

A. Compliance with Additional Regulations

The following standards shall be used in the design, location and sighting of Garden and Nursery Sales (Outside). A comprehensive site plan shall be submitted for approval by the Building Official prior to permit approval. Garden and Nursery Sales (Outside) sites shall comply with the following:

1. *Location* - The site shall be adjoining the building in which the primary business is conducted. No sales shall be located in front of the building. The site shall be located in such a manner so that it will not impede or hinder traffic flow.
2. *Screening* - The sales area shall be screened from public view by a minimum six-foot-high, maximum eight foot high screening fence. No merchandise may be stacked above the fence. No merchandise may be displayed outside the sales area. Fencing shall be of a material consistent with the exterior of the building. Visual openings may be allowed in the fence provided the opening does not exceed four inches in width with a minimum of eight feet between openings. Visual openings in the fence shall be constructed of wrought iron with no space larger than six feet, measured in any direction. Tree limbs may extend above the required fence.
3. *Roof* - A roof shall be required over the sales area. The roof shall be consistent with materials and construction methods approved by the Building Code.
4. *Accessibility* - The sales area shall have ingress and egress only through the main building.
5. *Deliveries and Customer Pick-up* - An opening ten feet wide, equipped with a gate, may be allowed only on the side or the rear of the sales area for deliveries and customer pick-up of merchandise. This opening may not be used as an entrance to the sales area, except as indicated in this section.
6. *Drainage* - A 12 inches high concrete curb shall be placed on all sides of the sales area to prevent drainage of chemicals into the public storm sewer system. An onsite drainage system with a dilution basin shall be installed when required by the Plumbing Code.
7. *Exceptions* - Exceptions to these operation standards may be requested by the applicant. Exceptions must be submitted on a site plan and approved by the Commission and City Council.

2.6 ALCOHOLIC BEVERAGE SALES IN RESTAURANTS AND PRIVATE CLUBS

A. Compliance with Additional Regulations

The sale of alcoholic beverages in a restaurant or private club on any property within the City, whether by right or pursuant to a specific use permit, shall be in compliance with this section.

B. Definitions

Whenever used in this section, the following words and phrases shall have the meaning set forth below unless specifically defined otherwise:

E. Structural and Building Requirements

1. *Private Club*: An association of persons, whether incorporated or unincorporated under the laws of the State of Texas, that is the holder of a valid and subsisting private club permit issued by the Texas Alcoholic Beverage Commission and whose stated purpose is for the promotion of some common object and whose members must be passed upon by a committee made up of members of the club.
 2. *Qualifying Restaurant*: An existing or proposed eating establishment whose gross sale of food and non-alcoholic beverages shall constitute at least 50% of the establishment's combined gross sales of food, non-alcoholic and alcoholic beverages quarterly.
 3. *Restaurant*: Unless specifically indicated otherwise, the term "restaurant" shall mean a qualifying restaurant where the operator is the holder of a mixed beverage permit or a private club permit.
 4. *Holder of a Mixed Beverage Permit*: Holder of a mixed beverage permit issued by the Texas Alcoholic Beverage Commission pursuant to Chapter 28 of the Texas Alcoholic Beverage Code.
- C. **Continuation of Existing Private Clubs.** All existing and legal private clubs are declared legal and valid and may continue to operate as legal and valid operations after the effective date of this ordinance.
- D. **Eleemosynary Corporations:** No application for a specific use permit for an applicant claiming to be an eleemosynary corporation, may be considered or approved until, based on data and information provided by the applicant, the City Attorney has determined the applicant is an eleemosynary corporation as defined in Section 2.6B.5.

E. **Structural and Building Requirements**

1. No qualifying restaurant may be located in a hotel unless such hotel:
 - a. Has at least 200 sleeping rooms; or
 - b. Has at least 160 sleeping rooms and meeting space in excess of 2,000 square feet.
2. Exterior signs or signs visible from the restaurant's exterior that advertise the sale of alcoholic beverages are prohibited.
3. No qualifying restaurant shall be located within 300 feet of a church, school (public or private), or public hospital. The method for measuring distance shall be as determined in Texas Alcoholic Beverage Code §109.33(b), as amended.

F. **Food Service**

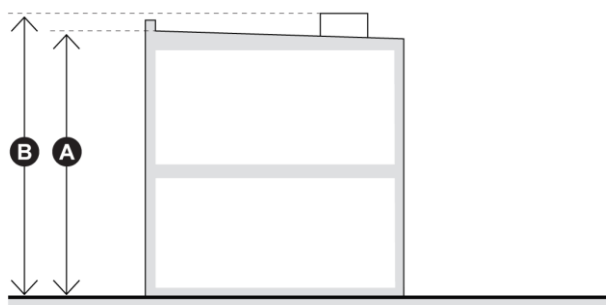
1. Qualifying restaurants shall provide regular food service for their customers.
2. All qualifying restaurants shall receive from the sale of food at least 50% of the restaurant's gross sales at that location which sales figures shall be accurately reflected on a quarterly basis, subject to verification by the City in accordance with Section 2.6J.
3. A qualifying restaurant may provide service in an attached patio or garden subject to approval of a specific use permit by the City Council.

3.21 LI (LIGHT INDUSTRIAL DISTRICT)

Description

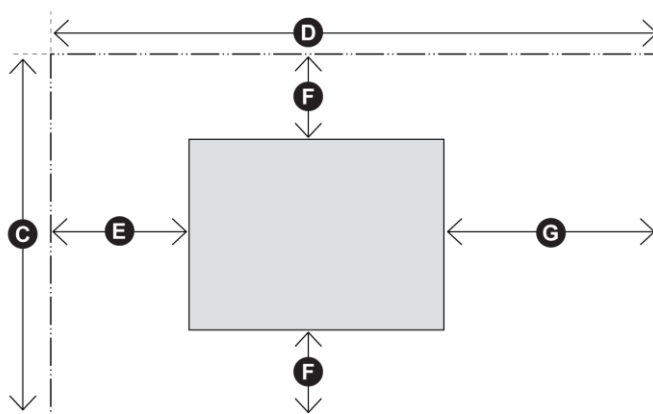
The LI District is intended to accommodate offices, light manufacturing, research and development, warehousing, wholesale, processing and commercial uses in order promote economic viability, encourage employment growth, and limit the encroachment of non-industrial development within established industrial areas. Facilities in the district should be operated in a relatively clean and quiet manner, and should not be obnoxious to nearby residential or commercial uses. The district should be applied in established industrial areas or where such a land use pattern is desired in the future.

Height (see Section 3.3 for additional height provisions)



- A** Height (no max stories)
- A** Height of Building (Set by FAA)
- B** Height of Encroachments (max 10 ft)

Siting (see Section 3.3 for additional lot and yard provisions)



- Lot Area (no min)
- C** Lot Width (no min)
- D** Lot Depth (no min)
- E** Front Yard (no min)
- F** Side Yard (min 5 ft)
- G** Rear Yard (no min)
- Floor Area Ratio (1:1 max)

Notes

1. Buildings may be built to any height not prohibited by other laws and ordinances.
2. Buildings constructed on a lot fronting on a street with a right-of-way with a width of 100 feet or greater must have a front yard setback of at least 30 feet. For corner lots, frontage along both streets are considered front yards.
3. Except along secondary streets where automobile parking areas are allowed within six (6) feet of the front property line, front yards must be kept free and clear of structures, parking areas, accessory buildings, fences, and other uses, unless allowed in other sections of this zoning ordinance.
4. Loading docks located on the front of the building must be set back not less than 60 feet.

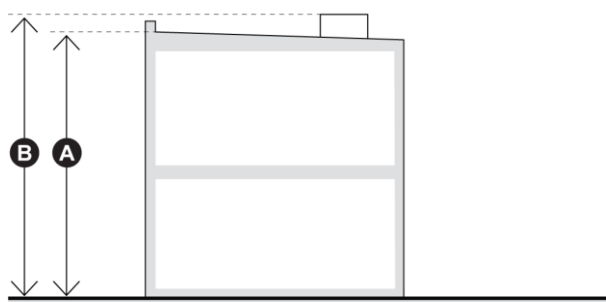
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5. Two approach driveways not exceeding 40 feet in width each may be located in the front yard. Additional driveways require approval of a specific use permit in accordance with Section 6.5.
 6. The area between the lot line and the minimum side yard line must be kept free and clear of accessory buildings and storage areas, but may be paved and used as driveways.
 7. When retail, commercial, or industrial uses back to a common lot line with a residential district, a 10 foot rear setback is required unless another provision of this zoning ordinance requires a greater rear setback, in which case the other provision shall control.
 8. When commercial or industrial uses do not back upon an alley or easement with a width of at least 20 feet, a 10 foot rear setback is required.
 9. Parking requirements shall comply with Section 4.3.

3.22 HI (HEAVY INDUSTRIAL DISTRICT)

Description

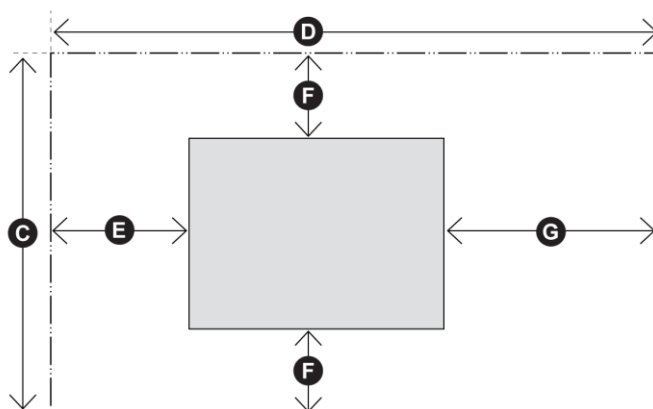
The HI District is intended to accommodate a broad range of high-impact manufacturing, industrial or other uses, including extractive and waste-related uses, that by their nature create some nuisance, and which are not properly associated with or are not compatible with nearby residential districts or other less intense districts. The district should be applied in established heavy industrial areas or where such a land use pattern is desired in the future.

Height (see Section 3.3 for additional height provisions)



- A** Height (no max)
- B** Height of Encroachments (no max)

Siting (see Section 3.3 for additional lot and yard provisions)



- Lot Area (no min)
- C** Lot Width (no min)
- D** Lot Depth (no min)
- E** Front Yard (no min)
- F** Side Yard (min 5 ft)
- G** Rear Yard (no min)
- Floor Area Ratio (1:1 max)

Notes

1. Buildings may be built to any height not prohibited by other laws and ordinances.
2. Gasoline pumps must be set back not less than 18 feet from the street right-of-way line.
3. Buildings constructed on a lot fronting on a street with a right-of-way with a width of 100 feet or greater must have a front yard setback of at least 30 feet. For corner lots, frontage along both streets are considered front yards.
4. Except along secondary streets where automobile parking areas are allowed within 6 feet of the front property line, front yards must be kept free and clear of structures, parking areas, accessory buildings, fences, and other uses, unless allowed in other sections of zoning ordinance.
5. Loading docks located on the front of the building must be set back not less than 60

feet.

6. Two approach driveways not exceeding 40 feet in width each may be located in the front yard. Additional driveways require approval of a specific use permit pursuant to Section 6.5.
7. The area between the side lot line and the minimum side yard line must be kept free and clear of accessory buildings and storage areas but may be paved and used as driveways.
8. When retail, commercial, or industrial uses back to a common lot line with a residential district, a 10 foot rear setback is required unless another provision of this zoning ordinance requires a greater rear setback, in which case the other provision shall control.
9. When commercial or industrial uses do not back upon an alley or easement with a width of least 20 feet, a 10 foot rear setback is required.
10. Parking requirements shall comply with Section 4.3.

4.5 PERFORMANCE STANDARDS

A. Applicability

1. All uses in all zoning districts shall conform in operation, location, and construction to the performance standards specified for noise, odorous matter, toxic and noxious matter and glare set forth in this Section 4.5.
2. All uses in the C, LI, HI, or PD zoning districts shall conform in operation, location and construction to the performance standards specified for noise, odorous matter, toxic and noxious matter, glare, smoke, particulate matter and other air contaminants, fire and explosive or hazardous matter, vibration, open storage, planting, waste materials, and sanitation set forth in this Section 4.5.

B. C, LI and PD Districts

1. Applicability

The provisions of this Section 4.5.C. shall apply only within the C, LI, and PD zoning districts.

2. Noise

At no point at the bounding property line of any use shall the sound pressure level of any operation or plant exceed the decibel limits specified in the Octave Bands groups designated in the following table:

- a. The maximum permissible daytime octave band-decibel limits at the bounding property line shall be as follows:

Octave Band (Cycles per Second)	37 -75	75 - 150	150 - 300	300 - 600	600 - 1200	1200 - 2400	2400 - 4800	4800 - 9600	A Scale
Decibel Band Limit (dB re 0.0002 micro-bars)	86	76	70	65	63	58	55	53	70

Note: Scale levels are provided for monitoring purposes only and are not applicable to detailed sound analysis.

- b. The following corrections shall be made to the table of octave band-decibel limits in determining compliance with the noise level standards:
 - i. When noise is present at nighttime: subtract -7 dB.
 - ii. When noise contains strong pure-tone components or is impulsive, that is, when meter changes at 10 decibels or more per second: subtract -7 dB.

- iii. When noise is present for not more than ½ minute in any ½-hour period, 1 minute in any 1-hour period, 10 minutes in any 2-hour period, or 20 minutes in any 4-hour period: add 10 dB.
- c. Measurement of noise shall be made with a sound level meter or Octave band analyzer meeting the standards prescribed by the American Standards Association.

3. Smoke and Particulate Matter

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

- a. As dark or darker in shade as that designated as No. 2 on the Ringleman Chart as published by the United States Bureau of Mines Information Circular 7118;
- b. Of such opacity as to obscure an observers view to a degree equal to or greater than does smoke or contaminants in the standard prescribed in Section 4.5B.3.a above except that; when the presence of uncombined water is the only reason for failure to comply or when such contaminants are emitted inside a building which prevents their escape into the outside atmosphere, the standards in Sections 4.5B.3.a and 4.5B.3.b shall not apply;
- c. The emission of particulate matter from all sources shall not exceed 0.5 pounds per acre of property within the 0.5 pounds per acre of property within the plan site per any one-hour; or
- d. The open storage and open processing operations, including on-site transportation movements which are the source of wind or airborne dust or other particulate matter, or which involves dust or other particulate air contaminant generating equipment such as used in paint spraying, grain handling, sand or gravel processing or storage, or sand blasting, shall be so conducted that dust and other particulate matter so generated are not transported across the boundary line of the tract on which the use is located in concentrations exceeding 4 grains per 1,000 cubic feet of air.

4. Odorous Matter

- a. No use shall be permitted which involves the emission of odorous matter from a source of operation where the odorous matter exceeds the odor threshold at the bounding property line or any point beyond the tract on which such use or operation is located.
- b. The odor threshold shall be determined by observation by on or more people. In any case, where uncertainty may arise, the operator or owner of an odor emitting use may disagree with the enforcing officer, or specific measurement of odor concentration is required, the method and procedures as specified by American Society for Testing Materials A.S.T.M.D. 1391-57 titled "Standard Method for Measurement of Odor in Atmospheres" shall be used as the standard for determining the odor threshold, which standards are incorporated herein by reference.

5. Fire and Explosive Materials

No use involving the manufacture or storage of compounds or products which decompose by detonation shall be permitted except that chlorates, nitrates, perchlorates, phosphorous and similar substances and compounds in small quantities for use by industry, school laboratories, druggists or wholesalers may be permitted when approved by the City's Fire Department.

6. Toxic and Noxious Matter

No operation or use shall emit across the bounding property line of the tract on which such operation or use is located a concentration of toxic or noxious matter which will exceed ten percent of the concentration (exposure) considered as the threshold limit for an industrial worker as set forth by the Texas State Department of Health in Threshold Limit Values Occupational Health Regulation No. 3, a copy of which is incorporated herein by reference and is on file in the office of the Director.

7. Vibration

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

Frequency (Cycles per Second)	Displacement (In Inches)
0-10	.0010
10-20	.0008
20-30	.0005
30-40	.0004
40 & Over	.0003

8. Open Storage

- a. Open storage shall be permitted as an accessory use to a main use which is located in a building in a C, LI or PD district allowing uses and standards in accordance with the LI zoning district.
- b. The area designated as open storage shall not exceed 15% of the total gross square foot of the building located on the same lot as the open storage prior to approval of a specific use permit in accordance with Section 6.5.
- c. Open storage shall be located on the rear one-half of the lot.
- d. No open storage shall be located in front of the main building.
- e. No open storage may be used for a wrecking, junk or salvage yard prior to approval of a specific use permit Section 6.5 authorizing such use.
- f. All open storage areas shall be screened from view of the public by a masonry wall not less than six feet nor greater than eight feet in height, and shrubs, trees or other landscaping as approved by the Director.

- g. Items stored in an authorized open storage area shall not extend above the required screening fence or wall.

9. Glare

No use or operation shall be located or conducted so as to produce intense glare or direct illumination across the bounding property line from a visible source of illumination nor shall any such light be of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property.

C. HI District

1. Applicability

The provisions of this Section 4.5.C shall apply only to property located within the HI zoning districts.

2. Noise

- a. At no point at the bounding property line of any use shall the sound pressure level of any operation or plant exceed the decibel limits specified in the Octave Band groups designated in the following table. Maximum permissible daytime octave band-decibel limits at the bounding property line shall be as follows:

Octave Band (Cycles per Second)	37 - 75	75 - 150	150 - 300	300 - 600	600 - 1200	1200 - 2400	2400 - 4800	4800 - 9600	A Scale
Decibel Band Limit (dB re 0.0002 micro-bars)	90	80	74	69	65	62	60	58	70

Note: Scale levels are provided for monitoring purposes only and are not applicable to detailed sound analysis.

- b. The following corrections shall be made to the table of octave band-decibel limits in determining compliance with the noise level standards:
 - i. When Noise is present at nighttime: subtract -7 dB.
 - ii. When Noise contains strong pure-tone components or is impulsive, that is, when meter changes at 10 decibels or more per second: subtract -7 dB.
 - iii. When Noise is present for not more than ½ minute in any ½-hour period, 1 minute in any 1-hour period, 10 minutes in any 2-hour period, or 20 minutes in any 4-hour period: add 10 dB.
- c. Measurement of noise shall be made with an Octave band analyzer meeting the standards prescribed by the American Standards Association.

3. Smoke and Particulate Matter

No operation or use shall cause, create, or allow the emission for more than 3 minutes in any 1 hour of air contaminants which at the emission point or within the bounds of the property are:

- a. As dark or darker in shade as that designated as No. 2 on the Ringleman Chart as published by the United States Bureau of Mines Information Bulletin 7118.
- b. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke or contaminants in the standard prescribed in Section 4.5C.3.a above except that; when the presence of uncombined water is the only reason for failure to comply or when such contaminants are emitted inside a building which prevents their escape into the atmosphere, the standards specified in Sections 4.5C.3.a and 4.5C.3.b shall not apply.
- c. The emission of particulate matter from all sources shall not exceed 1.0 pounds per acre of property within the plant site per any one hour.
- d. The open storage and open processing operations including on site transportation movements which are the source of wind or airborne dust or other particulate air contaminants generating equipment such as used in paint spraying, grain handling, sand or gravel processing or storage, or sand blasting shall be so conducted that dust and other particulate matter so generated are not transported across the boundary line of the tract on which the use is located in concentrations exceeding 4 grains per 1,000 cubic feet of air.

4. Odorous Matter

- a. No use shall be located or operated which involves the emission of odorous matter from a source operation where the odorous matter exceeds a concentration at the bounding property line or any point beyond which, when diluted with an equal volume of odor free air, exceeds the odor threshold (two odor units).
- b. The odor threshold and odor unit shall be determined by observation by one or more people. In any case where uncertainty may arise, the operator or owner of an odor emitting use may disagree with the enforcing officer, or specific measurement of odor concentration is required, the method and procedures specified by the American Society for Testing Materials, A.S.T.M.D. 1391-57 titled *Standard Method for Measurement of Odor in Atmosphere* shall be used as the standard for determining the odor threshold, which standards are incorporated herein by reference.

5. Fire or Explosive Hazard Material

- a. No use involving the manufacture or storage of compounds or products which decompose by detonation shall be permitted except when such use is in conformance with all other City ordinances and has been approved by the City's Fire Department.
- b. The storage and use of all flammable liquids and materials such as pyroxylin plastics, nitrocellulose film, solvents and petroleum products shall be

permitted only when such storage or use conforms to the standards and regulations of City's Fire Department.

6. Toxic and Noxious Matter

No operation or use shall emit across the bounding property line of the tract on which such use or operation is located a concentration of toxic or noxious matter which will exceed ten percent of the concentration (exposure) considered as the threshold limit for an industrial worker as such standards are set forth by the Texas State Department of Health in *Threshold Limit Values Occupational Health Regulation No. 3*, a copy of which is incorporated herein by reference and on file in the office of the Director.

7. Vibrations

No operation or use shall at any time create earthborne vibrations which, when measured at the bounding property line of the source operation, exceeds the limit of displacement set forth in the following table in the frequency ranges specified:

Frequency (Cycles per Second)	Displacement (In Inches)
0-10	.0020
10-20	.0016
20-30	.0010
30-40	.0006
40 & Over	.0005

8. Open Storage

- a. Open storage shall be permitted as an accessory use to a main use which is located in a building in an HI district or a PD district allowing uses and standards in accordance with the HI zoning district.
- b. The area designated as open storage shall not exceed the total gross square foot of the building located on the same lot as the open storage area without the prior approval of a specific use permit in accordance with Section 6.5.
- c. Open storage shall be located on the rear one-half of the lot.
- d. No open storage shall be located in front of the main building.
- e. No open storage area shall be used as a wrecking, junk or salvage yard prior to approval of as a specific use permit in accordance with Section 6.5 authorizing such use.
- f. All open storage areas shall be screened from view of the public by a masonry wall not less than six feet nor greater than eight feet in height, and shrubs, trees or other landscaping as approved by the Director.
- g. Items stored in an authorized open storage area shall not extend above the required screening wall or fence.

9. Waste Materials

No use or operation shall discharge onto the ground or into any driveway, open pit, pond or into any street or street right-of-way, any waste materials, liquids, residue or by products for storage, decomposition, disposal or fill, unless

approved by the Director.

D. “Daytime” and “Bounding Property Line”

1. **“Daytime”** As used in Sections 4.5.B. and C., “daytime” means the hours between sunrise and sunset on any given day.

2. **“Bounding Property Line”**

As used in Sections 4.5.B. and C., “bounding property line” means (i) the far side of any street, alley, stream or other permanently dedicated open space from the noise source when such open space exists between the property line of the noise source and adjacent property, and (ii) when no such open space exists, the common line between two parcels of property.