MOBILE HOME PARK** - A parcel of land not less than five acres nor greater than twenty-five (25) acres which has been designed, improved, or intended to be used or rented for occupancy by one or more mobile homes or trailer houses in designated spaces.

**MOBILE HOME SUBDIVISION** - A parcel of land which has been designed, platted, improved, and is intended for the placement of individually owned mobile home units on platted lots which can be purchased outright by the owners of the mobile home units.

**MODEL HOME** - A dwelling in a developing subdivision located on a legal lot of record that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built or which are proposed to be built in the same subdivision.

**MORTUARY** – See “Funeral Home”.

**MOTEL OR HOTEL** - A facility offering temporary lodging accommodations or guest rooms on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, maid service and recreational facilities. A guest room shall be defined as a room designed for the overnight lodging of hotel guests for an established rate or fee.

**MOTORCYCLE** - A usually two-wheeled self-propelled vehicle having one or two saddles or seats, and which may have a sidecar attached. For purposes of this ordinance, motorbikes, ATVs, motor-scooters, mopeds, and similar vehicles are classified as motorcycles.

**MOTORCYCLE SALES AND REPAIR SERVICE** - The display, sale and servicing, including repair work, of motorcycles.

**MOTOR FREIGHT COMPANY** - A company using trucks or other heavy load vehicles to transport goods, equipment and similar products. Includes companies that move residential or commercial belongings.

**MOTOR VEHICLE** - Any vehicle designed to carry one or more persons which is propelled or drawn by mechanical power, such as automobiles, trucks, motorcycles, and buses.

**MULTIPLE-FAMILY DWELLING (APARTMENT)** - Three or more dwelling units on a single lot designed to be occupied by three or more families living independently of one another, exclusive of hotels or motels.

**MUNICIPALLY-OWNED FACILITIES AND USES** - Any area, land, building, structure, and/or facility owned, used, leased, or operated by the City of Cedar Hill, Texas.

**NONCONFORMING USE** - A building, structure, or use of land lawfully occupied at the time of the effective date of this ordinance or amendments thereto, but which does not conform to the use regulations of the district in which it is situated.

**NURSERY** - An establishment, including a building, part of a building or open space, for the growth, display and/or sale of large plants, shrubs, and trees, and other materials used in indoor or outdoor planting.

**NURSERY SCHOOL** – See “Kindergarten”.

**NURSING, CONVALESCENT OR REST HOME** - See “Skilled Nursing Facility”.

**OCCUPANCY** - The use or intended use of the land or buildings by proprietors or tenants.

**OFFICES, PROFESSIONAL AND GENERAL BUSINESS** - A room or group of rooms used for the provision of executive, management, or administrative services. Typical uses include administrative offices, and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices of public utilities, organizations and associations, but excluding medical offices.

**OFFICE CENTER** - A building or complex of buildings used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity, that may include ancillary services for office workers such as a coffee shop, newspaper or candy stand.

**OFFICE SHOWROOM** - An establishment with no more than twenty-five percent (25%) of its total floor area devoted to storage and warehousing, but not accessible to the general public. The remaining area may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.

**OFFICE WAREHOUSE** - An establishment with more than twenty-five percent (25%) of the total floor area devoted to storage and warehousing, but not generally accessible to the public.

**OFFICIALLY APPROVED PLACE OF ACCESS** - Access, other than a dedicated street, to a property that is approved by the City of Cedar Hill.

**OFF-STREET PARKING INCIDENTAL TO MAIN USE** - Off-street parking spaces provided in accordance with the requirements specified by this Ordinance and located on the lot or tract occupied by the main use or within one hundred fifty feet (150') of such lot or tract and located within the same zoning district as the main use.

**OPEN SPACE** - An open area or recreational facility which is designed and intended to be used for outdoor living and/or recreation and meets the requirements of Section 3.10.4.

**OUTSIDE DISPLAY** - Outside temporary display of finished goods specifically intended for retail sale but not displayed outside on a permanent basis.

**OUTSIDE STORAGE** - The permanent and/or continuous keeping, displaying, or storing, outside a building, of any unfinished goods, material, merchandise, or equipment on a lot or tract for more than twenty-four (24) hours. Also referred to as open storage.

**OVERLAY ZONING DISTRICT** – District standards that

**PAINT SHOP** - A commercial establishment where painting services are performed.

**PARCEL** - Any unplatted or portion of an unplatted tract of land. (Also see "Tract")

**PARK OR PLAYGROUND (PRIVATE)** - A recreation facility, recreation center, or park not owned or operated by a public agency such as a City or School District and available to the general public.

**PARKING LOT** - An off-street, ground level area, paved in accordance with City of Cedar Hill parking lot standards, for the temporary storage of motor vehicles.

**PARKING LOT OR STRUCTURE, COMMERCIAL (AUTO)** - An area or structure devoted to the

parking or storage of automobiles for a fee, may include, in the case of a parking structure only, a facility for servicing of automobiles provided such facility is primarily an internal function for use only by automobiles occupying the structure and creates no special problems of ingress or egress.

**PARKING SPACE** - See City of Cedar Hill Parking Lot Standards and illustration 10.

**PATIO HOME (ZERO LOT LINE DWELLING)** - A lot which is designed in such a manner that the side yard and adjacent use easement make maximum use of available land area to preserve an open, yet private, use of the side yard, and permits construction of a detached single family dwelling with one side of such dwelling placed on the side property line.

**PAWN SHOP** - An establishment where money is loaned on the security of personal property pledged in the keeping of the owners (pawnbroker). Retail sales also take place of primarily used items.

**PERSONAL SERVICE SHOP OR CUSTOM PERSONAL SERVICES** - Establishments less than 2,000 square feet in gross floor area, primarily engaged in providing services generally involving the care of the person or his apparel including but not limited to barber and beauty shops, dressmaking, shoe shining, dry-cleaning and laundry pick-up stations, tailor or seamstress, and reducing salons/health clubs (no outside storage).

**PET AND ANIMAL GROOMING SHOP** - A retail establishment offering small animals, fish or birds for sale as pets and where such creatures are housed within the building, including the grooming of dogs, cats and similar animals.

**PETROLEUM EXTRACTION** – See “Sand, Gravel, Stone or Petroleum Extraction”.

**PLANNED DEVELOPMENT DISTRICT** - Planned associations of uses developed as integral land use units such as industrial parks or industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing, including attached single-family dwellings or any appropriate combination of uses which may be planned, developed or operated or integral land use units either by a single owner or a combination of owners.

**PLANNING & ZONING COMMISSION** - A board, appointed by the City Council as an advisory body, authorized to recommend changes in the zoning and other planning functions as delegated by the City Council. Also referred to as the "Commission."

**PLAT** - A plan of a subdivision of land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the subdivision standards of the City of Cedar Hill and approved by the City of Cedar Hill and recorded in the plat records of Dallas County.

**PLATTED LOT** - See "Lot of Record."

**PLAYFIELD OR STADIUM (PUBLIC)** - An athletic field or stadium owned and operated by a public agency for the general public including a baseball field, golf course, football field or stadium which may be lighted for nighttime play.

**PLAYFIELD OR STADIUM (PRIVATE)** - An athletic field or stadium owned and operated by an agency other than the City of Cedar Hill or Cedar Hill Independent School District.

**PLAYHOUSE** – See “Theater”.

**PORTABLE BUILDING SALES (OUTDOOR DISPLAY)** - An establishment which displays and sells structures capable of being carried and transported to another location, but not including mobile



homes.

**PREMISES** - Land together with any buildings or structures situated thereon.

**PRIMARY USE** - The principal or predominant use of any lot or building.

**PRINCIPAL BUILDING** - Same as Main Building.

**PRINTING** - See “Copy Shop”.

**PRIVATE CLUB** - An establishment providing dining facilities which may provide alcoholic beverage service, to an association of persons, and otherwise falling within the definition of, and permitted under the provisions of, that portion of Title 3, Chapter 32, Vernon's Texas Codes Annotated, Alcoholic Beverage Code, as the same may be hereafter amended, and as it pertains to the operation of private clubs.

**PRIVATE RECREATION FACILITY OR PRIVATE PARK** - A recreation facility operated for the exclusive use of private residents or neighborhood groups and their guests, and not the general public.

**PRODUCE STAND** - A seasonal use for which the primary purpose and design is to sell fruit, vegetables, and similar foods. No cooking of produce occurs on the site.

**PROFESSIONAL OFFICES** – See “Offices, Professional and General Business”.

**PROFESSIONAL SERVICE** - Work performed which is commonly identified as a profession, and which may be licensed by the State of Texas.

**PROMOTIONAL SALES, COMMERCIAL** – See “Temporary Outdoor Retail Sales/Commercial Promotion”.

**PROPANE SALES** - Retail sales of propane or butane.

**PROPERTY LINE** - See “Line, Property”.

**PUBLIC OR MUNICIPAL BUILDING OR FACILITY** - Any building (except a building used primarily for general office purposes) which is owned, leased, primarily used and/or primarily occupied by the State of Texas, the United States, the City of Cedar Hill, or any subdivision or agency of the State of Texas, the United States or the City of Cedar Hill, or other public utility or agency.

**PUBLIC BUILDING, SHOP OR YARD OF LOCAL, STATE OR FEDERAL AGENCY** - Facilities such as office buildings, other than City Hall, Library, Police or Fire Station, maintenance yards and shops required by branches of Local, State or Federal Agencies for service to an area such as Highway Department yard, City Service Center or Experiment Station.

**PUBLIC VIEW** - Public view means areas that can be seen from the closest public street.

**QUARRY** – See “Sand, Gravel, Stone, or Petroleum Extraction”.

**RADIO, TELEVISION OR MICROWAVE TOWER** - Structures supporting antennae for transmitting or receiving any portion of the radio spectrum, but excluding noncommercial antennae installations for home use of radio or television. (Also see Section 5.4.5.)

**RANCH** – See “Farm, Ranch, Garden, Crops, or Orchard”.

**REAR YARD** - See “Yard, Rear”.

**RECREATIONAL VEHICLE (RV)** - A portable or mobile living unit used for temporary human occupancy away from the place of permanent residence of the occupants and self-propelled (motorized). Also see “Heavy Load Vehicle”. A recreational vehicle park is an area or commercial campground for RVs and similar vehicles or trailers to reside, park, rent, or lease on a temporary basis.

**REGISTERED FAMILY HOME** - Facility that regularly provides care for 6 to 12 children for less than 24 hours in a day.

**REHABILITATION CARE FACILITY (HALFWAY HOUSE)** - A dwelling unit which provides residence and care to not more than nine persons regardless of legal relationship who have demonstrated a tendency towards alcoholism, drug abuse, mental illness, or antisocial or criminal conduct living together with not more than two supervisory personnel as a single housekeeping unit.

**REHABILITATION CARE INSTITUTION** - A facility which provides residence and care to ten or more persons, regardless of legal relationship, who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct together with supervisory personnel.

**RENTAL, TOOLS AND MACHINERY** – See “Tools and Machinery Rental Shop”

**RESIDENCE** - Same as a dwelling; also, when used with District, an area of residential regulations.

**RESIDENCE HOTELS OR EXTENDED STAY MOTELS** - A multi-dwelling unit extended stay lodging facility consisting of efficiency units or suites with a complete kitchen suitable for long term occupancy. Customary hotel services such as linen, maid service, telephone, and upkeep of furniture shall be provided. Meeting rooms, clubhouse, and recreational facilities intended for the use of residents and their guests are permitted. This definition shall not include other dwelling units as defined by this ordinance.

**REST HOME** – See “Skilled Nursing Facility”.

**RESTAURANT OR CAFETERIA (WITH DRIVE-THROUGH SERVICE)** - An eating establishment where customers are primarily served at tables or self-served and food is consumed on the premises, which may include a drive-through window.

**RESTAURANT OR CAFETERIA (WITH NO DRIVE-IN SERVICE)** - An eating establishment where customers are primarily served at tables or self-served and food is consumed on the premises, without a drive-through window.

**RESTAURANT OR EATING PLACE (DRIVE-IN SERVICE)** - An eating establishment where primarily food or drink is served to customers in motor vehicles or where facilities are provided on the premises which encourage the serving and consumption of food in automobiles on or near the restaurant premises.

**RETAIL/RESIDENTIAL** - Building or structure where a residence is in the same building or structure, and is accessible to a retail sales area.

**RETAIL STORE, GENERAL** – See “General Retail Store”.

**RETAIL OR SERVICE, INCIDENTAL** - The rendering of incidental retailing or services incidental to the primary use. In the Office District, such uses include a barber or beauty shop, smoke shop, candy

counter, restaurant, pharmacy or other incidental activity secondary to the primary office occupancy. Incidental uses shall mean uses which occupy less than 15% of the main use.

**RETAIL SHOP, APPAREL, GIFT, ACCESSORY AND SIMILAR ITEMS** - An establishment engaged in the selling of goods and merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. (Also see “General Retail”)

**RETIREMENT COMMUNITY – CONTINUING CARE** – See “Continuing Care Retirement Community”.

**RETIREMENT HOUSING FOR THE AGED OR ELDERLY (Also Termed INDEPENDENT LIVING CENTER or CONGREGATE HOUSING)** - A development providing self-contained dwelling units specifically designed for the needs of the elderly. Units may be rented or owner-occupied. To qualify as retirement housing, a minimum of 80% of the total units shall have a household head 55 years of age or greater. No long-term or permanent skilled nursing care or related services are provided.

**ROOM** - A building or portion of a building which is arranged, occupied, or intended to be occupied as living or sleeping quarters but not including toilet or cooking facilities.

**ROOMING HOUSE** - See “Boarding House”.

**RV PARK** - A place where recreational vehicles, motor homes, and travel trailers are accommodated on a temporary basis. The maximum length of stay shall be one month. (No sale of RVs, motor homes or travel trailers on-site).

**RV/CAMPER SALES** - An establishment that sells new and used travel trailers, motor homes, campers and similar recreational vehicles.

**SALVAGE OR RECLAMATION OF PRODUCTS** (also see “Wrecking Yard”) - The reclamation and storage of used products or materials.

**SAND, GRAVEL, STONE OR PETROLEUM EXTRACTION** - The process of extracting sand, gravel, stone or petroleum from the earth.

**SCHOOL, BUSINESS** - A business organized to operate for a profit and offering instruction and training in a service or art such as secretarial school, barber college, beauty school or commercial art school, but not including manual trade schools.

**SCHOOL, COMMERCIAL TRADE** - A business organized to operate for a profit and offering instruction and training in a trade such as welding, brick laying, machinery operation and similar trades.

**SCHOOL, PRIVATE, PRIMARY OR SECONDARY** - A school under the sponsorship of a private agency or corporation other than a public or religious agency, having a curriculum generally equivalent to public elementary or secondary schools.

**SCHOOL, PUBLIC OR PAROCHIAL** - A school under the sponsorship of a public or religious agency providing elementary or secondary curriculum, but not including private trade or commercial schools.

**SCIENTIFIC AND INDUSTRIAL RESEARCH LABORATORIES** - Facilities for research including laboratories, experimental equipment, and operations involving compounding or testing of materials or equipment.

**SCREENED** - Shielded, concealed, and effectively hidden from view by a person standing at ground level on an abutting site, or outside the area or feature so screened, by a fence, wall, hedge, berm, or similar architectural or landscape feature.

**SEASONAL USES** - Seasonal uses include the sale of Christmas trees, pumpkins, and other temporary uses which occur at certain times of the year.

**SELF-STORAGE WAREHOUSE** – See “Mini-Warehouse”

**SERVANT'S QUARTERS OR GUEST HOUSE (Accessory Apartment)** - An accessory dwelling in a residential district for the sole use and occupancy of a member of the immediate family or a person or persons employed on the premises by the occupant on a full time basis as domestic help, such as a maid, yard man, chauffeur, cook or gardener, but not involving the rental of such facilities or the use of separate utility connections.

**SEXUALLY ORIENTED BUSINESS** - An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center as those term are defined in Section 5.4.7.B.

**SHOPPING CENTER** - A group of primarily retail, office and service establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, provision of aesthetically appropriate design and protection from the elements.

**SIDE YARD** - See “Yard, Side”.

**SINGLE-FAMILY DWELLING (ATTACHED)** - A dwelling which is joined to another dwelling at one or more sides by a party wall or abutting separate wall and which is designed for occupancy by one family and is located on a separate lot delineated by front, side and rear lot line. Also termed "Townhouse."

**SINGLE-FAMILY DWELLING (DETACHED)** - A dwelling designed and constructed as a free standing structure for occupancy by one family and located on a lot or separate building tract and having no physical connection to a building located on any other lot or tract and occupied by one family.

**SKILLED NURSING FACILITY (ALSO TERMED NURSING HOME, CONVALESCENT HOME OR LONG-TERM CARE FACILITY)** - A residence providing primarily in-patient health care, personal care, or rehabilitative services over a long period of time to persons chronically ill, aged or disabled who need ongoing health supervision but not hospitalization.

**SMALL ENGINE REPAIR SHOP** - Shop for repair of lawn mowers, chain saws, lawn equipment, and other machines with one-cylinder engines.

**STABLE, (COMMERCIAL; AS A PRINCIPAL USE)** - A stable used for the rental of stall space or for the sale or rental of horses or mules.

**STABLE, (PRIVATE)** - An area used solely for the owner's private purposes for the keeping of horses, mules or ponies, and not kept for remuneration, hire or sale.

**STADIUM** - See “Playfield “.

**STORAGE OR WHOLESALE WAREHOUSE** - A building used primarily for the wholesale storage of goods and materials.

**STORY** - That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it. The average height for a residential story shall be defined as twelve feet (12'). The average height for a non-residential story shall be defined as thirty (30) feet. The definition of a story does not include parapets, gables, and other normal roof structures. (Ord. No. 03-143, § 10, 02-25-03)

**STORY, HALF** - A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet (3') above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half story containing independent apartment or living quarters shall be counted as a full story.

**STREET** - Any dedicated public thoroughfare which affords the principal means of access to abutting property. A street is termed a major thoroughfare or arterial when the right-of-way is greater than sixty feet (60').

**STREET, INTERSECTION** - Any street which joins another street at an angle, whether or not it crosses the other.

**STREET YARD** – The area of a lot, which lies on the street side of the actual front wall line of the principle building (s), as such building wall line extends from the outward corners of the building, parallel to the street, until it intersects the side property lines. In determining the actual definition, steps and enclosed porches shall be excluded, but such building wall line shall follow and include the irregular indentions of the building. A front building wall is a building wall fronting on a street.

On corner lots, the street yard shall consist of all the area of such lot between all abutting street right-of-way lines and their corresponding actual front building wall lines, as such lines are imaginarily extended in the manner provided above.

When there are multiple buildings on a lot, the street yard shall consist of all the area of the lot between the street right(s)-of-way and an imaginary line beginning at one (1) side of the property line, running parallel to the street, connecting the front most walls of al buildings fronting on the street, and then extending to the other side property line, running parallel to the street. If a building has a rounded front, the front building wall corners shall be the points closest to the side boundaries. Provided, that isolated buildings, (i.e., fast food restaurants in a shopping center, photo processing drop-offs, bank drive through windows, etc. ) shall not be considered in delineating the street yard.

Notwithstanding all of the foregoing, on land for which a use is established that does not contain any buildings, such as land used only for parking purposes or only as a commercial or private lot, the street yard shall consist of the entire lot. (Ord. No. 03-143 § 9, 02-25-03)

**STRUCTURE** - Anything constructed or erected, the use of which requires location on the ground or which is attached to something having a location on the ground (also see definition of “Building”).

**STRUCTURAL ALTERATIONS** - Any change in the supporting members of a building, such as load bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

**STUDIOS FOR RADIO AND TELEVISION** - A building or portion of a building used as a place for radio or television broadcasting (without a tower).

**SWIMMING INSTRUCTION AS A HOME OCCUPATION** - The teaching of swimming in a private swimming pool. In a residential area, the offering of swimming instruction in a private pool is subject to the approval of a Conditional Use Permit which may specify operating conditions and standards and may limit the number of students and operating time.

**SWIMMING POOL (COMMERCIAL)** - A swimming pool with accessory facilities, not part of the municipal or public recreational system and not a private swim club, but where the facilities are available to the general public for a fee.

**SWIMMING POOL (PRIVATE)** - A swimming pool constructed for the exclusive use of the residents of a one-family, two-family or multiple-family dwelling and located, fenced and built in accordance with Article 3.500, Uniform Swimming Pool, Spa and Hot Tub Code of the City of Cedar Hill Code of Ordinances. A private swimming pool shall not be operated as a business nor maintained in a manner to be hazardous or obnoxious to adjacent property owners.

**TELEMARKETING OR E-COMMERCE AGENCY** - An office where the primary function is to sell via telephone or over the Internet products or services that are not produced, prepared, performed, stored or distributed on or from the office location.

**TELEPHONE AND EXCHANGE, SWITCHING OR RELAY OR TRANSMITTING STATION** - A line for the transmission of telephone signals and a central office in which telephone lines are connected to permit communication but not including a business office, storage or repair yards.

**TELEVISION TOWER** – See “Radio, Television, and Broadcast Tower”.

**TEMPORARY** - Used or lasting for only a limited period of time; not permanent.

**TEMPORARY BUILDING** - Any nonresidential pre-manufactured structure which is not originally manufactured or constructed at its use site, required on-site installation of utilities and/or foundation.

**TEMPORARY FIELD OFFICE OR CONSTRUCTION YARD OR OFFICE** - A structure or shelter used in connection with a development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment. Temporary permits for one (1) year for a specific time and location as determined may be issued by the Building Official and shall be subject to review and renewal for reasonable cause.

**TEMPORARY OUTDOOR RETAIL SALE/COMMERCIAL PROMOTION** - An outdoor retail sale or commercial promotion, not in excess of thirty (30) days during any twelve (12) month period, adjacent to an existing permanent business operated in the City where the products displayed or sold outdoors are the same as those sold inside the existing permanent business and where such activity is incidental to the normal conduct of business operated by the same merchant or his employer in an on-site building for which a valid certificate of occupancy exists and when permitted by the City. A temporary outdoor retail sale/commercial promotion shall be limited to a total of thirty (30) days during any twelve (12) month period.

**TENNIS COURT, PRIVATE** - A surface designed and constructed for playing the game of tennis along with all fencing, nets and related appurtenances but excluding lighting for night play in residential areas except as may be otherwise permitted.

**THEATER (OPEN DRIVE-IN)** - An open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles.

**THEATER OR PLAYHOUSE (INDOOR)** - A building or part of a building devoted to the showing of motion pictures, or for dramatic, musical or live performances.

**TIRE DEALER, NO OPEN STORAGE** - A retail establishment engaged in the sale and/or installation of tires for vehicles, but without open storage.

**TIRE DEALER, WITH OPEN STORAGE** - A retail establishment engaged in the sale and/or installation of tires for vehicles, with open storage.

**TOOL AND MACHINERY RENTAL SHOP** - A building or a portion of a building used for the display and rental of tools, machinery and instruments.

**TOWNHOUSE** – See “Single Family Dwelling [Attached]”.

**TRACT** - A single individual parcel or lot.

**TRACTOR SALES** - See “Heavy Machinery Sales and Storage”.

**TRADE AND COMMERCIAL SCHOOLS** - Establishments, other than public or parochial schools, private primary or secondary schools, or colleges, offering training or instruction in a trade, art or occupation.

**TRAILER COURT** - See “Mobile Home Park”.

**TRAILER, HAULING** - A vehicle to be pulled behind an automobile or truck which is designed for hauling animals, produce, goods or commodities, including boats.

**TRAILER HOME** - See “Mobile Home” or “Recreational Vehicle”.

**TRAILER (TRAVEL) OR MOBILE HOME SPACE** - A plot of ground within a mobile home park, trailer court, or mobile home subdivision designed for the accommodation of one manufactured home or travel trailer.

**TRAILER RENTAL** - The display and offering for rent of trailers designed to be towed by light load vehicles.

**TRAILER, TRAVEL OR CAMPING TRAILER** - A portable or mobile living unit used for temporary human occupancy away from the place of residence of the occupants and not constituting the principal place of residence of the occupants or designed to be towed behind another vehicle.

**TRANSMISSION LINES** – See “Utility Distribution/Transmission Lines”.

**TRANSPORTATION AND UTILITY STRUCTURES/FACILITIES** - Permanent facilities and structures operated by companies engaged in providing transportation and utility services including but not limited to railroad track rights-of-way, sewage pumping stations, telephone exchanges, transit station turnarounds, water reservoirs and water pumping stations.

**TRUCK** - A light or heavy load vehicle (see definition for “Light and Heavy Load Vehicle”).

**TRUCK AND BUS REPAIR** - An establishment providing major and minor automobile repair services to heavy load vehicles.

**TRUCK AND BUS LEASING** - The rental of new or used panel trucks, vans, trailers, recreational vehicles or motor-driven buses in operable condition and where no repair work is done.

**TRUCK PARKING LOT** - Area for parking heavy load vehicles.

**TRUCK TERMINAL** - An area and building where cargo is stored and where trucks, including tractors and trailer units, load and unload cargo on a regular basis. May include facilities for the temporary storage of loads prior to shipment.

**TRUCK SALES (HEAVY TRUCKS)** - The display, sale or rental of new or used heavy load vehicles in operable condition.

**TWO-FAMILY DWELLING, ("DUPLEX")** - Two attached dwellings in one structure, each designed to be occupied by one family.

**UPHOLSTERY SHOP** – See “Drapery or Furniture Upholstery Shop”.

**USE** - The purpose for which land or buildings are or may be occupied in a zoning district.

**UTILITY DISTRIBUTION/TRANSMISSION LINES** - Facilities which serve to distribute and transmit electrical power, gas and water, including but not limited to electrical transmission lines, gas transmission lines, telephone lines and metering stations, whether operated by the City or private utility company.

**UTILITY FACILITIES** – See “Transportation and Utility Structures/Facilities”.

**VARIANCE** - An adjustment in the application of the specific regulations of the Zoning Ordinance to a particular parcel of property which, because of special conditions or circumstances of hardship peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district. Only the Board of Adjustment of the City of Cedar Hill can grant a variance.

**VETERINARIAN** (Ord. 04-201, § 13, 04-13-04) - A clinic or hospital where small and large domestic household animals and pets are seen or admitted for examination and medical treatment. May include indoor or outdoor kennels or pens, See “Animal Boarding and Kennels (Indoor or Outdoor). (Ord. 04-201, § 13, 04-13-04)

**VIDEO ARCADE** – See “Amusement Arcade”.

**WRECKING YARD (JUNKYARD OR AUTO SALVAGE)** - Any lot upon which two or more motor vehicles of any kind, which are incapable of being operated due to condition or lack of license, have been placed for the purpose of obtaining parts for recycling or resale.

**YARD** - An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in this Ordinance that the building or structure may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used. (See Illustration No. 6 for example)

**YARD, FRONT** - A yard located in front of the front elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the main building. (See Illustration 6)

**YARD, REAR** - The area extending across the rear of a lot measured between the lot lines and being the



minimum horizontal distance between the rear lot line and the rear of the outside wall of the main building. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard. (See Illustration 8)

**YARD, SIDE** - The area between the building and side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the main building. (See Illustration 8)

**ZERO LOT LINE DWELLING** - See “Patio Home”.

**ZONING DISTRICT** - A classification applied to any certain land area within the city stipulating the limitations and requirements of land usage and development.

**ZONING DISTRICT MAP** - The official map upon which the boundaries of the various Zoning Districts are drawn and which is an integral part of the Zoning Ordinance. (See Section 3, Zoning District Map and Section 4, Zoning District Boundaries).

**ZOO (PRIVATE)** - A facility housing and displaying live animals, reptiles or birds, privately-owned and operated for a fee or for the promotion of some other enterprise.

**ZOO (PUBLIC)** - A publicly-owned zoo or similar facility owned and operated by the City or a nonprofit zoological society where live animals, birds and reptiles are domiciled and displayed.