ORDINANCE NUMBER _____

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, TEXAS DIVIDING THE CITY INTO DISTRICTS THAT PERMIT SPECIFIC LAND USES, SUCH AS RESIDENTIAL, COMMERCIAL, INDUSTRIAL, OR AGRICULTURAL BY PROTECTING RESIDNETIAL NEIGHBOHOODS, PROMOTING ECONOMIC DEVELOPMENT, AND RESTRICTING HAZARDOUS LAND USES TO APPROPRIATE AREAS OF THE CITY; TO LESSEN STREET CONGESTION, PROMOTE SAFETY FROM FIRES AND OTHER DANGERS, PROMOTE HEALTH, PROVIDE ADEQUATE LIGHT AND AIR, PREVENT OVERCROWDING OF LAND, AND FACILITATE THE PROVISION OF ADEQUATE TRANSPORTATION, UTILITIES, SCHOOLS, PARKS, AND OTHER PUBLIC FACILITIES

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, TEXAS:

Section 1. **SHORT TITLE.** This ordinance shall be known as the "ZONING ORDINANCE."

Section 2. **APPLICABILITY TO CITY-OWNED AND UTILITY PROPERTIES.**

The provisions of this ordinance shall not apply to property belonging to or used by the city, and shall not limit the location, construction, maintenance or use of land, buildings, structures or equipment owned by the city. In the erection of buildings or other structures, city-owned or franchised utilities shall conform in architectural design and otherwise as nearly as possible to the buildings permitted in the zoning district in which they are erected.

Section 3. **RULES OF CONSTRUCTION.**

A. Words, phrases and terms defined herein shall be given the defined meaning. Words, phrases and terms not defined herein shall be given their usual and customary meanings except where the context clearly indicates a different meaning.

B. The text of the ordinance shall control captions, titles, and maps.

C.
mandatory.

D. Words used in the singular include the plural and words used in the plural include the singular.

E. Words in the present tense include the future tense and words in the future tense include the present tense.

F. Words importing the masculine shall where the context requires include the feminine and vice versa.

Section 4. **DEFINITIONS.**

For the purposes of this ordinance, the following phrases, terms, words and their derivation shall have the meanings given in this section.

Agriculture. The use of land and structures for farming or raising livestock, but excluding raising swine or exotic, creatures. Keeping wild or exotic creatures may be allowed only upon the granting of a variance by the Council. To be classified as agriculture, the use must occupy a minimum acreage as determined by the county of Guadalupe. All buildings and structures must meet Lot Frontage and Building Setback Requirements . This definition does not apply to Agricultural Home-Sites Districts.

*Agricultural Home-Sites District (**R-AG**).* The R-AG District is classified as a residential district and is designed to permit a sparsely settled residential development in combination with traditional farming activities for living along-side the use of land and structures for farming or raising livestock excluding swine and exotic creatures. R-AG districts include usually older already established plots of land that utilize at least part of the land for the purpose of Agriculture on a small scale not complying with Guadalupe County required minimum acreage. Principal uses in this district shall include one or more of the following in any combination, and except as otherwise provided herein are subject to the Residential District Use Regulations in Section 14B:

1. Single family residence, to include extended family, on parcels of land smaller than County required Agricultural acreage that will continue to conserve the areas of land and promote natural grass land, natural environments or native Texas wildlife.

2. Agricultural crops, cultivation of the land, plant nurseries and greenhouses, livestock ranges, animal husbandry, bee keeping, and any 4-H or school Agricultural projects excluding feed lots, swine and exotic animals.

3. Outbuildings for ranch or farming use such as stables, barns and shops for storage of animals or machinery so long as any such outbuildings are structurally sound and not in disrepair and provided that any such outbuildings with a floor area of 500 square feet or greater conform to the exterior appearance of the house and follow the minimum setbacks Lot Frontage and Building Setback Requirements .

Alley. A minor public right-of-way which is not intended to provide the primary means of access to abutting lots but which is used principally for utilities and/or vehicular service access to the back or sides of properties with primary access on a public street.

Animal Clinic. A building which contains the offices, examining rooms and laboratories of a veterinarian treating domestic pets and small animals, but excluding outdoor boarding kennels.

Applicant
proposed to be included in the application. The holder of an option or contract to purchase, a lessee having a remaining term of not less than four years, or other person having an enforceable proprietary interest in such land, shall be deemed to be an applicant for the purposes of this ordinance.

Art Gallery. An establishment for the display of works of art, including sale of the items exhibited.

Articulation. The use of varying depth of wall planes both in the vertical and horizontal dimension to create interest and an aesthetically pleasing appearance in a building facade.

Bank. A financial institution, including a bank, savings bank, savings and loan, or other similar institution however designated, which transacts business with its customers in an interior banking lobby. A bank may also include a drive-in bank. An administrative office is one which is solely involved in managing the internal administration of a bank and which does not directly

Basement. That portion of a structure below grade level and enclosed on at least two sides.

Building. A structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property, including tents, lunch wagons, dining cars, mobile homes, cabins, trailers, and other roofed structures on wheels or other supports, whether for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational or other

covering, whether or not permanent in nature.

Building, Public. A building used by any governmental agency for administration or delivery of public services, such as a city hall, fire station, public library or post office.

Church. A building designed for public worship, including a separate parsonage and/or a community meeting facility, but excluding a school or community athletic facilities.

Clinic, Medical or Dental. A building which contains the offices, examining rooms and laboratories of physicians, dentists, and their assistants, but not facilities for in-patient care or major surgery. Excluded from this definition are communicable disease clinics, and those for alcohol or drug dependent, delinquent, mentally challenged or impaired persons.

Council. The City Council Members of the City of Santa Clara, Texas.

Director. The person appointed by the City Council to serve as the person to administer the plans and city ordinances related to land development and architectural standards,
designated representative. In the absence of an appointed person the acting Chairman of the Planning and Zoning Commission shall serve as Director until such an appointment is made. The director is encouraged to consult with experts as necessary to carry out the provisions of this ordinance.

District. An area in which a specified use(s) is allowed and other uses are prohibited as

Dripline. The area of ground surrounding the trunk of the tree considered essential to protecting the root structure of a tree. For the purposes of this ordinance, the drip-line shall be calculated at one foot (1') for every one inch (1") of caliper width measured at four feet (4') above natural grade level, i.e. a twelve-inch (12") tree would require a drip-line with a twelve-foot (12') radius.

Dwelling, Single Family. A single building occupied exclusively by not more than one family.

Dwelling Unit. One or more rooms providing complete living facilities for one family, including equipment for cooking or provisions for the same, and including rooms for living, sleeping, eating, and sanitation.

Family.

(1) An individual; or

(2) Two or more individuals related by blood, marriage or adoption, living together in a dwelling unit; or

(3) A group of individuals who are not necessarily related by blood, marriage or adoption living together as a single housekeeping unit in a dwelling unit.

Floor Area, Gross. The sum of the gross horizontal areas of the several floors of a building, including interior balconies or mezzanines, but excluding stairwells and elevator shafts. All horizontal dimensions are to be measured between the exterior faces of walls, including the walls of roofed porches having more than one wall. The floor area of a building shall not include the floor area of garages or accessory buildings on the same lot, measured in the same manner.

Franchise Architecture

architectural elevations, colors, materials, other architectural elements or the arrangement thereof.

Front of Building. The facade of a building facing a public street. If a residence is on a corner lot, In nonresidential buildings, the front is the side which has a main entrance nearest the adjacent street.

Garage, Auto Repair. A completely enclosed establishment devoted to the maintenance and repair of motor vehicles and their component subsystems, including incidental sale of automotive parts. Excludes gas stations, carwashes, automobile body or paint shops, or any use in which a spraying process would result in flammable vapors, or mist, or combustible residues, dust or deposits.

Garage, Private. A building or part thereof accessory to a main building and providing for the storage of automobiles, enclosed on all four sides and pierced only by windows and customary doors. No occupation or business or business for profit may be carried on in a private garage.

Guesthouse / Caretaker Quarters. A dwelling unit for occupancy on the premises that is not a primary dwelling.

Height of Building. The vertical dimension measured from the average elevation of the finished lot grade at the front of the building, to the highest point of the ceiling of the top story in the case of a flat roof, to the deck-line of a mansard roof, or to the average height between the plate and ridge of a gable, hip or gambrel roof.

Historic Tree. A tree of notable historical interest and value to the City of Santa Clara because of

city council after recommendation by the planning and zoning commission and after a public hearing and due notice of such to the owner of the property where the tree is located.

Junk. Any worn out, cast off, or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some other use. Any article or material which, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new shall not be considered junk. Artistic usage and display of machinery or equipment shall not be considered junk so long as the condition of the items used or the display thereof does not cause a public nuisance or public health or safety concern.

Lot. A tract or parcel of land which has frontage on a public street and has been properly subdivided, platted and recorded.

Manufactured Housing. HUD-code manufactured homes at least twenty feet in width, excluding attendant structures or site built additions, which:

(1) Are permanently affixed to a foundation with a visible foundation system forming a complete enclosure under exterior walls;

(2) Have skirting, exterior walls and roofs which are acceptably similar in appearance to those of site built residences;

(3) Have covered front and rear entries, and site built steps and porches;

(4) Have sloping roofs with eave projections of at least six inches and pitch of at least one foot of rise for each four feet of horizontal run.

Masonry. Building materials consisting of native limestone, cut stone, cast stone, brick, brick veneer, decorative concrete masonry unit, stucco, plaster, exterior insulation and finish system (EIFIS) or equivalent product, poured-in-place concrete, and tilt wall concrete.

*Mixed Use Combining District (**MU**)*. MU districts are intended to permit any combination of office, retail, commercial, and residential uses within a single development. Combination of any uses within a single development is not a requirement that the uses be combined within the same structure. This district may be a standalone district or used in combination with other base residential or non-residential districts. To be used in combination with other base districts MU combining district must further the purposes and intent of the other base district of which it is combined.

Nursery, Day-Care. A place where organized care is imparted to children under the age of seven years who are not of the same household.

Nursery, Plant. An establishment at which plants are nurtured and plants and gardening supplies are sold at retail, but excluding any outside storage of materials or equipment other than live plant material.

Office, Home. A portion of a dwelling unit, not exceeding 25 percent of its gross floor area,

admi s business, trade or profession, provided that it gives little evidence to an outside observer that the building is not used solely and exclusively as a residence, and provided that it is not out of keeping with the basic character of a quiet residential neighborhood.

Office, Professional or Administrative. A place where:

(1) Professional practitioners perform or deliver professional services (except clinics, as defined elsewhere); or

(2) The administration of a business is conducted, as opposed to the actual production of goods or services by that business or the display or sale of merchandise or the storage of materials, equipment or supplies.

Office Building. One or more buildings designed and operated as a single unit for lease to one or more tenants as professional or administrative offices, medical and dental clinics and such retail establishments as may be provided as a convenience to the occupants.

Outbuilding. A building customarily incidental to and located on the same lot with the main use building. Such buildings are not for human habitation on either a temporary or permanent basis.

Person. A natural person, unincorporated association, corporation or other business entity, including any agent, partner, representative, employee, designee, heir, successor or assign thereof.

Planned Unit Development. A residential subdivision which includes private streets, landscaped areas and other facilities or amenities, all of which are developed as a unit and owned and maintained as common area property by a mandatory association of the property owners in the subdivision.

Restaurant. Any establishment, however designated, in which the principal business is the sale of food for consumption on the premises, including alcoholic beverages incidental to a meal, but excluding nightclubs and stand-alone bars.

Retail Establishment. A business selling goods at retail or personal or business services exclusively to final consumers. Such an establishment does not include any manufacturing, wholesaling, or processing of goods (other than repair services or incidental packaging), and it does not involve any exterior storage of goods, materials or supplies. Excluded from this definition are gas stations, ice houses and motor vehicle dealers.

School. An institution for the education of children through the high school level and for adult continuing education.

School District. Shall mean an Independent School District.

Setback. A minimum horizontal space extending across the front or rear or along the side property lines of a lot (as specified) which shall remain open and unoccupied by any building or structure except for a fence or landscaped buffer strip.

Shopping Center. A single building of 10,000 square feet or more in gross floor area which is designed or used as a retail establishment (as defined elsewhere in this ordinance), or one or more buildings regardless of size which are designed or operated as a single unit for multiple retail establishments.

Sign. Any writing, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, designs, pictures, trade names, or trademarks or devices by which anything is made known, such as are used to designate an individual commodity or product, which is visible from any public street or right-of-
pennant, or insignia of any nation, state or city.

Sign, Advertising. A billboard or other sign which directs attention to a business or profession which is conducted, or to a commodity, entertainment or service which is sold or offered, elsewhere than upon the premises where such sign is located, or to which it is affixed.

Sign, Business. A sign which directs attention to a business or profession which is conducted, or to a commodity, entertainment or service which is sold or offered, upon the premises where such sign is located or to which it is affixed.

Sign, Flashing. An illuminated sign on which the artificial light is not maintained stationary and/or constant in intensity and color at all times when such sign is in use. For the purposes of

Store or Shop, Small Retail. A single retail establishment (as defined elsewhere in this ordinance) of less than 10,000 square feet in gross floor area, in a detached building on a separate lot, employing no more than five (5) individuals.

Story. That portion of a building included between one floor and the floor or roof next above it. A story with more than one-half of its height below the level of the building grade shall be termed a basement, and it shall not be counted as a story unless the ceiling height exceeds four feet above grade or unless more than 40 percent of its floor area is for living purposes as part of the dwelling unit above.

Street. A public right-of-way which provides primary vehicular access to adjacent land, whether designated as a street, highway, thoroughfare, parkway, avenue, land, boulevard, road, place, drive or otherwise.

Structural Alteration. A change or rearrangement of structural parts of a building or structure, or an enlargement of a building or structure, whether by extending on a side or by increasing in height, or the moving of a building or structure from one location or position to another.

Structure. Anything constructed or erected which requires location on the ground or attached to something having location on the ground. By way of example the term includes, but is not limited to, buildings, fences, walls, swimming pools, tennis courts, driveways and parking lots.

Structure, Nonconforming. A structure or part thereof which does not conform to all the regulations of the zoning district in which it is located.

Studio. The working place of an artist, sculptor, musician, photographer or artisan, including a place for lessons in the fine arts but excluding amplified music which can be heard beyond walls or outside of the establishment and further including cheerleading studios, martial arts and ballroom dancing.

TxDOT. The Texas Department of Transportation.

Use. The purpose for which land or structures thereon is designed, arranged, or intended to be occupied or used or for which it is occupied, maintained, rented or leased.

Use, Nonconforming. A use of a building, structure or land which does not conform to all the regulations of the district in which it is located.

Utility. Any facility, other than an administrative office, of any agency which under public franchise or ownership or certificate of convenience and necessity provides the public with any general public service, such as gas, electricity, water, sewerage, telephone telegraph, cable television, or any other similar service.

Section 5. **ADMINISTRATIVE OFFICIAL.**

A. Applications, Permits and Inspections. Except as otherwise provided in this ordinance, the Director shall administer, interpret and enforce this ordinance, including receiving applications, inspecting premises and issuing building permits and certificates of occupancy. No building permit or certificate of occupancy shall be issued by the Director unless the applicant has complied with the provisions of this ordinance. Building work started before the approval of this

ordinance is considered grandfathered and will not require applications, permits nor inspections so long as construction is not delayed for any reason more than ninety days and must be continuously worked upon until finished no matter the duration of the construction project.

B. Building Work in Violation of Ordinance. Whenever any building work is being done contrary to the provisions of this ordinance, the director may order the work stopped and also revoke the building permit issued by notice in writing served on any person owning such property, or their agent, or on any person engaged in the doing or causing of such work to be done. Any such person shall immediately stop and cause to be stopped such work until authorized by the director to recommence and proceed with the work, or until issuance of a building permit in those cases in which the building permit has been revoked. Such stop work order and revocation of permit shall be posted on the work done in violation of this ordinance.

C. Use or Occupancy in Violation of Ordinance. Subject to the provisions of this ordinance allowing for certain nonconforming uses and/or structures, whenever any land or structure or portion thereof is being used or occupied contrary to the provisions of this ordinance, the director may order such use or occupancy discontinued, and the offending structure or portion thereof vacated, by notice served on any person causing such use or occupancy to be continued. Such person shall within 10 days after receipt of such notice vacate such structure or portion thereof or make the structure or portion thereof comply with the requirements of this ordinance.

Section 6. **PROHIBITIONS.**

A. Limitations on Use or Occupancy of Land and Structures. No land shall be used or occupied and no structure shall be designated, erected, reconstructed, structurally altered, used or occupied for any purpose other than is permitted in the zoning district in which it is located, or except in conformity with this ordinance.

B. Limitations on Height and Area. No structure shall be erected, reconstructed or altered to exceed the height or bulk limits herein established for the district in which such structure is located. No tract or lot area shall be reduced or diminished so that the setbacks shall be smaller than prescribed by this ordinance. No setback provided about any structure for the purpose of complying with the provisions of this ordinance shall be considered as providing a setback for any other structure, and no setback on any adjoining property shall be considered as providing a setback on any lot whereon a structure is to be erected.

Section 7. **VIOLATIONS DEFINED.**

Wherever by the provisions of this ordinance the performance of any act is required or the performance of any act is prohibited or wherever any regulation, dimension or limitation is imposed on the use or change of use of any land, or on the erection or alteration of any structure, or on the use or change of use of any structure, or on the uses within such structure, a failure to comply with the provisions of this ordinance shall constitute a violation of this ordinance. Every day or portion thereof during which a violation exists shall constitute a separate violation and offense.

Section 8. **REMEDIES.**

A. Fines. Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction may be fined not less than $1.00 nor more than $2,000.00 per offense.

B. Additional Remedies. In case any structure is erected, constructed or reconstructed, altered, repaired, converted or maintained in violation of this ordinance, the city and/or any proper person may institute any appropriate action or proceedings to prevent such use or action, to restrain, correct or abate such violation, or to prevent any illegal act, business or use in or upon such premises, including, but not limited to, all remedies provided in Section 211.012 of the Texas Local Government Code. In addition to the remedies enumerated above, the city may e imposition of any penalty herein is cumulative of any remedy provided by law and shall not preclude the city or any other proper person from instituting any appropriate action or proceedings to require compliance with provisions of this ordinance or with administrative orders, and determinations made hereunder.

Section 9. **BUILDING PERMIT REQUIRED.**

No person shall erect or construct, add to or structurally alter, or proceed with the erection, construction or structural alteration of any structure or cause the same to be done without first applying for and obtaining a building permit in the manner prescribed by this code. Any structure under construction prior to the adoption of this ordinance is grandfathered.

Section 10. **CERTIFICATES OF OCCUPANCY.**

A. Certificate Required for Commercial Structures. No commercial building shall be occupied or changed in use, and no change of occupancy shall occur in the C-1, C-2 or C-3 districts, until a certificate of occupancy shall have been issued by the Council, providing essentially that the building and proposed use thereof complies with all the provisions of this ordinance and any other applicable city codes. The city secretary shall be authorized and directed to receive such fee as may be established from time to time by the Council for each certificate of occupancy as may be issued. The city secretary shall maintain a record of all certificates of occupancy, and copies shall be furnished, upon request, to any person as authorized by law.

B. Change of Occupancy. Once issued, a certificate of occupancy is not a perpetual instrument for the specified business for which issued; should the building be changed, structurally altered, extended, or should a new business use be initiated on the premises, a new and separate certificate of occupancy shall be required. However, the certificate of occupancy may be assigned upon the sale or inheritance of the business or premises.

Section 11. **NONCONFORMING USES.**

A. Nonconforming Uses and Structures.

(1) Nonconforming Status. The use of land, use of structure, or a structure itself shall be deemed to have nonconforming status when each of the following conditions exist:

(a) The use or structure that does not conform to the regulations prescribed in the district in which such use or structure is located was in existence and lawfully constructed or lawfully under construction, located and operating prior to, and at the time of, the event or action that made such use or structure nonconforming.

(b) The event or action that made such use or structure nonconforming was one of the following: incorporation/annexation into the City of Santa Clara, adoption of this zoning ordinance or previous zoning ordinance.

(c) The nonconforming use has been operating since the time that the use first became nonconforming without abandonment, as abandonment is defined in subsection (4) below.

(2) Expansion.

(a) No nonconforming use may be expanded or increased beyond the lot or tract upon which such nonconforming use is located as of the effective date of this ordinance, except to provide off-street loading or off-street parking space upon approval of the Council.

(b) No structure occupied by a nonconforming use shall be altered so as to increase the gross floor area.

(c) No nonconforming structure shall be altered or expanded so as to increase the degree of nonconformity.

(3) Change of Use.

(a) Any nonconforming use may be changed to a conforming use, and once such change is made, the use shall not thereafter be changed back to a nonconforming use.

(b) Where a conforming use is located in a nonconforming structure, the use may be changed to another conforming use by securing a certificate of occupancy.

(4) Abandonment.

(a) Whenever a nonconforming use is abandoned, all nonconforming rights shall cease, and the use shall henceforth be in conformance to this chapter. Abandonment shall involve the intent of the user or owner to discontinue a

nonconforming operation and the actual act of discontinuance. Any nonconforming use that is discontinued for a period of six (6) months, shall be considered to have been abandoned.

(b) Whenever a nonconforming structure is abandoned, all nonconforming rights shall cease, and the use of the structure shall henceforth be in conformance with this chapter. Any nonconforming structure that remains vacant for a period exceeding six (6) months and has failed to respond to notice of abandonment delivered by certified letter shall be considered abandoned. Additional factors considered to determine abandonment include a violation of any other City Ordinance, failure to pay property taxes and failure to secure the building.

(5) Destruction of Nonconforming Structure.

(a) Partial Destruction Less Than Fifty Percent (50%). If a nonconforming structure is partially destroyed by fire, the elements or other cause, amounting to less than fifty percent (50%) of its replacement value, reconstruction is permitted provided the repaired structure shall not exceed the original structure in lot coverage, gross floor area or height and shall not increase the degree of any nonconformity.

(b) Partial Destruction Greater Than Fifty Percent (50%) or Total Destruction. If a nonconforming structure is totally destroyed or partially destroyed by fire, the elements or other cause, amounting to greater than fifty percent (50%) of its replacement value, reconstruction may be permitted after a hearing and favorable action by the Council, provided the repaired or new structure shall not exceed the original structure in lot coverage, gross floor area or height and shall not increase the degree of any nonconformity.

B. Nonconforming Lots. A platted lot recorded in the official records of Guadalupe County that has less area than herein required may be used for uses permitted in the respective district, and no lot shall be reduced in area below the minimum requirements set forth in Section 14(A). Where a building setback line required by a governmental entity has been established by a plat approved by the city or county prior to these regulations, and such line requires a greater or lesser building setback than is prescribed by Section 14(A) for the district in which the building setback line is located, the setback shall comply with the building line so established by such plat, provided no such front setback shall be less than twenty-five feet (25'), and no such side or rear setback shall be less than six feet (6'). The relaxation of setback requirements shall only apply in the R-AG, R-1, R-2, and R-3 districts.

Section 12. **NUISANCES.**

A. Effect of Other Ordinances. Nothing in this ordinance shall be construed as impairing or repealing any other ordinance of the city regarding nuisances.

B. Nuisance Declared. The erection, structural alteration or maintenance of any structure, or the use of any land or structure in violation of this ordinance or other ordinances relating to the area and district in which such land or structure are located, are a public nuisance when such action constitutes a fire or health hazard, or interferes with the quiet or peaceable enjoyment of property by other persons, or interferes with their health or safety.

Section 13. **ZONING DISTRICTS**

For the purpose of promoting the health, safety, morals and general welfare of the community, the following zoning districts are hereby created effective after the adoption of this ordinance, except that this ordinance does not elevate any prior illegal use of property into lawful uses. All property within the city is hereby assigned to particular zoning districts as designated on the official zoning map posted in city hall. All property, both residential and nonresidential, may be utilized for a less intensive purpose without requiring city approval of a zoning change, e.g. a C-3 property may be utilized for purposes appropriate in a C-2 district, etc.

Designations of zoning districts on the official zoning map, to the extent they cover areas in

intended to guide development and are subject to change as approved by the Council at such time as any such property is annexed into the city, may include any or all of the following:

RESIDENTIAL DISTRICTS:

Single Family Districts:

R-AG, Agricultural Home-Site, Single Family

R-1 Single Family, low density (5.00 acres minimum lot size)

R-2 Single Family, medium density (2.00 to 4.99 acre lot size)

R-3 Single Family, high density (20,000 SF to 1.99 acre lot size)

R-4 Single Family, high density (less than 20,000 sq/ft.)

Multifamily Districts:

MF-1 Multifamily (2-4 family)

MF-

MH Manufactured Home Park

NONRESIDENTIAL DISTRICTS:

Agricultural District:

AG Agricultural

Airport District:

AP Airport

Commercial Districts:

C-1 Commercial (Office Space)

C-2 Commercial (Light Retail)

C-3 Commercial (Heavy Retail)

Hospital Districts:

H-1 Hospital (Hospitals / Laboratories)

H-2 Hospital (Personal Care Facilities)

H-3 Hospital (Med Clinics)

Industrial and Manufacturing Districts:

I Industrial

M Manufacturing

MIXED USE DISTRICTS:

Mixed Use Combing District:

MU Mixed Use Combining District

Section 14. **ZONING DISTRICT USE REGULATIONS.**

A. Lot Frontage and Building Setback Requirements.

District	**Minimum Frontage**	**Front Setback**	**Rear Setback**	**Side Setback**
R-AG	200	35	25	20
R-1	200	35	25	20
R-2	150	25	20	15
R-3	100	25	20	10

R-4	50	20	20	10
MF-1	200	50	25	25
MF-2	200	50	25	25
MH	100	25	20	10
C-1	50	20	20	15
C-2	75	25	25	20
C-3	100	50	50	25
AG	300	50	50	50
AP	300	50	50	50
H-1	200	50	50	50
H-2	75	50	25	25
H-3	100	50	25	25
I	100	50	50	25
M	200	100	100	50

(Table is minimum requirements measured in feet)

* In the case of corner lots, the owner may opt which is the side and which is the front line of the lot.

B. Residential District Use Regulations. Nothing in this section shall prohibit the Council from approving light commercial uses for land which are incorporated by a developer within a proposed residential subdivision and made part of the master plan for that subdivision. All residential districts are designed to protect the residential character of each district by generally prohibiting nonresidential commercial uses and by encouraging a suitable neighborhood environment for family life. In addition to residential purposes, parks and open space are permitted and encouraged in these districts, and such uses as churches and schools may be

s set out in
Lot Frontage

and Building Setback Requirements
following requirements:

(1) Drainage. Exterior landscaping shall adequately provide for diversion of uphill runoff in a heavy rain. Follow any current existing or adopted municipal building code. Finished slab elevation shall always be at least 4" above the finished grade elevation or a proper water barrier shall be established between the outside grade and the finished slab elevation that would provide at least the same 4" differential.

(2) Outbuildings. All dwellings in the residential districts may also include the customary outbuildings, so long as any outbuildings with a floor area of 300 square

feet or greater conform to the exterior appearance of the house. Private garages are permitted. Carports may be used instead of garages; however, carports may not be used primarily for storage of anything other than vehicles unless located to the rear of the house or another outbuilding conforming to the exterior appearance of the house, or unless the carport has two sides conforming to the exterior appearance of the house and is designed to block the a view from the street into the carport. If any of the present improvements on an existing residence in a residential district are closer to

Lot Frontage and Building Setback Requirements

teration or addition to any such improvement shall be constructed so as to conform to the minimum setback requirements as provided for in that table. Television satellite dishes which are installed on the ground and liquid petroleum gas tanks shall be situated to the rear of any residence and shall be situated so much as possible such that they are not visible from the street. Motor-homes, mobile-homes, recreational vehicles, trailers, travel-trailers, or boats not in immediate use for their manufactured intended use, subject to

shall be parked to the rear of the house or other outbuilding conforming to the exterior appearance of the house and inside the side and rear setback lines. This is not to restrict the temporary use of motor-homes or travel-trailers by out-of-town visitors for a duration of less than thirty (30) days.

(3) Animals. Commercial feed lots are prohibited. Commercial breeding of animals, birds, poultry, fish or reptiles is not prohibited. The operation of a small commercial dairy, dog boarding kennel or veterinary hospital, or the operation of a commercial livery or boarding stable for horses, a riding academy, or rodeo or roping arenas shall not be considered prohibited however shall be subject to approval of a special use permit as set out in this ordinance. This restriction shall not be construed to prohibit the keeping of a reasonable number of domestic animals for family enjoyment, but where such domestic animals are kept, the premises shall be maintained in a clean condition and in a manner to avoid excessive noise, the breeding of flies or the production of noxious odors.

(4) Home Offices. No retail trade or manufacturing shall be conducted in a home office. No stock in trade shall be kept or sold on the premises, and no equipment or materials shall be stored outside the dwelling or other outbuilding. No business shall be conducted in a home office which would regularly cause clients or customers to come to the premises so frequently as to impede the flow of traffic. No continuous activity shall be permitted in a home office which would produce noise, odors, fumes, vibration, dust or electronic interference outside the premises, or which would cause the dwelling to be ineligible for normal residential water, electric and garbage collection rates. No nameplate, sign or exterior display shall be permitted except by

.

(5) Temporary Residences. No person shall at any time use as a residence, temporarily or permanently, a manufactured home outside of the zoned district, motor-home, mobile-home, trailer, travel-trailer, tent, shack, garage, barn or other

outbuilding except as otherwise expressly designated herein. A garage, barn or other outbuilding may be renovated or reconstructed into a dwelling for temporary or permeant use as a residence following the proper city approval, permitting and applicable city ordinances. The use of motor-homes or travel-trailers by out-of-town visitors for a duration of less than thirty (30) days shall not be prohibited. In the event of a catastrophe the use of a manufactured home, motor-home, mobile-home, trailer, travel-trailer, tent, shack, garage, barn, or other outbuilding may be used as a temporary residence in an emergency situation and for so long as necessary while the permanent residence is being continually repaired or reconstructed, not to exceed an unreasonable amount of time. Any use of a manufactured home, motor-home, mobile-home, trailer, travel-trailer, tent, shack, garage, barn or other outbuilding as a temporary or permeant residence at the time this ordinance is approved shall be considered legal non-conforming and so long as it is not a health and safety violation

(6) Signs. No advertising sign of any character shall be permitted in a residential district, except temporary real estate, political and public interest signs. Home office nameplates or signs shall not be permitted except by special permit subject to the proval.

(7) Open Space Requirements. All structures on residentially zoned lots, including those uses permitted by a special use permit including driveways and parking areas, when taken together, shall not exceed 30% of the entire ground level area of the lot.

C. Commercial District Use Regulations. All commercial districts are intended for nonresidential uses and, except for the AP airport district, are subject to the requirements set out Lot Frontage and Building Setback Requirements Appropriate uses for properties and structures in the C-1, C-2 and C-3 commercial districts are set out in the table attached -encompassing, it will serve as a guide for the city in the event any person desires to make commercial use of a property in a manner not governed by that table.

C-1 and H-2 districts are intended for neighborhood commercial uses that have a higher volume of traffic than residential uses or minor commercial uses (small office, professional services, assisted living facilities, etc.). These uses act as a buffer between residential areas and C-2 and C-3 uses. No external sounds systems or live music is allowed. No outdoor storage or display of goods allowed, except for outdoor dining. The C-1 regulations are designed to protect and encourage the transitional character of the districts by permitting a limited group of light commercial uses and are intended to protect the abutting and surrounding residential areas by virtue of such light commercial use.

C-2 and H-3 districts are intended for commercial and retail uses that generate greater traffic volume and/or truck traffic than C-1 and H-2 uses. No outdoor storage or display

of goods allowed, except outdoor dining. Any use allowed in a C-1 or H-2 commercial district is also allowed in a C-2 and H-3 commercial district respectively.

C-3 and H-1 districts are intended for more intensive commercial uses, typically characterized as community and regional shopping centers, hospitals, power centers, medical centers, and/or assembly of similar uses into a single complex under single ownership or the structure of a property owners or condominium styled organization. Uses should incorporate shared internal circulation with limited approaches to arterial streets. Any use permitted in a C-1 or C-2 and a H-2 or H-3 commercial district is also permitted in a C-3 or H-1 commercial district respectively.

I and M districts are intended respectively for industrial and manufacturing, including heavy and concentrated fabrication, uses which are suitable based upon adjacent land uses, access to transportation and the availability of public services and facilities. It is the intent of this district to provide an environment for industries that is unencumbered by nearby residential or commercial development. I and M must be located in areas where conflicts with other uses can be minimized to promote orderly transitions and buffers between uses. These districts are located for convenient access for existing and future arterial thoroughfares, airports, and railway lines; these uses/districts are in many instances separated from residential areas by commercial areas or by natural barriers; where they are adjacent to residential areas some type of artificial separation is typically required.

All structures and uses in the commercial districts are subject to the following additional regulations:

(1) Signs. Electronic and digital signs are prohibited. All other signs shall conform to the applicable provisions of any existing or adopted city sign ordinance.

(2) Architectural Standards.

(a) Overview.

To prepare for future development within the city and surrounding areas, architectural standards have been created to promote attractive and tasteful development that is unique to Santa Clara
our community.

The standards are meant to be used as a guide and planning tool to help define and promote Santa Clara - while preserving its cultural and historic resources and using its unique natural assets and character - to mold the city envisioned by its residents.

(1) Guiding Principles. The design and construction of all new and renovated commercial structures within the Santa Clara area shall meet the following objectives:

a. Reflect the rural character and Country lifestyle valued by Santa Clara residents;

b.

c. Foster a built environment of timeless quality and enduring value;

d. Encourage pedestrian-friendly, human-scaled buildings that reflect a sense of community;

e.
and

f. Promote an integrated approach toward site development, building design, and the landscape.

(2) Applicability.

a. These standards have been established to regulate:

1. All nonresidential building exteriors within nonresidential zoning districts.

2. All exterior modifications to existing nonresidential buildings that exceed 20 percent of the existing building area.

b. Structures within industrial and airport zoned districts are exempt from these standards.

(3) Submission Requirements, Review, and Approval.

a. The following items must be submitted to the director for review and approval:

1. Concept site plan showing location of building footprint, parking, trees, significant natural features, and other proposed manmade features.

2. Colored exterior elevations or 3-D rendering showing the proposed building(s).

3. Proposed building signage and location on-site plan and on exterior elevations.

4. Material schedule or sample board.

5. Electronic copies of items 1 through 4 above.

b. Applicants are encouraged to have a pre-application conference with the director prior to making their submission. Director is defined in Section 4 of this ordinance.

c. After review and approval of the above items, the director will submit a recommendation to the planning and zoning commission for consideration and approval.

d. By majority vote of the members present, the planning and

these architectural standards.

e. Director shall issue building permits in accordance with the determination made by the planning and zoning commission.

(b) Design Requirements. Building form (articulation, scale, and proportion) should be contextual, meaning that buildings should be in a harmonious relationship to each other to promote an atmosphere of consistency of form rather than style relationships only. All buildings shall be designed to include varied relief to provide interest and variety and to avoid monotony.

(1) Compatibility. New or modified buildings and developments in or adjacent to existing developed areas shall be compatible with the established architectural character of adjacent areas by using design that is complementary. Character compatibility can be achieved through techniques such as similarity of:

a. Roof lines;

b. Proportions in building mass and outdoor spaces;

c. Relationships to the street;

d. Window and door patterns;

e. Building materials.

(2) Building Materials. The building material of a project shall be durable, require low maintenance, and be of the same or higher quality as surrounding developments. No less than 50 percent of the total area of a

doorways, shall be constructed of masonry materials. All exterior walls of all buildings to which these standards apply shall be finished in one or more of the following materials:

a. Native limestone, cut stone, cast stone, decorative concrete masonry unit, or brick veneer;

b. Stucco or plaster;

c. Standard exterior insulation and finish system (EIFS) or equivalent product for exterior finish above eight feet (8') and abuse resistant EIFS for exterior finish below eight feet (8');

d. Poured-in-place concrete and tilt-wall concrete. Tilt-wall concrete structures shall include reveals, punch-outs, or other similar surface characteristics to enhance the facade on at least ten percent of each facade;

e. Cellulose fiber-reinforced cement building board products, (e.g., Hardi-Board products) or other cement building products approved by a nationally recognized building products evaluation service;

f. Glass. Use of a highly reflective material as the primary building envelope is not permitted. Mirrored glass with a reflectivity of 20 percent or more is not permitted on the exterior walls or roofs of buildings and structures;

g. Pre-finished metal siding;

h. Wood siding;

i. Metal (for beams, lintels, trim elements, and ornaments); and

j. Wood trim accents.

Other materials not listed above, including recycled materials, may be used with approval of the director.

(3) Building Color. The standard color scheme shall be common colors found in the native landscape of the area. Colors comprising at least 80% of the solid surface facade of the buildings should be primarily natural and earth tone colors. The range of tones include: ochre, brown, umber, rust, olive, beige, taupe, sepia, white, off-white, and slight variations thereof. Accent colors may comprise the remaining 20% of the solid surface facade, and should relate to the base tones. Decorative canopies, special elements, and signage can be a more striking color as appropriate.

(4) Building Articulation. Horizontal and vertical elements of the exterior walls shall vary in height, design, and projection to create shade

and cast shadows to provide visual relief to the buildings. Such interest and style shall be provided through, but not limited to: arcades; cornices; eaves, awnings, or canopies; sloped or unique roof features (e.g., parapets, mansard); architectural focal points (e.g., entry ways, alcoves, pillar posts, or window treatments).

a. Height Standards.

1. Height shall be measured as the vertical distance between the average finished grade at the base of the building and the highest point of a flat roof including parapet walls or the midpoint between the eaves and the ridge line of a gable, hip, or gambrel roof. In no case shall the occupiable portion of any building be taller than 35 feet.

2. Roof structures usually required above roof level, and not intended for human occupancy, may be erected up to 15 feet above the height limit of the district, whether such structure is attached or freestanding. As examples, such structures may include but are not limited to those housing or screening elevators, stairways, tanks, ventilation fans, or similar equipment for building operation and maintenance or fire protection; or skylights, flagpoles, chimneys, utility lines, towers, antennas, fire towers, and any screening parapet wall; or other appurtenances usually required above the roof level.

3. Steeples, crosses, spires, belfries, and cupolas when integrated as an architectural element of a building may be erected up to 18 feet above the height limit of the district.

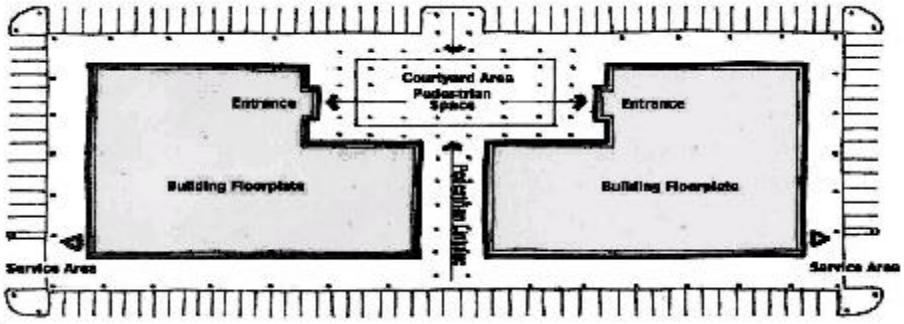
b. Mass and Form.

1.
the character of its neighborhood.

2. Building massing (elevations & floor plate configurations) should vary to avoid monotony and linear forms. Strip or linear retail development is not desirable.

3. Building floor plans should be sited in order to create definable pedestrian spaces (e.g., courtyards, pocket areas, larger sidewalks) or variations of outdoor space.

4. Compatibility of building mass shall be created by small surrounding structures or by stepping back upper floors facing the street.



Building siting to create definable pedestrian spaces

c. Scale. Design of a new building should reinforce a sense of human scale. One and two story structures enhance the pedestrian-friendly, small-town character of the community. New buildings should be articulated in their form and material as described in this design requirements section. Design techniques should be used to visually reduce the apparent size of large buildings and to make the large building blend in better with the surrounding structures. A pedestrian scale is desired near entry points of buildings to relate to the users. This scale can be achieved through the use of arcades, porte-cocheres, loggias, and plantings which help buildings transition to a pedestrian scale environment.

d. Offsets. To preclude a box design, any wall in excess of 100 feet in length that faces a public right-of-way shall incorporate wall plane projections or recesses having a depth of at least two feet and extending at least 20 percent of the length of the facade, not to exceed 100 horizontal feet.

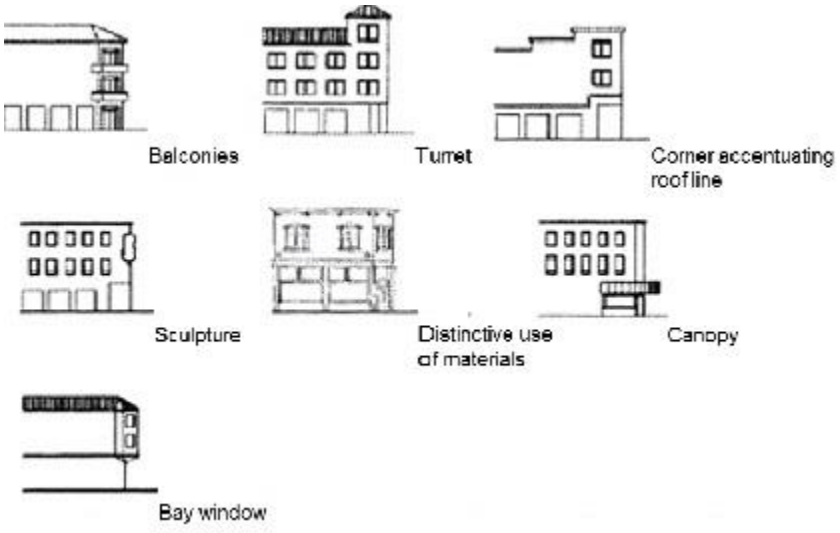
e. Facade Treatment. Building facades should incorporate consistent architectural style, detail, and trim features compatible with Santa Clara. Building facades should incorporate a sense of rhythm. Consider changing materials, patterns, offsets, setbacks, facades, or banding.



Example of articulation standards

f. Entrances. Building entrances should be visible and clearly defined. Changes in wall plane or building massing, differentiation in material or color, peaked roof forms, porches, raised corniced parapets, benches and other seating components, structural and vegetative shading, awnings, and enhanced lighting, and recessed building entrances are encouraged.

g. Building Corners at Street Intersections. The corners of buildings at the intersections of public streets and those internal to multi-building developments should have special treatment. Consider providing building entrances, additional building mass, and distinctive architectural elements at building corners.



Examples of building corner treatment at street intersections

h. Blank Wall. Blank wall areas on primary facades shall not extend more than 15 feet in a vertical direction or 30 feet in the

horizontal direction of any primary facade without variation. Relief or reveal work depth shall be not less than one-half inch in depth. The following are examples of ways to achieve a variation in blank wall area:

1. Windows.

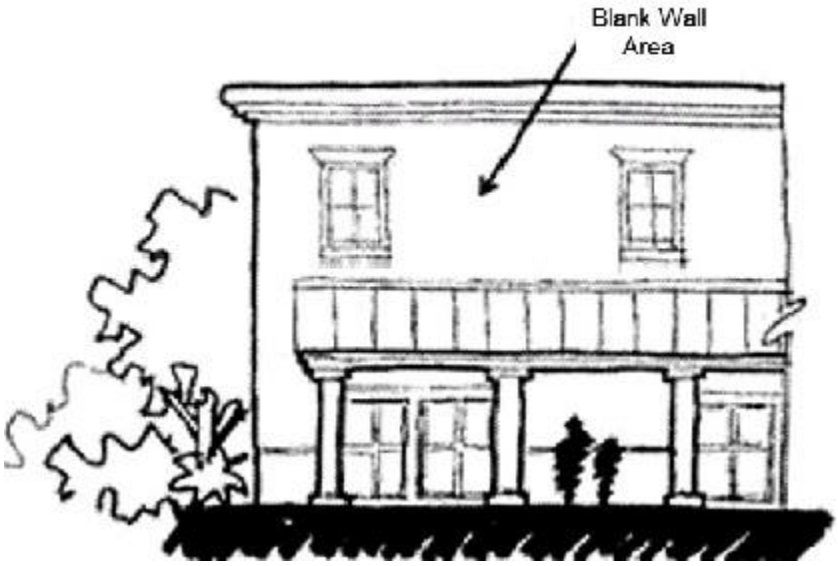
2. Variation of wall material.

3. Signage.

4. Lighting fixtures.

5. Mural.

6. Control and expansion joints.



Example of blank wall area on primary facade

i. Secondary Facade Guidelines.

1. Sidewalls and rear walls are often visible and sometimes function as secondary facades within an area. They should be simply designed to emphasize their secondary role and should not compete with the primary facade. When visible from public streets, side and rear wall materials should complement the primary facade and nearby existing buildings.

2. Where buildings are built on an alley or other public right-of-way, consider the opportunity for windows, secondary entries, or other architectural elements.

3. Rear and side facades should provide sufficient architectural features from their respective architecture style. They should also be developed and maintained to support the overall appearance of the area.

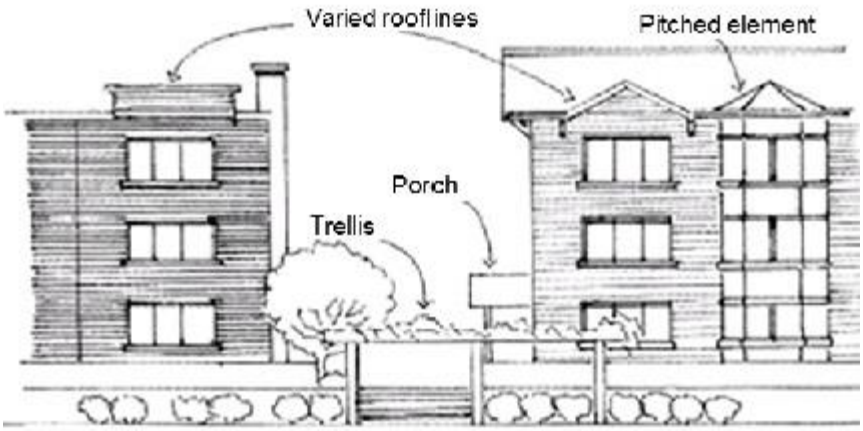




Examples of featureless, inappropriate side and rear facades

j. Roof Treatment.

1. Variation. Sloped roofs shall have variable roof lines through the use of gables, hips, dormers, overhanging eaves, or porches. Flat roofs shall have variable roof lines through the use of parapets and cornices.

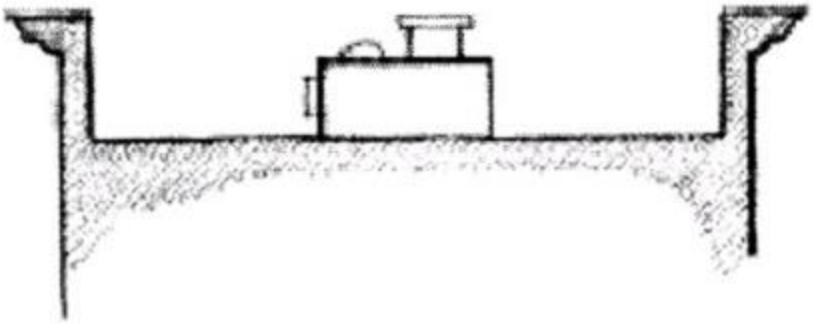


Examples of roof variation standards

2. Sloped Roof Type and Material Standards. Materials for sloped roofs shall consist of metal, concrete or clay tile, natural or manufactured stone, or asphalt shingles. Portions of a sloped roof shall be permitted to be flat to provide for mechanical equipment wells if screened by pitched roof sections.

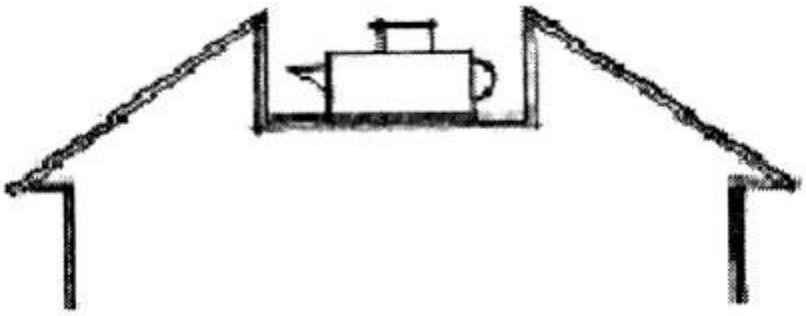
3. Parapet Wall Standards.

(A) A parapet wall that extends above the roof surface and incorporates simple traditional cornices shall be permitted.



Example of raised parapet wall

(B) A Mansard roof may also be used to conceal rooftop equipment from the street.



Example of recessed well surrounded by pitched roof

4. Roof Vents
shall not be visible on the roof plane of the primary facade.

k. Awnings and Canopies. Awnings and canopies serve a number of functions, including providing shelter from rain, wind and sun in pedestrian areas; protecting interior furnishings and finishes from fading caused by direct sun light; allowing reflected light to enter the interior without increasing heat load; and adding architectural interest or historic ambiance to structures. However, the

be considered before installing them.

1. Location. Awnings and canopies may be placed at the top of openings, but they should not hide important architectural details and elements.

2. Shape. The shape of awnings and canopies should be consistent with the architecture.

3. Materials. Acceptable awning materials include but are not limited to metal, canvas or woven acrylic. Shiny vinyl or plastic fabrics and prefabricated metal awnings are discouraged.

4. Color. The color of awnings and canopies should be compatible with the overall color scheme of the project.

5. Lighting. Internally illuminated awnings are discouraged. Indirect lighting is preferred.

l. Porches.

1. Porch elements are strongly encouraged to provide shade, reflect traditional building scales, and provide a sense of entry and

visual interest. Porch elements should be similar to those seen throughout the surrounding region.

2. A porch should relate to the overall architectural style and scale of the primary structure.

3. A porch should appear to be an integral element of the building in regard to material, scale, and detailing.

4. Porch supports should be substantial enough that the porch does not appear to float above the entry.





Examples of porches

(5) Building Orientation. Buildings shall be oriented to preserve and minimally impact the existing site. Buildings near natural features should respond to them in a manner that respects and preserves the features, so that buildings and overall development blend with the natural environment.

(6) Site and Landscaping.

a. Santa Clara Country landscape includes native trees, grasses, and wildflowers which are key characteristics that should be preserved. Similar vegetation conducive to the local area should be incorporated into site development. These key aspects should be considered for site compatibility:

1. Locate parking areas where they will best preserve Santa Clara
other significant vegetation into the site design.

2. Utilize native grasses, wildflowers, and native boulders in the landscape design.

3. Use of landscape buffers between buildings and within parking areas and open spaces in a development is encouraged.

b. Natural areas, open spaces, and view corridors that are typical of the local landscape and that create buffers between varying land uses should be reflected in site and landscape design. See Sections 14, 15, and other related sections of this zoning ordinance.

(c) Special Districts.

(1) Overlay. The Overlay district is defined as the commercial zoned property located generally along both sides of the commercially zoned property located generally along both sides of FM 78 and 1044.

The following design guidelines shall be enforced in the Overlay District:

a. Building Material. All exterior walls of all buildings shall be limestone, native natural rock, rough hewn lumber, corrugated metal, or other materials consistent in appearance with the existing historic buildings in the area.

b. Roofing Material. Roofing materials shall consist of corrugated metal, standing seam or other materials consistent with the existing historic buildings in the area. Wood roofing materials are not allowed.

c. Front Porch. All buildings shall incorporate a covered front porch along at least 50% of the total building front facade into the architectural design. Such porch coverings shall use rough hewn lumber, posts or stone for supports and other design elements similar to the existing historic buildings in the area.

d. Reuse of existing buildings. Reuse of existing historic buildings as shells for new commercial development is encouraged.

(2) (Reserved).

(3) (Reserved).

(d) Franchise Architecture. To ensure that the character and quality of retail and commercial buildings or structures contribute to desired community character objectives, franchise architecture that are incompatible with these standards is prohibited.






TARGET


LOWE'S


WAL-MART


Car Wash
PICK UP
WINDOW


Car Wash


WELLS FARGO





(e) Variances. The city council or future board of adjustment shall have the authority to grant a variance in accordance with Section 18 of this ordinance.

(3) Off-Street Parking and Loading. The provision for and maintenance of off-street parking facilities shall be the joint and several responsibility of the operator and owner of the use, structure and/or land on which is located the use for which off-street parking facilities are required. It shall further be the joint responsibility of such operators and owners of such uses to provide parking spaces or a parking area for the exclusive use of vehicles transporting temporarily or permanently disabled persons as defined in applicable state or federal statutes.

(a) Dimensions. Off-street parking spaces shall have minimum dimensions of nine (9) feet in width and eighteen (18) feet in length, exclusive of access or maneuvering area, ramps and other appurtenances and except as provided in subsection (b).

(b) Compact Vehicles. Up to thirty (30) percent of the required parking spaces may be designated for use by compact vehicles with minimum

dimensions of eight (8) feet in width and sixteen (16) feet in length. Compact vehicle parking areas shall be identified by either of the following methods:

(1) Posting signs a minimum of eighteen (18) by twenty-four (24) inches in size at each end of the designated parking area; or

(2) Individually marking each parking space surface with lettering a minimum of six (6) inches in size.

(c) Aisle Width. The minimum width of access aisles internal to a parking lot or structure shall be as follows:

Parking Angle	**Minimum Aisle Width (feet)**	
	One-Way Operation	**Two-Way Operation**
30°	15	20
45°	15	20
60°	18	21
75°	21	23
90°	24	26

(d) Location. Except as otherwise permitted under a cooperative parking plan, off-street parking facilities shall be located on the lot(s) on which the use or structure for which they are provided is located.

(e) Turnarounds. All parking areas containing three (3) or more parking spaces shall include a turnaround which is designed and located so that vehicles can enter and exit the parking area without backing into a public right-of-way.

(f) Construction and Maintenance of Parking Facilities. Off-street parking facilities shall be constructed, maintained and operated in accordance with the following specifications:

(1) Drainage and Surfacing. Areas shall be properly graded for drainage, surfaced with concrete, asphaltic concrete, or asphalt and maintained in good condition free of weeds, dust, trash and debris.

(2) Wheel Guards. Boundary or perimeter areas shall be provided with wheel guards or bumper guards, so located that no part of parked vehicles will extend beyond the property line of the parking area.

(3) Lighting. Facilities shall be arranged so that the source of light is concealed from public view and from adjacent residential properties and does not interfere with traffic.

(4) Entrances and Exits. Facilities shall be provided with entrances and exits so located as to minimize traffic congestion. All vehicles entering or exiting into and from commercially zoned properties shall have access from existing numbered state or federal highways or county farm-to-market roads and under no circumstances shall such vehicles enter or exit into such commercially zoned properties from any interior streets fronting residentially zoned properties.

(g) Sharing Off-Street Parking Facilities. Pursuant to the following procedure, either part of or all of the required off-street parking facilities may be located on a site other than the one occupied by the use or structure requiring such facilities.

(1) Cooperative Parking Plan. Two (2) or more users may share the same off-street parking facilities and each user may be considered as having provided such shared space individually. Such shared parking space, however, shall not be considered as having been provided individually unless the schedules of operation of all such users are such that none of the users sharing the facilities require the off-street parking facilities at the same time. This arrangement for sharing of off-street parking facilities shall be known as a cooperative parking plan.

(2) Application for Approval of Cooperative Parking Plan. An application for approval of a cooperative parking plan shall be filed with the Council by the owner of the entire land area to be included within the cooperative parking plan, the owner or owners of all structures then existing on such land area, and all parties having a legal interest in such land and structures. Sufficient evidence to establish the status of applicants as owners or parties in interest shall be provided. The application shall include plans showing the location of the uses or structures for which off-street parking facilities are required, the location of the off-street parking facilities and the schedule of times used by those sharing in common.

(3) Registration of Cooperative Parking Plan. The application shall be reviewed for approval or disapproval by the Council. Upon approval, a copy of the plan shall be registered among the records of the city and shall thereafter be binding upon the applicants, their heirs, successors and assigns. The registration shall limit and control the issuance and validity of permits and certifications and shall restrict, limit and control the use and operation of all land and structures included within such cooperative parking plan.

(4) Amendment or Withdrawal of Cooperative Parking Plan. Pursuant to the same procedure and subject to the same limitations and requirements by which the cooperative parking plan was approved and registered, any such plan may be

amended or withdrawn, either partially or completely, if all land and structures remaining under such plan comply with all the conditions and limitations of the plan and all land and structures withdrawn from such plan comply with the regulations of this ordinance.

(h) Minimum Requirements.

(1) The minimum requirements for off-street parking facilities in commercial districts shall be governed by the table in the following section. The classification of uses numerated in the table are general and are intended to include all similar uses. Whereas classification of uses is not determinable from the table, the Council shall fix the classification.

(2) Where any requirement for five (5) or more parking spaces results in a fractional unit, a fraction of one-half (1/2) or more shall be considered a whole unit and a fraction less than one-half (1/2) shall be disregarded. In those cases in which less than five (5) spaces are required, a full parking space shall be required to fulfill space requirement.

Table of Off-Street Parking Requirements

Uses		**Parking Requirements**
Office and Commercial:		
	Professional offices and studios	One space per 300 sq. ft. of gross floor area
	Libraries, museums, art galleries	One space per 300 sq. ft. of gross floor area
	General business, retail, clinics and personal service establishments	One space per 200 sq. ft. of gross retail/sales service area and one space per 800 sq. ft. gross storage, processing and/or display area, or one space per 400 sq. ft. of combined retail sales/service area and display area
	Restaurants, cafeterias, delicatessens and other food serving establishments, except drive-in establishments	One space per 100 sq. ft. of gross area
	Automotive, nursery and affiliated activities	One space per 200 sq. ft. of gross retail sales/service floor area, and one space per 800

		sq. ft. of enclosed storage and/or display area, and one space per 200 sq. ft. of open sales/storage/display area
	Churches	One space per four (4) seats, or (a) one space per 200 sq. ft. of indoor recreational area exceeding 20,000 sq. ft., and (b) one space per 100 sq. ft. of associated indoor use, whichever is greater
Schools:		
	Child-care facilities	One space per ten (10) children and one (1) space per office
	Elementary or primary	Two (2) spaces per classroom and two (2) spaces per office
	Middle or Junior	Three (3) spaces per classroom and two (2) spaces per office
	Senior or Secondary	Six (6) spaces per classroom and six (6) spaces per office
	College	Ten (10) spaces per classroom and ten (10) spaces per office

(i) Off-Street Truck Loading Requirements.

(1) When Required. Off-street truck loading facilities shall be required for the C-2 and C-3 business districts except where the building permit expressly waives such requirement as provided in this section.

(2) When Applicable. No structure shall be designed, erected, altered, used or occupied unless any required off-street truck loading facilities are provided. In the event that structures are enlarged, expanded or changed, the structure shall not be used, occupied or operated unless there is provided at least the amount of off-street truck loading facilities that would be required if the increment were a separate structure.

(3) Responsibility. The provision for and maintenance of the off-street truck loading facilities shall be the joint and several responsibility of the operator and owner of the land upon which the structure requiring the facilities is located.

(4) Location. Off-street truck loading facilities shall be located on the same lot on which the structure for which they are provided is located; provided, however, that facilities provided under cooperative arrangement as hereinafter permitted may be located on another site not more than three hundred (300) feet from the structure for which they are provided.

(5) Construction and Maintenance. Off-street truck facilities shall be constructed, maintained and operated in accordance with the following specifications:

(a) Drainage and Surfacing. Areas shall be properly graded for drainage, surfaced with concrete, asphaltic concrete, or asphalt, and maintained in good condition free of weeds, dust, trash and debris.

(b) Lighting. Lighting facilities shall be so arranged that they neither unreasonably disturb occupants of adjacent residential properties nor interfere with traffic.

(c) Entrances and Exits. Areas shall be provided with entrances and exits so located as to minimize traffic congestion.

(6) Minimum Requirements Area. The following minimum truck loading spaces shall be provided in all districts for structures containing the uses enumerated above in the commercial district.

Square Feet of Gross Floor Area in Structure	**Required No. of Spaces**
0 up to and including 12,500	1
12,501 up to and including 25,000	2
25,001 up to and including 40,000	3

(j) Waiver. The board is authorized to waive the off-street loading requirements for structures that are required to provide and maintain fewer than five (5) off-street parking spaces, or any other structure if the design and the proposed use of the structure shows no need for off-street loading.

(4) Buffering of Adjacent Residences. Except for corner lots, all lots in a business zoning district abutting another lot in a residential zoning district (whether or not separated by a public street or alley), shall meet the following buffering requirements:

(a) General. A bufferyard consisting of an open space of grass and other landscaping and a masonry wall in combination with design features that screen or block vision, noise pollutants, and other negative byproducts shall be

provided and maintained along the entire length of the perimeter between any residential districts and any nonresidential districts.

(b) Restrictions on the Use of Bufferyards and Building Setbacks. This area is intended to serve as a buffer between potentially incompatible uses. Structures are not permitted to be located in this area, nor can such area be used for signage, garbage collection, any type of storage, or any nonresidential activity. Passenger car parking, automobile and truck access, and the loading/unloading of goods during daylight hours may be permitted subject to the landscaping requirements hereafter set out.

(c) A landscape buffer strip at least fifteen (15) feet wide shall be provided within the setback abutting the residential property or the intervening public street or alley.

(d) Landscaping Requirements. The bufferyard shall be planted with drought-resistant grass or ground cover that will provide the appearance of a finished planting. All plantings shall be composed of xeriscape, drought-resistant varieties of plants and trees. A minimum of one (1) large native canopy tree of at least twelve (12) feet in height and two and one-half (2-1/2) inches in caliper measured at a distance of twelve (12) inches above the top of the root ball at time of planting shall be required for each twenty (20) lineal feet of bufferyard. The landscaping in the bufferyard shall be maintained in a neat condition and shall be protected from vehicular encroachment by curbs, railroad ties, concrete retainers or other permanent barriers.

(e) Screening Requirements. If the residentially zoned property is less than six (6) feet above the grade of the adjacent abutting property, the owner, developer or tenant of such commercially zoned property and use shall erect and maintain a solid masonry wall at least six (6) feet above the grade of the adjacent abutting property along the entire abutting property line except for visibility triangles. In the event the commercially zoned property does not coincide with the property lines of the residential property, then such masonry wall shall be required only to the extent of the limits of the commercially zoned property.

(f) Permit Requirements. In order to determine compliance with this ordinance, an application for a building permit for property that abuts a residential district shall include a landscaping plan with a planting schedule.

(g) Exemptions. This ordinance shall not apply to remodeling work that does not increase the existing floor area nor to the restoration of a building that has been involuntarily damaged or destroyed.

(h) Installation and Maintenance. The owner, tenant or agent, if any, shall be jointly and severally responsible for installing and maintaining all masonry

walls, wooden fences and landscaping in a healthy, neat, orderly and physically sound condition and replacing it when deemed necessary by the board.

(i) Bonus Provisions. The minimum building setback in the rear yards of commercially zoned properties can be reduced by five (5) feet in commercial districts C-1 and C-2, provided that a minimum ten-foot (10') landscaped front yard is provided on the site in accordance with the standards specified in this ordinance.

(j) Dumpsters shall be located on a concrete pad enclosed on three sides by a solid masonry wall with solid gates across the front. This wall shall be at least six (6) feet in height, and at least two (2) feet higher than the top of the dumpster. The style and finish of the wall and gates shall be drawn under the seal of a registered professional engineer.

(k) No exterior light fixture shall shed any direct light on adjacent residential property.

(l) No sound amplification shall be permitted outside a building; except restaurants with outdoor seating and specifically permitted outdoor commercial music venues subject to
this ordinance.

(5) Health and Safety Regulations. The owner of any site, tract or lot shall at all times keep the premises, building, improvements and appurtenances in a safe, clean, wholesome condition and comply with the health, fire and police regulations and requirements of the city and those of Guadalupe County, and the owner will remove at his or its own expense, any junk or waste of any character whatsoever which may accumulate on such site, tract or lot. No continuous activities shall be permitted in any district which would produce noise, odors, fumes, vibration, dust, electronic interference or violation of any laws, ordinances, statutes, codes, rules, regulations, orders and decrees of the United States, the State of Texas, Guadalupe County, the City, or any other political subdivision which has the power and authority to promulgate such decrees with respect to the use of properties within the city, including, but not limited to the Comprehensive Environmental Response,

amended from time to time and regulations promulgated thereunder; the Resource Conservation and Recovery Act of 1976 (42 U.S.C. § 6901, et seq.), as amended from time to time and regulations promulgated thereunder, and any applicable Texas environmental statutes or regulations promulgated thereunder.

D. Special Use Permits.

(1) Purpose. The special use permit is designed to be used when:

(a) A special use listed under the zoning district is desired for development and a more intensive zoning district which contains that use as a use by right would not be appropriate for the property; or

(b) A special use listed under the zoning district is desired for development and no zoning district contains that use or a similar use as a use by right.

(2) In order to accommodate these special uses, the special use permit allows the city council to approve a special use on a particular parcel without changing the general zoning district. Such approval shall be subject to the requirements set forth below and any surrounding properties. All special use permit applications shall not be used for securing early zoning for conceptual proposals which may not be undertaken for some time. A special use permit application shall be considered only if it is made by the owner of the property or his/her authorized agent. The minimum requirements for a special use permit are:

(a) Any uses permitted under a special use permit shall also conform to the requirements of this ordinance and any other development regulations unless otherwise stated in the permit.

(b) The application and review process for a special use permit shall be the same as for the underlying zoning district. In addition to the information and/or site plans which are required to be submitted for the proposed development, additional information deemed necessary by the director in order to evaluate a proposed use and its relationship to the surrounding area shall be submitted. The director shall request review from the city engineer and/or registered professional engineer on all engineering-related matters, such as traffic impact

director shall consult with other departments and government entities, such as TxDOT, Guadalupe County or the school district. In the review process, particular emphasis shall be given to the immediate neighborhood and the compatibility of the proposed use with its neighborhood.

(3) Repeat Applications Prohibited. No application for special use permit shall be received or filed with the commission and no hearing had, if, within the previous six months, a similar application was received or filed and withdrawn before a full, fair and complete and final hearing was had before the city council. The director shall determine whether the application is similar to a previous. However, if the applicant produces new, relevant and substantial evidence, which could not have been secured at the time set for the original hearing, under a sworn affidavit to that effect, then the commission may waive the six months limitation and proceed to hear and consider such application following proper hearing and notice consistent with Section 17(A)(3). No application for a special use permit shall be received or filed with the commission and no hearing held, if, within the previous year, the city council, after consideration and hearing, has denied an application for a special use permit.

(4) The site plan shall meet the following minimum specifications:

(a) Drawn to scale.

(b) Proposed and existing buildings, including statements for approximate square footage and proposed uses to be included in the permit.

(c) Site ingress and egress, including interior traffic circulation patterns and parking/loading areas.

(d) Location and uses of existing buildings within 200 feet (may be shown on separate plan/aerial photograph).

(e) Existing zoning district classifications within 200 feet (may be shown on separate plan).

(f) The 100-year floodplain if present on the property.

(5) The landscape/buffering plan must meet the following minimum specifications:

(a) Drawn to scale.

(b) Proposed landscaping, including the size, species and locations.

(c) Other visual screening methods and their design, such as fences.

(d) A tree preservation and replacement plan must be submitted meeting the specifications of the zoning ordinance if development will necessitate removal of trees or affect the driplines of existing trees.

(e) Other items, including, but not limited to architectural renderings, traffic impact studies and noise studies may be requested by staff for analysis of the proposal. In addition, the planning and zoning commission and city council may request additional information as it may deem necessary and proper.

(6) In the approval process for a special use permit application, future staff, planning and zoning commission, and city council shall consider all the following:

(a) Consistency with the goals, policies, objectives, specific elements and future land use map of the City of Santa Clara Comprehensive Plan, and any adopted specific plan applicable to the site where the proposed special use is located.

(b) The proposed use is in compliance with documentation and recommendations provided by the reviewing city departments.

(c) The proposed use is in compliance with all applicable city codes, standards and guidelines governing such use.

(d) The proposed special use is adequately served by essential public services, such as streets, drainage facilities, fire protection, police protection and public water and septic or future sewer.

(e) The proposed special use is designed and landscaped to preserve the character of the neighborhood and that it will not discourage appropriate development or use of surrounding properties.

(f) The proposed special use will not generate adverse impacts on adjoining properties and land uses.

(g) The proposed special use will not be injurious to the public health, safety and welfare of the community.

(7) If an application is approved and a special use permit is granted, all conditions which may have been attached to the approval are binding on the property. All subsequent development and use, as shown and described in the approved special use permit, of the property shall be in accordance with the approved plan and conditions. These conditions may include, but are not limited to the following:

(a) Site coverage, structure height and setback requirement.

(b) Screening.

(c) Off-street parking and loading specifications and improvements.

(d) On-site and off-site street and drainage improvements.

(e) Traffic circulation to include point of vehicular ingress and egress.

(f) Landscaping.

(g) Control of noise, vibration, odor, emissions, hazardous materials and other potential dangerous or objectionable elements.

(h) Hours of operation.

(i) Time limits within which the Special Use Permit shall cease to exist or require renewal.

(j) Storm runoffs and water conservation measures.

(k) Hazardous materials handling.

(8) Any changes to a special use, or development of a site for the special use, shall be treated as an amendment to the special use permit and shall be subject to the same application and review process as a new application.

(9) Special use permit proposals should refrain from gifts/donations of land or money not associated with meeting other sections of this ordinance or any other ordinances of the city, or not directly related to an impact of the proposed development. Acceptable monetary gifts/donations of land may include payments to the tree fund or dedication of parkland as required by the subdivision ordinance.

(10) The owner of the property approved for special use permit may voluntarily request termination of the special use permit by notifying the director in writing.

(11) The planning and zoning commission or future planning and development department shall have the right to periodically examine the operation of the specific use to determine compliance with the requirements and any conditions. If the director or mayor determines that the requirements and conditions are being violated, a written notice shall be issued to the owner of the property outlining the nature of the violation and giving the owner of the property a maximum of thirty (30) days to come into compliance. If after thirty (30) days the violations continue to exist, then the director shall forward a report to the city council through the planning and zoning commission which may recommend that action be taken to remove the special use permit from the property, and refusal to issue or revoke the certificate of occupancy. Any violations are also subject to Sections 7 and 8 of this ordinance.

E. Underground Storage Tanks. Underground storage tanks shall be monitored as required by appropriate federal and state authorities. Such tanks which are abandoned shall be removed and

Conservation Commission.

F. Scenic Gateway Overlay District.

(1) Purpose and Intent. The purpose of the requirements for the Scenic Corridor Overlay District is to protect and enhance the entrance corridors to the City of Santa Clara, which will:

(a) Establish an entrance corridor that heralds the approach to the city;

(b) Define the arrival to a destination;

(c) Link common elements together; and

(d) Provide consistent landscaping that reflects the heritage and scenic character of the area.

(2) Applicability. The following standards shall be applied for all properties, platted or unplatted, within the specific corridors listed below falling within the city limits. These standards shall be in addition to other regulations set forth in any other ordinance of the City of Santa Clara.

(a) F.M. 1044.

(b) F.M. 78.

(3) Landscape Buffer. A thirty-five (35) foot landscape buffer is required and will be measured from the front property line. Where land is reserved for future rights-of-way per city, county or state thoroughfare plans, the landscape buffer shall be measured from the line of reservation/dedication.

(4) Landscaping Requirements. The landscape buffer shall preserve the natural look of the land. All hardwood trees having a diameter larger than two (2) inches when measured one (1) foot above the ground shall be preserved, excluding the area required for driveways, sidewalks, bicycle paths and drainage features. Additional landscaping shall consist of native, drought-resistant plants and grasses. Impervious cover shall not exceed twenty (25) percent of the landscape buffer, including the area required for driveways, sidewalks, bicycle paths and drainage features.

(5) Service Areas. No service areas or service drives shall be permitted to front F.M. 1044 or F.M. 78.

(6) Parking. No parking will be allowed within the landscape buffer.

(7) Utilities.

(a) Drainage facilities are not allowed within the landscape buffer except those that are necessary to convey drainage in the shortest possible route to or from the street right-of-way. Drainage facilities include all detention ponds, water quality ponds, outlet structures, drainage berms, improved channels, or other improvements associated with the drainage improvements.

(b) All detention ponds and water quality ponds within the Scenic Gateway Overlay District buffer shall be designed to the greatest extent possible to conform to the natural terrain of the land and if possible as curvilinear, nonrectangular shapes. Detention ponds and water quality ponds within the landscape buffer shall be designed so that the facilities do not require chain link fences or concrete walls (or similar material). Outlet structures may be concrete. Native stone is required for detention ponds and water quality ponds if the ponds are located behind or within the landscape buffer. Gabions are not allowed.

(c) Fencing is allowed around detention ponds only if the fencing is constructed of wrought iron or tubular steel or other similar product. The fence and any detention or water-quality ponds shall be buffered from the street view by planting native, drought-resistant plants and grasses that will, at maturity, screen at least forty (40) percent of the view of the detention pond and fence.

(d) Separate ponds for each lot may be utilized if they are designed with a curvilinear contoured shape, are designed not to require fencing, are able to utilize vegetative slope stabilization with a slope not exceeding 3:1, and no structural retaining walls are used.

(e) Dumpsters shall be located on a concrete pad enclosed on three (3) sides by a solid masonry wall with solid gates across the front. This wall shall be at least six (6) feet in height, and at least two (2) feet higher than the top of the dumpster. The style and finish of the walls and gates shall be consistent with the appearance of the building(s) it serves and drawn under the seal of a professional engineer.

(f) All utilities must be located underground.

Section 15. **LOCATION OF DISTRICTS.**

A. Adoption of Official Map. T
boundaries of the various zoning districts, together with all matters and things shown on such map, is adopted and approved, incorporated herein and made a part of this ordinance as much as if the matters and information set forth by such map were all fully described herein. Such map
Santa Clara
the official map which shall be kept on file in the office of the Secretary of State.

B. Amendments to the Official Map. All amendments to the official map shall be listed in the order adopted in a separate register maintained and kept current by the city secretary.

C. District Regulations to be Uniform. The regulations herein established shall apply uniformly to all geographical areas having the same district classification or designation on the official map.

Section 16. **INTERPRETATION OF ZONING MAP.**

The following rules shall govern interpretation of the official zoning map of the city:

A. Boundaries indicated as approximately following the right-of-way or centerlines of streets or alleys shall be construed to follow such right-of-way or centerlines.

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. Whenever any street, alley or other public way not subject to zoning regulations is vacated by official action of the board, 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 center of such vacation and all areas so involved shall then and henceforth be subject to all regulations of the extended districts.

Section 17. **PROCEDURES FOR ZONING ORDINANCE AMENDMENTS.**

The regulations, restrictions and boundaries established by this ordinance may from time to time be amended, supplemented, changed, modified, or repealed pursuant to Chapter 211 of the Texas Local Government Code. The planning and zoning commission shall make a recommendation on all such proposed amendments, supplements, changes, modifications or repeals, hold a public hearing thereon, and thereafter submit a recommendation on the matter to the city council. In no case, however, shall the commission recommend to the council, nor shall the council approve, a change of zoning use district classification which would constitute spot zoning.

A. Before the Planning and Zoning Commission.

(1) Filing of Application. All petitions, applications, recommendations or proposals for changes in the zoning district classification of property, for changes in the textual provisions of this ordinance, special use permits, and for approval by the city council of uses permitted in certain districts, where such approval is indicated in the table of permitted uses contained in this ordinance, shall be filed with the city. The director shall review the application for completeness and ensure that all necessary material is present for the planning and zoning commission and city council to render an informed decision. The petition, application or proposal for change shall be accompanied by the appropriate filing fee established by city council. No notice of any petition, application, or proposal shall be issued and no hearing shall be held before the commission or the city council until the prescribed fees are paid. The city shall keep an itemized record of all fees received.

(2) Repeat Applications Prohibited. No application for the rezoning of any lot, lots or tract of land, or for approval of any use requiring approval by the city council, shall be received or filed with the commission and no hearing had, if, within the previous six months, a similar application was received or filed and withdrawn before a full, fair and complete and final hearing was had before the city council. The director shall determine whether the application is similar to a previous. However, if the applicant produces new, relevant and substantial evidence, which could not have been secured at the time set for the original hearing, under a sworn affidavit to that effect, then the commission may waive the six months limitation and proceed to hear and consider such application

following proper hearing and notice consistent with this section. No application for the rezoning of any lot, lots or tract of land, or for approval of any use requiring approval by the city council, shall be received or filed with the commission and no hearing held, if, within the previous year, the city council, after consideration and hearing, has denied an application for rezoning or approval of the use on the same property.

(3) Notice of Public Hearing Required. No amendment, supplement, change, modification or repeal of any provision of this ordinance, rezoning of any lot or tract of land in the city, or approval of any use requiring approval by the city council shall become effective until after a public hearing is held regarding the matter before the commission in accordance to state law, during which interested parties and citizens shall have an opportunity to be heard. Proper notice shall constitute the following:

(a)
be published in an official newspaper or a newspaper of general circulation in the city.

(b) At least 10 days prior to the public hearing, written notice of all public hearings before the commission on proposed changes in zoning district classifications and on applications for approval of a use requiring approval by the city council shall be sent by the city secretary or his/her designated agent to the owners of all real property which lies within 200 feet of the subject property. Such notice may be served using the last known address as listed on the most recently approved tax roll and depositing the notice, postage paid, in the United States mail.

(c) At least 7 days prior to the public hearing, city staff shall post signs along each street frontage notifying of the matter pending. One sign shall be posted on the site. If the site has a frontage exceeding 800 linear feet, then a second sign shall be posted on the site. The signs shall include the following:

(1) Action requested.

(2) Planning and zoning commission hearing date and time.

(3) City Council hearing date and time.

(4) Location of the hearings.

(5) Contact telephone number for additional information.

B. Before the City Council.

(1) Following the public hearing on the petition, application or proposal before the planning and zoning commission, the commission shall forward its recommendation on the matter to city council. City council may not consider the petition, application or proposal without first receiving the recommendation of the planning and zoning commission in accordance with state law. The applicant shall file a notice with the city if the applicant does not want the petition application to be considered by city council following consideration and/or action by the planning and zoning commission. Such notice shall be accompanied by the appropriate fee established by city council. Fees paid to the city for the planning and zoning commission hearing are nonrefundable.

(2) Notice and Public Hearing Required. Following the receipt by city council

application to proceed, city council, in accordance with state law, shall hold a public hearing on the matter at which parties in interest and citizens shall have an opportunity to be heard. The public hearing and council action shall be scheduled for the first regular council meeting which allows sufficient time to comply with statutory notice requirements. Notice of the public hearing shall be consistent with Section 17(A)(3).

(3) Joint Hearings before Commission and Council. Special circumstances regarding a particular application, petition or proposal may necessitate a joint hearing before the planning and zoning commission and city council. In filing an initial application for consideration by the planning and zoning commission, an applicant may request expedited action by filing an application to proceed before city council at the same time. Such request shall be accompanied by the appropriate filing fees for both actions. The director shall forward the request to the city council to determine whether a joint hearing is warranted. Upon the

hold their public hearings on the matter jointly, provided that the published notice of the hearings and the notice to property owners both indicate that the hearings will be conducted by both the commission and the council. Notice of the public hearing shall be consistent with this section. Following the conclusion of this joint public hearing, city council may act on the matter without the necessity of a written report from the planning and zoning commission.

(4) Passage When Protested. If the planning and zoning commission recommends denial of a change in zoning or of a use requiring approval by the city council, or if such change in zoning or such use requiring council approval is protested in writing by the owners of 20 percent or more, either of the area of the lots or land included in such proposed change or use, or of the lots or land immediately adjoining the same and extending 200 feet therefrom, the change in zoning or approval of the use shall not become effective except by the favorable vote of at least three-fourths of all members of the city council.

(5) Time Limitation. All applications for rezoning or for approval of a use requiring approval by the city council which have been recommended favorably by the planning and zoning commission shall be presented by the applicant to the city council within six months from the date
recommendation. In the event the applicant fails to proceed by filing an application for approval by the city council of the rezoning or use within six months, the city council shall not act on said application until it has been resubmitted to the planning and zoning commission for action. The application shall then be treated as an original application for rezoning or approval of the use, requiring public notice and a new public hearing before the commission, and all fees required by this ordinance shall be paid by the applicant.

Section 18. **VARIANCES.**

A. Limitations on Power to Grant Variances. The Council may grant variances as it deems necessary, after public notice and a hearing. No variance shall be granted on property that is not properly platted. No variance shall be granted unless all of the following apply:

(1)
comprehensive plan

(2) Such variance will not substantially or permanently injure the appropriate use of adjacent or nearby conforming property in the same district.

(3) Such variance will not alter the essential character of the subject property or of the district in which it is located.

(4) Such variance will be in harmony with the spirit and purpose of this ordinance.

(5) The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.

(6) The variance will not substantially weaken the general purposes of this ordinance or the regulations herein established for the specific district.

(7) The variance will not adversely affect the public health, safety or welfare.

B. Time Limitation for Variances. Where a variance is granted by the Council and a building or structure is not started pursuant to such variance within ninety (90) days of the hearing thereon, or completed within two years of such hearing, such variance becomes null and void and of no force and effect.

Section 19. **OUTSIDE SALES AND STORAGE.**

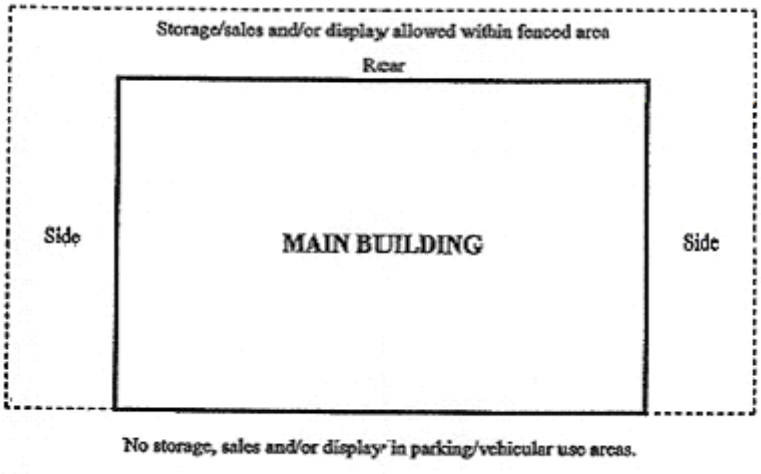
A. The purpose and intent of this section is to allow outside storage display and sales/rentals in the C-3 districts provided that such outside storage, display, and sales/rentals are within designated areas that are adequately screened and meet the standards listed within this section. Outside sales and storage is prohibited in the C-1 and C-2 districts. This does not apply to garage/yard sales in residential districts.

B. The area to be used for outdoor storage, display, or sales/rentals:

(1) Must only be those areas designated as outdoor storage, display, or sales/rentals on a site plan.

(2) Must meet building setbacks (see Section 14).

(3) Must be located within the side and/or rear yard (see figure).



(4) Is limited to areas that are surfaced with asphalt, concrete, gravel, or other materials that are equal in quality (if approved by the director).

(5) In the case of storage of materials posing an environmental hazard, such as soil, fertilizer, lumber or other loose, unprotected material, shall be fully contained to prevent leaking or run-off.

(6)

(7) Must be enclosed with a fence when utilizing a side or rear yard. In addition, the area and all goods stored, displayed or for sale/rental must be screened from off-site view. Screening shall be achieved through the use of fencing or evergreen plants. Fences must be constructed of stone, brick, stucco or other material approved by the Commission, and must be consistent with the design of the main building. In the event plants are used for screening, they must be six feet (6') tall or the height of goods stored, displayed, or for sale/rental (whichever is less) at the time of planting,

and must be spaced to completely conceal and reach the height of the goods stored, displayed, or for sale/rental within three (3) years of planting.

C. Seasonal and Sidewalk Outdoor Sales. Seasonal sales are outdoor sales for items commonly associated with a particular time of year, such as, but not limited to, flowers in February or pumpkins in October. Sidewalk outdoor sales are sales involving temporary extension of the sales area into the walkway outside of the business. Seasonal and sidewalk outdoor sales are allowed with the following regulations:

(1) Seasonal and sidewalk outdoor sales are restricted to 60 days total in any calendar year, and no more than 20 consecutive days.

(2) Seasonal and sidewalk outdoor sales are prohibited in the vehicular use area, including parking spaces and parking aisles.

(3) Must meet building setbacks (see Section 14).

(4) A permit must be obtained from the city for each seasonal and/or sidewalk outdoor sale event. Permit application must include the following information:

(a) Name of business submitting application;

(b) Address (legal and local) and telephone number;

(c) A brief description of the goods to be sold;

(d)

(e) Dates and times of outside sales.

D. Exemptions to This Section:

(1) The following shall be exempt from Section 19(B), subsections (3), (4), (6), and (7):

(a) Vehicle sales.

(b) Portable building sales.

(c) Landscaping and nursery sales, including brick, stone and soils sales, and fountains and statuary.

E. The following items are exempt from the provisions of this section:

(1) Beverage dispensing machines.

(2) Shopping cart return stalls located in the parking area (this does not include storage of shopping carts outside the buildings for customers to retrieve as they enter the business establishment).

F. Use of Right-of-Way Prohibited. It shall be unlawful to conduct any season/temporary sales on a public street, public right-of-way, median or sidewalk within the corporate limits of the city.

G. Outside sales and storage are prohibited in the vehicular use area, including parking spaces and parking aisles.

Section 20. **BOARD OF ADJUSTMENT (Section Reserved)**

Section 21. **SEVERABILITY.**

If for any reason any one or more sections, sentences, clauses or parts of this ordinance are held invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this ordinance, but it shall be confined in its operation to the specific sections, sentences, clauses or parts of this ordinance held invalid, the invalidity of any section, sentence, clause or part of this ordinance in one or more instances shall not affect or prejudice in any way the validity of this ordinance in other instances.

Section 22. **EFFECT OF OTHER ORDINANCES AND REGULATIONS.**

Except as to any requirement regarding culpable mental states, wherever higher or more restrictive standards are established by the provisions of any other applicable statute, ordinance, or regulation than are established by the provisions of this ordinance, the provisions of such other statute, ordinance or regulation where not in conflict shall control.

Section 23. **REPEALER.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 24. **SAVINGS CLAUSE.** This Ordinance shall remain in full force and effect, save and except as amended.

Section 25. **NOTICE AND HEARING.** It is hereby found and determined that proper and effective notice was published in the official paper or a paper of general circulation in the city at least 15 days before a public hearing was held on this ordinance; and that proper and effective notice was sent to each property owner within 200 feet of the City Limits at least 10 days before a public hearing was held on this ordinance. A public hearing was held on this ordinance at ____ P.M. on the ____ day of _____, 2014.

Section 26. **MEETING OPEN TO PUBLIC.** It is hereby found and determined that the meeting at which this Ordinance is passed is open to the public as required by law and that the public notice of the time, place and purpose of said meeting was given as required.

Section 27. **EFFECTIVE DATE.**

This ordinance shall be effective immediately following its publication in the manner required by Section 52.011 of the Texas Local Government Code. Thereafter, the requirements contained herein shall apply within the City of Santa Clara, Texas.

PASSED AND APPROVED this _____ day of _____, 2014.

_____
Jeff Hunt, Mayor

ATTEST:

_____
Donna White, City Secretary

APPENDIX A

ZONING CLASSIFICATION EXAMPLES

[See Sections 13 and 14 for district designations and lot sizes]

Residential Districts:

USES	R-AG	R-1	R-2	R-3	R-4	MF-1	MF-2	MH
Apartment (2-4 Families)						X		
Apartment (5+ Families)							X	
Assisted Living / Retirement Home					X	X	X	
Condominium (2-4 Families)						X		
Condominium (5+ Families)							X	
Duplex (2-4 Families)						X		
Duplex (5+ Families)							X	
Guest House / Caretaker Quarters	X	X	X	X				
Home Office	X	X	X	X	X	X	X	X
Manufactured Home								X
Nursing Home					X	X	X	
Planned Development Unit	X	X	X	X	X	X	X	X
Single Family	X	X	X	X	X			X
Townhouse					X	X	X	

Non-Residential Districts:

USES	C-1	C-2	C-3	I	M	AG	AP	H-1	H-2	H-3
Aerial Survey							X			
Air-Conditioning Manufacturing					X					
Air-Conditioning Sales, Retail		X	X							
Aircraft Servicing and Maintenance							X			
Airport, Heliport or Landing Field							X			
Animal Clinic, (Domestic Animals, Outside Boarding)			X	X						
Animal Clinic, (Domestic Animals, No Outside Boarding)	X	X	X							
Art Gallery	X	X	X							
Antique Store	X	X	X							
Apparel and Accessory Store	X	X	X							
Appliance Repair Store			X	X						
Appliance Store, Retail Store	X	X	X							
Assisted Living/Retirement Home	X	X	X						X	
Auto Parts Sales			X							
Auto Rental			X							
Auto Repair			X	X						
Auto Sales, New or Used Lot			X							
Bakery Shop	X	X	X							
Bank, Savings and Loan		X	X							
Bar/Tavern/Private Club			X							
Beauty-Barber Shop	X	X	X							
Bed-and-Breakfast	X	X	X							
Bicycle, Lawn Mower Sales/Service			X	X						

USES	C-1	C-2	C-3	I	M	AG	AP	H-1	H-2	H-3
Boat Sales/Service			X	X						
Bookstore	X	X	X							
Building Materials Sales			X	X						
Building Portable Sales			X	X						
Building Portable Construction					X					
Business Equipment Sales		X	X							
Business Park			X	X						
Camera/Photographic Store	X	X	X							
Carwash		X	X	X						
Catering Shop		X	X	X						
Commercial Bakery			X	X						
Concrete/Asphalt Batch Plant				X	X					
Contractor, No Outside Storage			X	X						
Contractor, Outside Storage				X	X					
Construction Yard				X	X					
Convenience Store			X							
Dance Hall			X							
Day Care Centers for Adults		X	X						X	X
Day Care Centers for Children	X	X								
Day Spa	X	X	X							
Dental Clinics	X									X
Department Store			X							
Dirt/Topsoil Extraction				X	X					
Drug Store		X	X							
Dry Cleaning Pick-up/Drop-off	X	X	X							
Dry Cleaning Plant			X	X						
Electronic Equipment Repairs/Sales		X	X	X						
Equipment Rental			X	X	X					
Exterminator Services				X						
Fabric Shop		X	X							
Recreation Center, Private (Indoor)		X	X							
Recreation Center, Private (Outdoor)			X	X						
Farm Supplies, Equipment Sales			X	X						
Feed, Seeds and Fertilizers			X	X						
Fertilizer Manufacturing					X					
Florist Shop (Retail)	X	X	X							
Florist Shop (Wholesale)			X	X						
Furniture or Appliance Sales			X							
Garage/Auto Repair			X	X	X					
Garden Shop or Plant Sales			X	X						
Gas Station w/Convenience			X							
Gift Shop	X	X	X							
Glass, Retail Sales			X	X						
Grocery Store		X	X							

USES	C-1	C-2	C-3	I	M	AG	AP	H-1	H-2	H-3
Hardware Sales, Retail			X							
Health/Organic Food Store		X	X							
Health Club/Fitness Center		X	X							X
Hobby Supply Shop	X	X	X							
Hobby Supply Store	X	X	X							
Hotel/Motel			X							
Interior Design/Decorating Studio		X	X	X						
Laboratory Dental or Medical			X	X				X		X
Laboratory Scientific or Research			X	X				X		X
Laundry/Dry Cleaning Plant				X	X					
Leather Goods or Luggage Store	X	X	X							
Liquor/Wine Shop		X	X							
Loan Office		X	X							
Lock Smith		X	X							
Machine Shop/Metal Fabrication/Welding			X	X	X					
Manufacturing, Light					X					
Mobil Home Sale			X	X						
Mortuary/Funeral Home		X	X							
Movie Rentals		X	X							
Movie Theater			X							
Music Store		X	X							
Neighborhood Recreational Center	X	X	X							
Nursery (Plant Retail)			X	X						
Nursing Home		X	X						X	
Office Equipment/Supply Store		X	X							
Offices, Professional	X	X	X							
Optical Shop	X	X	X							
Paint and Wallcovering Store		X	X							
Park or Playground	X	X	X							
Pawn Shop		X	X							
Pet Grooming, Household Pets		X	X							
Pet Shop		X	X							
Photographic Studio	X	X	X							
Photographic Equipment Sales	X	X	X							
Picture Framing	X	X	X							
Plumbing Retail/Repair		X	X	X						
		X	X							
Printing Plant or Newspaper			X	X	X					
Quarry/Mining				X	X	X				
Real Estate Sales Office, Temporary	X	X	X							
Restaurants, Dine-In		X	X							
Scrap/Salvage Services				X	X					

USES	C-1	C-2	C-3	I	M	AG	AP	H-1	H-2	H-3
Shoe Repair		X	X							
Shopping Center/Mall			X							
Sign Shop			X	X	X					
Storage Buildings/Self-Storage			X	X						
Studio, Radio or Television Broadcast			X	X						
Tailor Shop or Alterations	X	X	X							
Tobacco Shop		X	X							
Trophy Sales			X	X						
Upholstery or Cabinet Shop			X	X	X					
Veterinarian Hospital/Kennel (No Outside Pens)			X							
Veterinarian Hospital/Kennel (Outside Pens)			X	X						
Warehousing & Distribution				X	X					
Wholesale Establishments			X	X	X					
Government and Civic Uses										
Civic Center			X							
Civic Club or Lodge			X							
College or University Facilities		X	X	X				X	X	X
Fire Station	X	X	X	X						
Hospital Services (General)			X					X		
Hospital Services (Limited)		X	X							X
Library/Museum		X	X							
Municipal Facilities		X	X							
Park and Recreation Services, Public	X									
Park or Playground	X									
Police Station		X	X							
Postal Services		X	X							
Stage Theater			X							
Schools, Private/Public/Parochial	X	X	X							
SPECIAL USE PERMITS (SUP)										
Armory				X	X					
Cemetery or Mausoleum	X	X	X	X	X					
Churches/Places of Worship	X	X	X	X	X					
Correction Center/Detention Center			X	X	X					
Fairgrounds	X	X	X							
Golf Course, Private	X	X	X							
Golf Course, Public	X	X	X							
Halfway House/Rehabilitation Center			X						X	
Hospital			X					X		
Music Venue (In-Door)		X	X	X						
Music Venue (Out-Door)			X	X	X					

USES	C-1	C-2	C-3	I	M	AG	AP	H-1	H-2	H-3
Radio, TV, Microwave, Cell Phone Towers			X	X	X					
Resorts		X	X							
Rifle/Pistol/Archery Range			X	X						
Sanitary Landfill				X	X					
Sewage Pumping Station				X	X					
Sewage Treatment Plant				X	X					
Utilities		X	X	X	X					