

THE INTENT OF THIS DOCUMENT IS TO ASSIST COMMERCIAL BUILDERS WITHIN THE CITY OF BAYTOWN IN IDENTIFYING APPLICABLE REGULATIONS FOR NEW CONSTRUCTION. PLEASE NOTE THAT THIS DOCUMENT IS NOT ALL-INCLUSIVE.

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## MIXED USE (MU)

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### APPENDIX A - UNIFIED LAND DEVELOPMENT CODE

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#### ARTICLE II. - USE DISTRICTS

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##### DIVISION 2. - ZONING DISTRICTS

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###### SEC. 2.04 - COMMERCIAL ZONING DISTRICTS.

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- (a) *Mixed use ("MU")*. This district is intended to accommodate uses that are zoned MU as of April 13, 2013. No additional lands shall be zoned MU.
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##### DIVISION 3. - LAND USE TABLES AND CONDITIONS

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###### SEC. 2.09 - LAND USE TABLES.

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- (a) *Uses*. This subsection sets forth the land uses allowed in each zoning district. In the following tables "P" means permitted use and "PC" means permitted use with conditions as set forth in the conditions tables in division 3 of this article. Where neither a "P" nor a "PC" exists in the table, the use is prohibited. To the extent that there is a conflict between the use tables and the conditions, the use table controls.

**Table 2-2. Non-residential uses.**

USES	MU	COND REF
Agriculture	PC	A4
Animals	PC	A5, A25
Auto body shop	P	A1
Vehicle repair, non-commercial	PC	A2
Building, heating, plumbing, general, service or electrical contractors with outdoor storage	PC	A3, A42
Community services	P	
Day care	P	A8

## MIXED USE (MU)

USES	MU	COND REF
Dwelling unit	PC	A44
Entertainment facilities, including bars and lounges	PC	A45
Equipment sales and rental facilities	PC	A53
Extended stay motel	PC	A13
Food service establishment	P	A9-10, A11, A12
Funeral home	PC	A33
Gas station	P	A15, A16
Grocery stores	P	A19
Group housing, Boardinghouse, Dormitory, Halfway house, Orphanage, Group home for substitute care	PC	A20-22
Homeless shelter	PC	A21-22
Hotel	PC	A13
Live outdoor exhibitions	PC	A26
Manufacturing (custom)	PC	A49
Manufacturing (light)	PC	A48, A48.5
Hospitals	P	
Clinics	P	
Nursing homes and assisted living facilities	PC	A20, A22, A58
Office	P	A27, A28
Outdoor sales and display	PC	A50

## MIXED USE (MU)

USES	MU	COND REF
Parking, commercial	P	
Personal service	P	
Pet stores	PC	A32
Places of assembly	PC	A30, A30A
Recreational vehicle park	PC	A31
Repair business	PC	A55
General	P	A18
Big box	PC	A17
Self storage	PC	A59
Supply houses	PC	A54, A54.5
Telecommunication facilities	PC	A37
Vehicle and boat sales, rental or leasing facility	PC	A52
Vehicle storage	PC	A36, A38, A42
Warehouse and freight movement	PC	A40
Wholesale trade	PC	A40

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## MIXED USE (MU)

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Accessory uses are uses incidental and subordinate to the principal use, located on the same lot as the principal use and in the same zoning district as the principal use.

**Table 2-3. Non-residential accessory use table.**

ACCESSORY USE	MU	COND REF
Boat and RV storage	PC	A42
Container	PC	A6, A7, A42
Dog run	PC	A25
Dwelling unit	P	A44
Equipment sales and rental facilities	PC	A53
Kennel	PC	A25
Medical equipment storage and research facilities	PC	A43
Outdoor storage (Accessory)	PC	A42
Residential accessory structures	PC	B2
Sandblasting	PC	A56, A57
Storage Building	PC	A51
Vehicle Storage	PC	A36

## MIXED USE (MU)

### SEC. 2.10 - LAND USE CONDITIONS.

This section sets forth the conditions associated with identified land uses in section 2.05. The conditions expressed in the use table are cumulative of applicable conditions contained elsewhere in the Code.

	Land Use	Applicable Zoning District	Conditions	
<b>A. Non-Residential Categories</b>				
2	Vehicle repair, non-commercial	GC, MU	(a)	Vehicle repair shall be separated from all adjacent uses by opaque screening.
			(b)	Vehicles must be kept on the private property of the vehicle repair facility.
			(c)	Vehicle storage is subject to the outdoor storage conditions of this ordinance and must be kept behind opaque screening and in accordance with chapter 112 of the Code of Ordinances.
3	Building, heating, plumbing, general, service or electrical contractors with outdoor storage	GC, MU	(a)	Outdoor storage shall be separated from all adjacent uses and public rights-of-way by opaque screening.
			(b)	Loading docks or bay doors shall not face an arterial or collector street.
4	Agriculture	All, where permitted	Agricultural uses involving animal, livestock, exotic, or similar animal uses are regulated pursuant to chapter 14 and/or chapter 42, article V of the Code of Ordinances.	
5	Animals	All, where permitted	Animals are regulated pursuant to chapter 14 and/or chapter 42, article V of the Code of Ordinances.	
6	Containers	GC, MU	(a)	Containers may not be stacked on one another.
			(b)	Berms, hills, slabs in excess of one foot above natural grade or other raised features may not be created upon which to place containers.

## MIXED USE (MU)

Land Use		Applicable Zoning District	Conditions	
			(c)	There is no limit to the number of containers on a property.
			(d)	Containers shall be screened from all adjacent properties by opaque screening.
10	Food service establishments	All, where permitted except ACE	Food service establishments shall be separated by opaque screening from single-family or two-family dwellings.	
11	Food service establishments	All, where permitted	Mobile food establishments are subject to the restrictions under chapter 42 of the Code of Ordinances.	
12	Food service establishments	ACE	Drive-through restaurants within ACE district requires the issuance of a special use permit in accordance with section 1.26 of this ULDC.	
13	Hotel	GC, ACE, MU, LC	Hotels shall be located on property that is at least one acre in size.	
		GC, ACE, MU, LC	Interior access	A hotel shall (i) only permit controlled access to rooms via a lobby and interior hallways; and (ii) include place(s) of assembly, including but not limited, to, spa room, fitness room, game room and/or cocktail lounge with a combined minimum of 2,000 square feet.
14	Vehicle fueling station minimart	All, where permitted	(a)	Vehicle fueling station minimart shall not exceed 8,000 square feet in building size.
			(b)	Gas station minimart is allowed only if located on a freeway, an arterial street or on a collector street at its intersection with an arterial street.
			(c)	Vehicle fueling station minimart must provide opaque screening adjacent to any residential dwelling or property zoned for residential use.



## MIXED USE (MU)

	Land Use	Applicable Zoning District	Conditions	
16	Vehicle fueling station	All, where permitted	Vehicle fueling stations must provide opaque screening adjacent to any residential dwelling or property zoned for residential use.	
17	Big box retail	All, where permitted	(a)	Building and appurtenances shall be located at least 20 feet from a residential property line.
			(b)	Loading docks shall not face residential uses.
20	Group housing, nursing homes and assisted living facilities	All, where permitted	(a)	Group housing, nursing homes and assisted living facilities must be licensed by the state.
			(b)	Group housing, nursing homes and assisted living facilities shall not be located within a floodplain or floodway.
			(c)	Group housing, nursing homes and assisted living facilities shall annually prepare and implement an evacuation plan for all residents in accordance with chapter 22, article II, division 3 of the Code of Ordinances.
			(d)	Direct vehicle access to nursing home facilities in the UN district shall be provided from a collector or arterial street or major thoroughfare.
21	Group housing, boardinghouse, group home for substitute care, dormitory, halfway house, homeless shelter, orphanage, and personal care home	All, where permitted	(a)	These uses must secure a special use permit in accordance with section 1.26 of this ULDC.
			(b)	Group housing, boardinghouse, group home for substitute care, dormitory, halfway house, homeless shelter, orphanage, and personal care home shall annually prepare and implement an evacuation plan for all residents in accordance with chapter 22 of the Code of Ordinances.

## MIXED USE (MU)

	Land Use	Applicable Zoning District	Conditions	
			(c)	No application for a proposed group housing use that requires a special use permit may be granted if another group housing use that requires a special use permit exists within one-half mile of the proposed location.
			i.	Such measurements shall be measured from property line to property line.
			ii.	In making the determination that no group housing use requiring a special use permit exists within one-half mile, the director may consider information provided by the applicant, information contained in the records of the city, and information obtained by physical inspection of the premises.
22	Group housing, all	All, where permitted	(a)	The following minimum square footage per bedroom shall be provided by the home:
			i.	To house one handicapped person per bedroom, the dwelling unit must provide 100 square feet of space per bedroom utilized for this purpose; or
			ii.	To house two handicapped persons per bedroom, the dwelling unit must provide 120 square feet of space per bedroom utilized for this purpose.
			(b)	Separate bedroom facilities from all residents shall be provided for the care provider or providers that live in the facility part-time or full-time with the residents.
			(c)	Nothing in this condition shall be construed to restrict the location or operational abilities of facilities engaging in the sale of alcohol for on or off-premises consumption based on the location of group housing facilities.

## MIXED USE (MU)

	Land Use	Applicable Zoning District	Conditions	
			(d)	All facilities shall meet and maintain compliance with the Code of Ordinances and requirements of this ULDC and all applicable health and safety codes and regulations in effect.
23	Industrial uses	All, where permitted	These industrial uses require the issuance of a special use permit in accordance with section 1.26 or 1.26.5 of this ULDC, or a drilling overlay district in accordance with 2.085 of this ULDC.	
25	Kennels	GC, MU, LI	(a)	Kennels are not allowed within 100 feet of any residential use.
			(b)	Kennels are not allowed within 300 feet of a church, school, hospital, or place of assembly.
			(c)	Kennels are not allowed within 300 feet from where food is sold or consumed.
			(d)	Kennels shall not house exotic animals.
26	Live outdoor exhibitions	All, where permitted	Live outdoor exhibitions shall conform to all licensing, inspection and performance standards in chapter 42 of the Code of Ordinances.	
30	Places of assembly	All, where permitted	(a)	Direct vehicle access shall be provided from a collector or higher classification street.
			(b)	Outdoor uses associated with places of assembly shall be setback at least 300 feet from any residential property line. If a place of assembly has an outdoor use, there shall be opaque screening along the common property line with any adjacent residential uses.
31	Recreational vehicle park	All, where permitted	(a)	Recreational vehicle parks shall be separated from all adjacent uses by opaque screening.

## MIXED USE (MU)

	Land Use	Applicable Zoning District	Conditions	
			(b)	Property not subject to a valid recreational vehicle park operating license pursuant to chapter 58 on April 13, 2013, must have an approved special use permit prior to receiving a building permit.
			(c)	Property not subject to a valid recreational vehicle park operating license pursuant to chapter 58 on April 13, 2013, must be a minimum of five acres in size.
32	Pet stores	All, where permitted	A dog run may be placed on site at a pet store, where it is not adjacent to any dwelling unit and it may not be used for overnight sleeping of animals.	
33	Funeral home	All, where permitted	A funeral home with a crematorium requires the issuance of a special use permit in accordance with this ULDC.	
36	Vehicle storage	GC, MU	(a)	Vehicle storage is subject to the outdoor storage conditions of this ordinance and must be kept behind opaque screening and in accordance with chapter 112 of the Code of Ordinances.
			(b)	Vehicles that contain hazardous materials pursuant to the standards of the state department of transportation, the state commission on environmental quality, or any other regulatory agency of the state or federal government are not allowed to be in such vehicle storage.
37	Telecommunication facilities	All, where permitted	Except as otherwise provided in the Code of Ordinances, telecommunication towers in excess of 50 feet in height and monopole towers in excess of 85 feet in height are permitted in all non-residential zoning districts with a special use permit in accordance with section 1.26 of this ULDC.	

## MIXED USE (MU)

	Land Use	Applicable Zoning District	Conditions	
40	Warehouse and freight movement, Wholesale Trade	MU, GC	(a)	Warehouse and freight movement excludes shipment or storage of hazardous cargo and/or materials.
			(b)	Warehouse shall have a maximum building height of 40 feet.
			(c)	Outdoor storage shall be separated by opaque screening from all adjacent uses and all public rights-of-way.
			(d)	Loading docks or bay doors shall not face arterial or collector street.
			(e)	If warehouse exceeds 10,000 square feet, must adhere to LI vegetative buffer described in Sec. 18-1206.5 of the Code of Ordinances.
			(f)	No rail, boat, or air transport of cargo may be used for freight movement on site.
			(g)	The primary activity must be done within the enclosed warehouse structure.
			(h)	Warehouse must be located on an arterial street.
			(i)	Minimum lot size must be at least one acre.
			(j)	The minimum building setback shall be 100 feet. Within this setback, a 50-foot open space and a 50-foot vegetative buffer shall be provided.
			(k)	Existing uses may expand no more than 50% of the total square footage of all buildings lawfully existing on December 20, 2015, and be exempt from all use conditions, property development and compatibility standards except for the following:

## MIXED USE (MU)

Land Use		Applicable Zoning District	Conditions	
				» Meet LI setbacks along with all other standards for GC in Table 3-1; and
				» Provide a minimum of six feet of opaque screening from all adjacent uses.
41	Recycling centers	LI	(a)	Recycling centers are only allowed if the center is an indoor facility.
			(b)	Outdoor storage is allowed only if the items being stored are completely enclosed in containers in conformance with this ULDC.
42	Outdoor storage, container, Boat and RV storage, Building, heating, plumbing, general, service or electrical contractors with outdoor storage	All, where permitted	»	All outdoor storage shall only occur within the side and/or rear yard(s) of the property. Where double frontage occurs, outdoor storage shall not be permitted beyond the plane of the side building facade that is adjacent to the side street.
			»	All outdoor storage shall be separated by a vegetative or transition buffer, as described in section 18-1206.5 of the Code of Ordinances, from all adjacent uses and all public streets.
43	Medical equipment storage and research facilities	MU, GC, LI	(a)	Medical equipment must be totally enclosed within a building.
			(b)	No outdoor storage of medical equipment.
			(c)	Storage does not include incineration or other forms of destruction but only storage.
			(d)	Medical research facilities shall be located only on the same lot with a hospital or on the same campus as a hospital and shown on a detailed plan meeting the requirements of subsection 2.08(d), which must be approved and administered in accordance with section 2.08.

## MIXED USE (MU)

	Land Use	Applicable Zoning District	Conditions	
44	Dwelling Unit	MU, ACE, LC, GC, LI, HI	(a)	New dwelling units are allowed in MU where the residential lot provides an open space setback of 20 feet from any adjacent, existing non-residential use.
			(b)	New residential subdivisions proposed in MU shall only be approved where the subdivision is rezoned to an appropriate residential zoning district.
			(c)	Dwelling units are allowed in ACE following the standards set forth in this ULDC.
			(d)	Live-work uses may be located in an ACE district:
			i.	Behind a business on its first floor as long as:
				<ul style="list-style-type: none"> <li>• The exterior wall of the residential area is not along Texas Avenue;</li> </ul>
				<ul style="list-style-type: none"> <li>• The exterior wall of the commercial use and the primary entrance to the commercial use is along Texas Avenue; and</li> </ul>
				<ul style="list-style-type: none"> <li>• The commercial use occupies at least 25% of the area of the first floor; and</li> </ul>
			ii.	Above the first floor where the residential unit has frontage on Texas Avenue.
			(e)	When a mixed-use building fronts on Texas Avenue in the ACE district, a residential use is allowed only
i.	If:			
	<ul style="list-style-type: none"> <li>• No residential dwelling unit on the first floor has a door opening onto the primary street;</li> </ul>			

## MIXED USE (MU)

	Land Use	Applicable Zoning District	Conditions	
				<ul style="list-style-type: none"> <li>• Less than 50% of the mixed-use building's frontage on the first floor along a primary street is used for residential dwelling unit(s); and</li> </ul>
				<ul style="list-style-type: none"> <li>• The mixed-use building is not new construction; or</li> </ul>
			ii.	If the residential unit is above the ground floor.
			(f)	Dwelling units are allowed in LC in cases in which they are allowed in an approved planned unit development.
			(g)	A dwelling unit is allowed in GC, LI, and HI as an accessory use for on-site security and management purposes.
			(h)	A dwelling unit is allowed in MU as an accessory use for on-site security and management purposes when used as a commercial use.
			(i)	Except as provided in condition A44(g), new dwelling units cannot be constructed after April 13, 2013, in GC.
45	Entertainment facilities, including bars and lounges	All, where permitted	Entertainment facilities, including bars and lounges, are subject to the restrictions under chapter 6 of the Code of Ordinances.	
48	Manufacturing (light)	All, where permitted	(a)	All manufacturing activities must be contained entirely within a building.
			(b)	Manufacturing of hazardous cargo and/or materials is prohibited.
48.5	Manufacturing (light)	MU, GC	(a)	Minimum lot size must be at least one acre.



## MIXED USE (MU)

	Land Use	Applicable Zoning District	Conditions	
			(b)	The minimum building setback shall be 100 feet. Within this setback, a 50-foot open space and a 50-foot vegetative buffer shall be provided.
			(c)	Existing uses may expand no more than 50% of the total square footage of all buildings lawfully existing on December 20, 2015, and be exempt from all use conditions, property development and compatibility standards except for the following:
			»	Meet LI setbacks along with all other standards for GC in Table 3-1; and
			»	Provide a minimum of six feet of opaque screening from all adjacent uses.
49	Manufacturing (custom)	All, where permitted	(a)	All manufacturing (custom) activities are to be contained entirely within a building.
			(b)	Storage or manufacturing of hazardous cargo and/or materials is prohibited.
			(c)	All manufacturing (custom) activities shall be limited to 10,000 square feet of floor area or less.
50	Outside sales and display	All, except LI and HI		Outside sales and displays are limited in area to 500 square feet or 10% of the gross floor area of primary uses, whichever is greater, and shall be considered as retail sales floor area for purposes of calculating parking.
51	Storage building	All, except LI and HI	(a)	Storage buildings are limited in area to 500 square feet or 10% of the gross floor area of the primary use, whichever is greater, and shall be considered as retail sales floor area for purposes of calculating parking.

## MIXED USE (MU)

	Land Use	Applicable Zoning District	Conditions	
			(b)	Storage buildings must be placed behind the front building frontage of the structure housing the primary use.
52	Vehicle and boat sales, rental or leasing facility	All, where permitted	(a)	Repair work, if any, shall be done wholly inside of a building.
			(b)	Vehicles and boats sold, rented and leased may not have a gross vehicle weight greater than 13,000 pounds.
			(c)	Vehicle storage is subject to the outdoor storage conditions of this ordinance and must be kept behind opaque screening and in accordance with chapter 112 of the Code of Ordinances.
			(d)	Vehicles that contain hazardous materials pursuant to the standards of the state department of transportation, the state commission on environmental quality, or any other regulatory agency of the state or federal government are not allowed to be in such vehicle storage.
53	Equipment sales and rental facilities	MU, GC	(a)	All equipment shall be separated by opaque screening from all adjacent properties and all public rights-of-way, except one of each equipment type may be used for display purposes.
			(b)	The sale or rental of tools, tractors or equipment, which are over 13,000 lbs. GVWR and/or are greater in height than 10 feet in its storage configuration and/or are designed and used solely for industrial purposes is not permitted.
54	Supply houses	MU, GC	(a)	Outdoor storage shall be separated by opaque screening from all adjacent uses and all public rights-of-way.

## MIXED USE (MU)

	Land Use	Applicable Zoning District	Conditions	
			(b)	Storage or sale of hazardous cargo and/or materials is prohibited.
			(c)	Loading docks or bay doors shall not face arterial or collector rights-of-way.
			(d)	The minimum building setback shall be 100 feet. Within this setback, a 50-foot open space and a 50-foot vegetative buffer shall be provided.
			(e)	Minimum lot size must be at least one acre.
			(f)	Existing uses may expand no more than 50% of the total square footage of all buildings lawfully existing on December 20, 2015, and be exempt from all use conditions, property development and compatibility standards except for the following:
			»	Meet LI setbacks along with all other standards for GC in Table 3-1; and
			»	Provide a minimum of six feet of opaque screening from all adjacent uses.
55	Repair Business	All, where permitted	(a)	Outdoor storage shall be separated by opaque screening from all adjacent uses and all public rights-of-way.
			(b)	Repair work shall be performed wholly inside of an enclosed structure.
56	Sandblasting	MU, GC, NSC, ACE, LC	Sandblasting must be conducted wholly within an enclosed structure.	
59	Self-storage	MU, GC	(a)	No self-storage land use shall be located within one mile of another self-storage land use. The measurement of the distance between self-storage shall be in a direct line from property line to property line, without regard to roadways and intersections; and

## MIXED USE (MU)

	Land Use	Applicable Zoning District	Conditions	
				Self-storage buildings shall have a maximum height of 30 feet. Parapet walls used to screen mechanical equipment on the roof shall not be considered for the height measurement.
			(b) Bay access, interior	Self-storage bay(s)/unit(s) shall be accessed from the interior of a building; and
				Self-storage bay(s)/unit(s)/doors shall not be visible from the exterior of the building.
			(c) Bay access, exterior	Self-storage bay(s)/unit(s) with entrances accessible from the exterior of the building shall only be permitted along facades facing the interior of the property and facades not facing the public street.
				Self-storage bay(s)/unit(s) with entrances accessible from the exterior of the building shall install a transition buffer as described in section 18-1206.5 of the Code of Ordinances.

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## MIXED USE (MU)

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### ARTICLE III. - DESIGN AND COMPATIBILITY STANDARDS

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#### DIVISION 1. - PROPERTY DEVELOPMENT STANDARDS

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**Table 3-1. Property development standards.**

Zoning Category	MU*
Minimum lot size (square feet)	5,000
Minimum front setback	15
Minimum rear setback	5
Minimum interior side setback	5
Minimum street side setback	10
Maximum height (in feet)	40
Percent maximum lot coverage	90
Minimum lot frontage required (linear feet)	50
* Flag lots are permitted in this district that do not meet the minimum lot frontage required subject to the provisions of section 3.01, subsection (e).	

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#### SEC. 3.01 - LOTS.

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- (a) *Previously platted lots.* No requirement of this section shall prevent the development of a legally platted lot approved by the planning and zoning commission prior to April 13, 2013, so long as the development meets all other applicable provisions of this ULDC.
- (b) *Area.* Each lot shall have a minimum area as set forth in table 3-1.
- (c) *Required frontage.*
- (1) Each lot shall have frontage on a dedicated public right-of-way on which a street is accepted and built to the city's engineering standards or on a private, platted street that is built to the city's engineering standards as set forth in table 3-1.
  - (2) Each lot shall have a minimum width no less than the lot's minimum frontage width as set forth in table 3-1.
  - (3) Radial lots shall have at least 20 feet of frontage.

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## MIXED USE (MU)

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- (d) *Layout.* Where lot lines intersect the right-of-way, the lot lines shall be at a 90-degree angle with the right-of-way.
- (e) *Flag lots.*
- (1) A flag lot consists of a narrow strip of land called a staff that provides access from the public street to a principal portion of a lot. The staff of the flag lot must meet the minimum dimension requirements of subsection (4) below. The principal portion of the lot must meet the minimum property development standards set forth in table 3-1.
  - (2) Flag lots shall only be used to provide for vehicular access to the principal portion of a lot through a staff and shall not be allowed if access to a public street in accordance with the minimum property development standards set forth in table 3-1 is available.
  - (3) The staff portion of the lot shall only be used for vehicular access purposes.
    - a. The staff portion of the lot shall be deed restricted so that it shall only be used for ingress and egress.
    - b. The restriction must preclude construction of any building, structure, wall or fence within those portions.
    - c. The restriction must clearly indicate any portion of the staff that is to be used as a joint or shared access.
  - (4) *Dimensions.*
    - a. If a flag lot that is zoned for single or two-family residential use derives access solely from its own staff, the minimum width of the staff shall be 20 feet.
    - b. If a flag lot that is zoned for any non-residential or multifamily use derives access solely from its own staff, the minimum width of the staff shall be 24 feet.
    - c. If a flag lot derives its access in common with another lot, the combined common access shall have a minimum width of 20 feet.

# MIXED USE (MU)

## SEC. 3.02 - SETBACKS.

- (a) Double frontage lots shall have setbacks that are at least equal to the required front or side yard setbacks of adjacent lots.

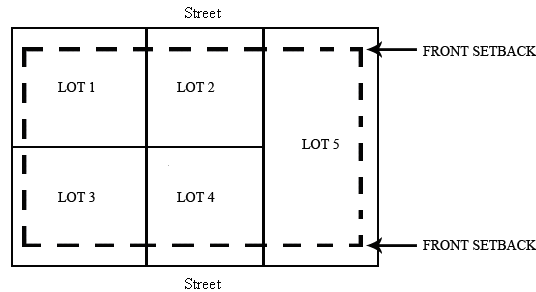
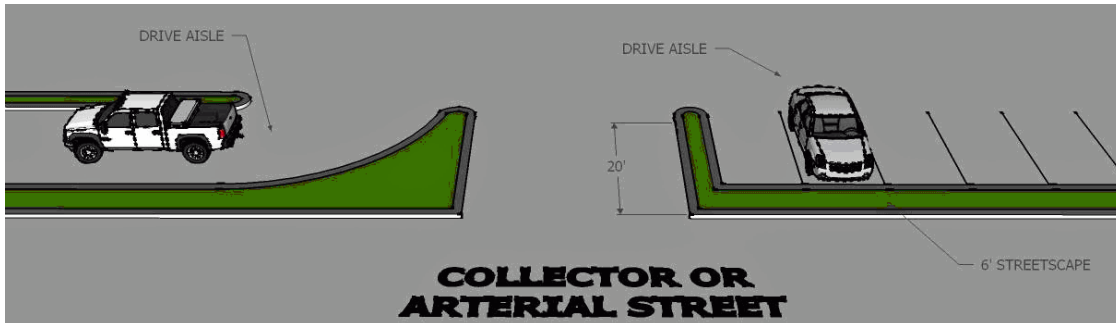


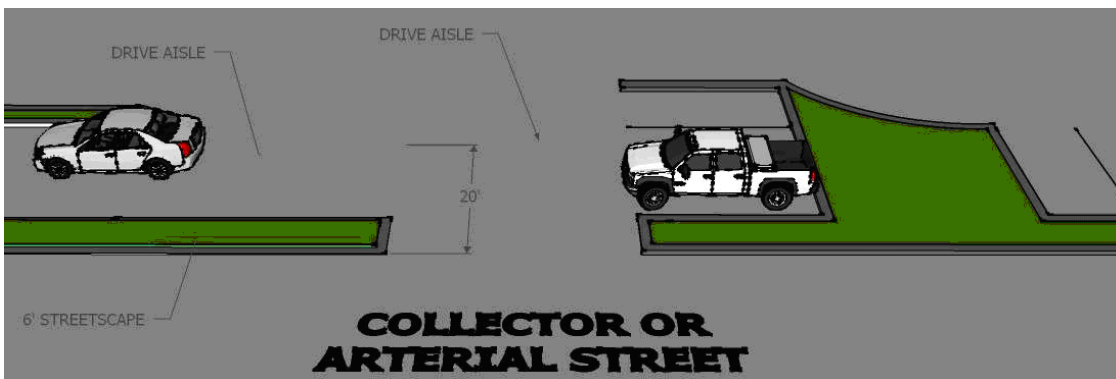
Figure 3-1. Double Frontage Lots

- (b) Parking stalls and drive aisles shall be allowed within all setbacks. Drive aisles with ingress/egress access to a collector or arterial street shall not be located parallel to a street so that turning movements occur within 20 feet of the property line. There shall be no parking stalls located along the entrance driveway/apron to the drive aisle, which may interfere with stacking of vehicles upon entrance to the property.

Figure 3-2. Parking Stalls and Drive Aisles



Examples of Allowable Configurations



Examples of Configurations that are Not Allowed

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## MIXED USE (MU)

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- (c) The following features may be located within required setbacks so long as they are in conformance with the visibility triangle standards in section 122-3 of the Code of Ordinances:
- (1) Trees, shrubbery or other features of natural growth;
  - (2) Fences or walls may be placed in the front, side or rear yard setbacks provided that they do not violate sight triangles and provided that fences in the front yard setback are non-opaque;
  - (3) Off-street parking areas and sidewalks;
  - (4) Signs, if permitted by chapter 118 of the Code of Ordinances;
  - (5) Bay windows, architectural design embellishments and cantilevered floor areas of buildings that do not project more than two feet into the required setback;
  - (6) Eaves that do not project more than two feet into the required setback;
  - (7) Open outside stairways, entrance hoods, terraces, canopies, carports and balconies that do not project more than five feet into a required front or rear setback or more than two feet into a required side setback;
  - (8) Chimneys, flues and ventilating ducts that do not project more than two feet into a required setback and when placed so as not to obstruct light and ventilation;
  - (9) Open, unenclosed porches that do not project more than five feet into a required front or rear setback or more than two feet into a required side setback;
  - (10) Utility lines, wires and associated structures, such as power poles; and
  - (11) Mechanical equipment, such as air conditioning units, pool filtering and heating equipment, water softeners and similar equipment, if the equipment does not restrict pedestrian access through such setbacks and if it is totally screened from view from abutting property and rights-of-way by fences, walls or landscaping.

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### SEC. 3.03 - HEIGHT.

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- (a) *Buildings.* Each zoning district shall have a maximum building height as specified in table 3-1.
- (1) Building height shall be measured as the vertical distance between the average finished grade at the base of the building and the mean height of the roof. The mean height of the roof is determined by averaging the highest and lowest points of the roof.
  - (2) For fences or walls, height shall be measured on the side with the least vertical exposure above the finished grade to the top of the fence or wall.
  - (3) Buildings in the heavy industrial (HI) zoning district have a maximum height of 60 feet unless the entire building is equipped with a National Fire Protection Association ("NFPA") 13 fire sprinkler system, then the maximum height shall be 75 feet.
- (b) *Exemptions.* The following structures and features shall be exempt from the height requirements of this ULDC to the extent indicated:



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## MIXED USE (MU)

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- (1) Chimneys;
- (2) Cupolas, widow walks;
- (3) Utility poles and support structures;
- (4) Cooling towers and ventilators;
- (5) Municipal or other state or county government utility infrastructure; and
- (6) Spires and church steeples.

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### SEC. 3.04 - LOT COVERAGE.

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Each lot or tract shall conform to the maximum lot coverage standard set forth in table 3-1.

## DIVISION 2. - OPERATIONAL PERFORMANCE STANDARDS

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### SEC. 3.08 - STANDARDS.

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Under this division, the following standards shall apply:

- (a) *Noise.* Sites shall be laid out and uses shall be operated to prevent noise from becoming a nuisance to adjacent single-family and duplex uses;
- (b) *Vibration.* All uses shall be operated so that ground vibration is not perceptible outside the lot lines of the site on which the use is located;
- (c) *Fire and explosive hazards.* Underground storage tanks for flammable liquids and gasses shall be located at least 50 feet from the lot line of lots that contain a single-family or duplex use; aboveground tanks shall be set back at least 100 feet from such lot lines, unless the board of adjustment determines, based on information provided by the applicant, that a 50-foot setback will ensure compliance with all applicable state standards. The storage tank setback requirements of this subsection shall not apply to tanks that are necessary to single-family or duplex units; and
- (d) *Light and glare.* The following operational performance standards shall apply:
  - (1) All exterior lighting shall be hooded or otherwise shielded so that the light source is not directly visible from property that contains a single-family or duplex;
  - (2) All lighting shall be shielded so that substantially all emitted light falls within the property line of the property from which the light emanates;
  - (3) All exterior building floodlights shall be shielded so that all emitted light falls upon the property from which the light emanates;
  - (4) No illumination shall produce direct, incident or reflected light that interferes with the safe movement of motor vehicles on public streets. The types of lighting that shall be prohibited by this subsection shall include but not be limited to any light that may be

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## MIXED USE (MU)

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confused with or construed as a traffic control device and any animated, flashing or changing intensity lights, except for temporary holiday displays; and

- (5) Electromagnetic interference. No operations or activities shall be conducted that cause electrical disturbances to be transmitted across lot lines.
- (e) *Screening.* Non-residential and multifamily residential development, including off-street parking areas associated with such developments, shall be screened from view of adjacent single-family or duplex use and any property zoned SFE, SF1, SF2, or OR. Such visual screening shall be accomplished through the use of opaque fence meeting the requirements of division 2 of article X of chapter 18, pertaining to buffer fencing, along the lot line that is adjacent to the single-family or duplex use or property zoned SFE, SF1, SF2 or OR. Mechanical equipment, outdoor storage areas and refuse collection areas shall be completely shielded from view of adjacent single-family or duplex uses, scenic corridors or property zoned SFE, SF1, SF2 or OR by an opaque fence or wall made of material specified in division 2 of article XII of chapter 18 that is at least one foot taller than the site feature being screened from view, provided this shall not be interpreted as requiring screening, fences, or walls to be taller than ten feet. Fences, walls and buffers must comply with all other requirements of the ULDC.
- (f) *Drilling, oil or gas operations.* Subsection (e) of this section shall not apply to drilling, oil or gas operations. All drilling, oil or gas operations must be in compliance with the Code, including chapter 62 and this ULDC.

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### DIVISION 3. - NON-RESIDENTIAL ZONES

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- (b) *Architectural.* The following standards apply only to all building facades that face a street or public right-of-way and to each whole story that is completely or partially within 40 feet in height as measured from the finished floor elevation:
  - (1) *Articulation and relief.*
    - a. Buildings over 40 feet in length shall have some sort of building relief of at least 12 inches which may include pilasters, columns, niches, or other variations in building plane.
    - b. Buildings over 25 feet in height shall utilize ledges, brick or stone courses, or other variations in building plane in order to delineate each story.
  - (2) *Style elements.* Style elements affect the building(s) entrance treatment and hierarchy, provide for architectural embellishment, or enhance the transition from public property to private property.
    - a. Buildings facing any street or public right-of-way, except public alleys, shall be required to utilize two different style elements.
    - b. Acceptable style elements include, but are not limited to, recessed entries, stoops, storefront bay windows, public/private entrance differentiation, permanent decorative awnings, canopies, overhangs, porches, arcades, balconies, outdoor patios, public art displays, and plaza space.

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## MIXED USE (MU)

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(c) *Site design.*

- (1) Sidewalks in conformance with chapters 18 and 122 of the Code of Ordinances shall be installed from property line to property line at the expense of the property owner in all adjacent rights-of-way prior to the issuance of a certificate of occupancy or completion for a new commercial building.
- (2) A connection from the primary building entrance to the public sidewalk system shall be provided using an all-weather surface.
- (3) Detention facilities shall be setback at least 30 feet from all public rights- of-way and shall be screened from view from public streets. Detention facilities may encroach into the required 30-foot setback if they are designed and maintained as a landscaped feature. Detention facilities must be separated from all adjacent uses by an opaque screen.
- (4) Commercial waste enclosure(s). Commercial waste enclosures shall be incorporated into the overall design of the building and landscape so that visual impact of brush and commercial waste containers are fully contained and out of view from adjacent properties and public rights-of-way. Commercial waste enclosures shall be:
  - a. Located in the rear or side yard;
  - b. Subject to setback standards described in Table 3.1;
  - c. Placed a minimum distance of 20 feet from any public right-of-way, public sidewalk, or property line that abuts a residential zoning district or any residential use;
  - d. Constructed of any one or more of the following materials and include an opaque gate:
    - Redwood;
    - Rough cedar;
    - Pressure treated lumber;
    - Brick;
    - Concrete; and
    - Masonry materials as defined within article IV of the ULDC.

Metal and plastic are prohibited materials for any visible exterior wall of the commercial waste enclosure, except for the required opaque gate; and

- e. A minimum height of the greater of (i) six feet or (ii) one foot taller than the waste container; provided that the maximum height shall not exceed ten feet in height.
- (d) *Landscape.* The standards for landscaping are set forth in chapter 18 of the Code of Ordinances.

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## MIXED USE (MU)

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### DIVISION 4. - RESIDENTIAL ZONES

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#### SEC. 3.11 - APPLICABILITY, LOTS UNDER 43,560 SQUARE FEET.

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Any building on a lot smaller than 43,560 square feet, with the exception of manufactured housing, or a building containing two or more dwelling units shall comply with the masonry, architectural and site design standards listed in this section.

- (a) *Masonry.* Buildings in subdivisions platted after April 13, 2013, shall have all exterior walls constructed using masonry materials covering at least 60 percent of said walls, exclusive of doors and windows.
  - (1) A combination of at least three materials shall be used, two of which shall be masonry.
  - (2) Materials shall be used consistently on the same building plane. The minimum offset to establish a new building plane is six inches.
- (b) *Architectural.* New residential dwellings shall be constructed using at least two of the following design features to provide visual relief along the front of the residence as depicted in figure 3-3: 1) dormers; 2) gables; 3) recessed entries with a three-foot minimum; 4) covered front porches; 5) cupolas; 6) pillars or posts; 7) bay windows with a 24-inch minimum projection; or 8) other equivalent design feature approved by the director.



*Figure 3-3. Style Elements*

- (1) Front facing windows shall be provided with trim or shall be recessed. The windows shall not be flush with exterior wall treatment and shall be provided with an architectural surround at the jamb.
- (2) Roofs shall have a minimum pitch of 12:4. Mansard roofs shall be allowed.

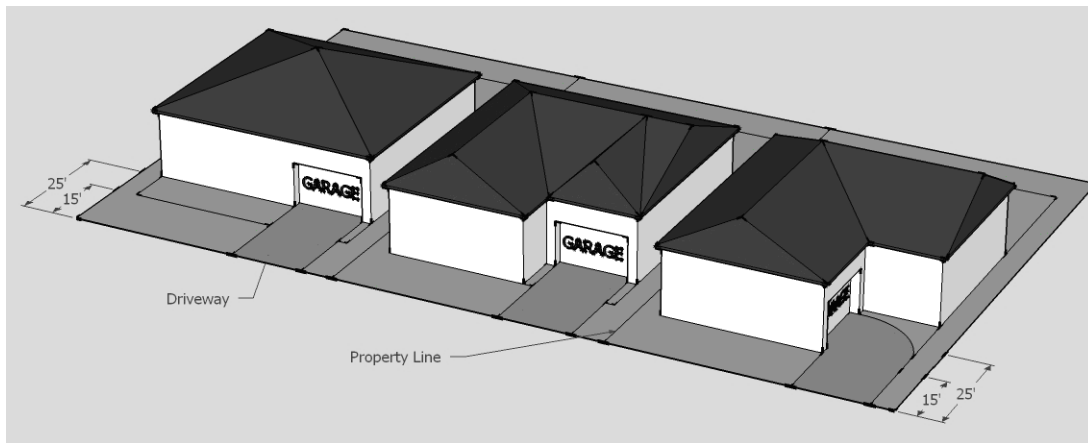
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## MIXED USE (MU)

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(c) *Site design.*

- (1) Sidewalks in conformance with chapter 122 of the Code of Ordinances shall be installed from property line to property line at the expense of the property owner in all adjacent rights-of-way prior to the issuance of a certificate of occupancy for a new residential building.
- (2) Entrances to attached garages shall have a 25-foot setback from the front property line and shall not exceed 35 feet in width or occupy more than 40 percent of the total building frontage, whichever is greater. The 25-foot setback does not apply to attached side entry garages.



*Figure 3-4. Garage Setback Options*

- (3) Mechanical equipment shall not be located in the front yard. Mechanical equipment may be allowed in the street side yard setback if screened from view of the public right-of-way.

(Ord. No. 11,866, § 2(Exh. A), 2-23-12)

### SEC. 3.115 – RESIDENTIAL ACCESSORY STRUCTURES

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(a) For tract of land two (2) acres or smaller:

- (1) The sum of all barns and stables shall not exceed the gross square footage of the primary structure on the same lot; and
- (2) The sum of all other residential accessory structures shall not exceed 75% of the gross square footage of the primary structure on the same lot.

(b) For tracts of land larger than two (2) acres:

- (1) The sum of all barns and stables may exceed the gross square footage of the primary structure on the same lot; and
- (2) The sum of all other residential accessory structures shall not exceed the gross square footage of the primary structure on the same lot.

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## MIXED USE (MU)

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### DIVISION 5. - DISTRICT COMPATIBILITY STANDARDS

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#### SEC. 3.14 - COMPATIBILITY STANDARDS.

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The following additional standards are applicable to property that is located at the boundary of two or more zoning districts. The following standards are also applicable to the portion of the LI or HI boundary that is within 300 feet of the referenced zoning district. The more intense new non-residential or multifamily use shall implement the applicable compatibility standards before a certificate of occupancy or completion will be issued.

- (f) *Mixed use (MU)*. MU that is located adjacent to a property zoned OR, UN, SFE, SF1, SF2, MF1, MF2, MF3, or NSC shall meet all the requirements of the property development standards table in article three, division 1 of the ULDC, install a minimum of a six-foot tall opaque screen and provide a minimum of a 20-foot open space between any property zoned OR, UN, SFE, SF1, SF2, MF1, MF2, MF3, or NSC. Any building over 40 feet in height also shall comply with

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## MIXED USE (MU)

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### GENERAL ORDINANCES

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#### CHAPTER 112 – OFF-STREET PARKING

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##### SEC. 112-4. - MINIMUM REQUIREMENTS FOR SPACES.

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- (a) *Minimum number of parking spaces.* There shall be provided, at such time as a building permit is issued for the erection, alteration or use change of a structure, off-street parking spaces in accordance with the following minimum requirements:
- (1) Bowling alley: Five parking spaces for each lane;
  - (2) Business or professional office, studio, bank, medical or dental clinic: Three parking spaces plus one additional parking space for each 200 square feet of floor area over 500;
  - (3) Church, theater, auditorium (except school), sports arena, stadium or gymnasium: One parking space for each four seats or bench seating spaces;
  - (4) Community recreation center, library, museum or art gallery: Ten parking spaces plus one additional space for each 300 square feet of floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of one space for each four seats that it contains;
  - (5) Dancehall, assembly or exhibition hall without fixed seats: One parking space for each 100 square feet of floor area used thereof;
  - (6) Fraternity, sorority or dormitory: One parking space for each three beds;
  - (7) Furniture or appliance store, hardware store, wholesale establishment, machinery or equipment sales and service, clothing or shoe repair or service shop: Two parking spaces plus one additional parking space for each 300 square feet of floor area over 1,000;
  - (8) Hospital: Four parking spaces plus one additional parking space for each four beds;
  - (9) Hotel: One parking space for each sleeping room or suite plus one parking space for each 400 square feet of commercial floor area contained therein;
  - (10) Industrial plant: The number of parking spaces required to accommodate all plant employees and construction forces on any single shift;
  - (11) Mortuary or funeral home: One parking space for each 50 square feet of floor space in slumber rooms, parlors or individual funeral service rooms;
  - (12) Motor vehicle sales room or car lot: One parking space for each 500 square feet of sales floor area with a minimum of three parking spaces;
  - (13) Private club, lodge, country club or golf club: One parking space for each 150 square feet of floor area for every five members, whichever is greater;
  - (14) Restaurant, nightclub, cafe or similar recreation or amusement establishment: One parking space for each 100 square feet of floor area;
  - (15) Retail store or personal service establishment, except as otherwise specified in this section: One parking space for each 200 square feet of retail sales or floor area;
  - (16) Roominghouse or boardinghouse: One parking space for each sleeping room;

## MIXED USE (MU)

- (17) Sanitarium, convalescent home, home for the aged or similar institution: One parking space for each six beds;
- (18) School, elementary: One parking space for each ten seats in the auditorium or main assembly room or one space for each classroom, whichever is greater;
- (19) School, secondary, and college: One parking space for each eight seats in the main auditorium or three spaces for each classroom, whichever is greater;
- (20) Tourist home, cabin or motel: One parking space for each sleeping room or suite;
- (21) Townhouse and two-family dwellings: 2¼ spaces per dwelling unit.
- (22) Multi-family dwellings (three or more dwelling units):

Minimum Parking Spaces	Unit Size
1.0	each one bedroom or efficiency up to 500 square feet in size
1.5	each one bedroom apartment 500 square feet or greater in size or with two or more bathrooms
1.75	each two bedroom apartment regardless of size
2.0	each three bedroom regardless of size
3.0	each apartment greater than three bedrooms

(23) Vehicle or boat repair business, including, but not limited to those defined in section 102-136 and automobile repair, major and minor as defined in the Unified Land Development Code: One space for each service bay, plus one space for every 300 square feet of building floor area.

(b) *Additional parking spaces for guests.* In addition to the minimum number of parking spaces provided for in subsection (a) of this section, there shall be provided, at such time as a building permit is issued for the erection, alteration or use change of a structure, additional off-street parking spaces in accordance with the following minimum requirements:

- (1) *Number.*
  - a. Townhouses: Ten percent of the number parking of spaces required in subsection (a)(21).
  - b. Two-family dwellings: Ten percent of the number of parking spaces required in subsection (a)(21).
  - c. Multifamily dwellings: Ten percent of the number of parking spaces required in subsection (a)(22).



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## MIXED USE (MU)

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- (2) *Location.*
  - a. All dwelling units of a townhouse, two-family dwelling or multifamily dwelling must have at least one parking space as required in subsection (b)(1) within 300 feet measured by the walking distance on sidewalks or along the street or driveway from the parking space to the nearest entrance to the dwelling unit.
  - b. all parking required by this subsection (b) must be on the same site as the townhouse, two-family dwelling or multifamily dwelling.
- (c) *Bicycle parking.* One bicycle rack (to accommodate three or more bicycles) per residential building and at the community facilities shall be installed and maintained. The bike rack shall be located not in a sidewalk and not in a required parking space but shall be located so as to provide the ability of the bike user to walk on a sidewalk or along with street to access the bicycle rack.
- (d) *Sidewalks from parking spaces.* Sidewalks connecting all parking areas to residential and to community buildings shall be provided and maintained. Where the sidewalks cross driving aisles (driveways) crosswalks and/or alternate paving materials shall be installed.

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### SEC. 112-5. - RULES FOR COMPUTING NUMBER OF SPACES.

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In computing the number of parking spaces required for each of the uses listed in section 112-4, the following rules shall govern:

- (1) Floor area shall mean the foundation area of the specified use. For a multistory building, each story shall be considered a separate foundation area, so that the total floor area of such building shall include the area of all floors added together;
- (2) Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number;
- (3) The parking space requirement for a use not specifically mentioned in this chapter shall be the same as required for a use of a similar nature; and
- (4) For mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

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### SEC. 112-6. - CONSTRUCTION OR USE CHANGES.

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Whenever a building or use is constructed or changed after the effective date of the ordinance from which this chapter derives by enlarging the floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a requirement for an increase in the number of parking spaces, such spaces shall be provided on the basis of the enlargement or the change in use.

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### SEC. 112-7. - LOCATION OF SPACES.

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

- (1) Where an increase in the number of spaces is required by a change or enlargement of the use or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located not to exceed 300 feet from an institutional building served and not to exceed 500 feet from any other nonresidential building served;

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## MIXED USE (MU)

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- (2) No more than 50 percent of the parking spaces required for theaters, bowling lanes, dancehalls, nightclubs or cafes may be provided and used jointly by similar uses not normally open, used or operated during the same hours as those listed; provided, however, that written agreement thereto is properly executed and filed as specified in subsection (4) of this section;
- (3) Not more than 80 percent of the parking spaces required for a church or school auditorium may be provided and used jointly by similar uses not normally open, used or operated during the same hours as those listed; provided, however, that written agreement thereto is properly executed and filed as specified in subsection (4) of this section; and
- (4) When the required parking spaces are not located on the same lot with the building or use served or when such spaces are collectively or jointly provided and used, a written agreement thereby assuring their intention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by the city attorney, and shall be filed with the application for a building permit.

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### SEC. 112-8. - MINIMUM DIMENSIONS.

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The minimum dimensions for off-street parking spaces required under this chapter shall be as follows:

- (1) *Ninety-degree angle parking.* Each parking space shall be not less than nine feet wide or less than 18 feet in length. Maneuvering space shall be in addition to parking space and shall be not less than 23 feet perpendicular in width;
- (2) *Sixty-degree angle parking.* Each parking space shall be not less than nine feet wide perpendicular to the parking angle or less than 17 feet in length when measured at the appropriate angles. Maneuvering space shall be in addition to parking space and shall be not less than 20 feet in width;
- (3) *Forty-five-degree angle parking.* Each parking space shall be not less than nine feet wide perpendicular to the parking angle or less than 19 feet in length when measured at the appropriate angles. Maneuvering space shall be in addition to parking space and shall be not less than 11 feet in width; and
- (4) *Other.* Where off-street parking facilities are provided in excess of the minimum amounts specified in this chapter or when off-street parking facilities are provided but not required by this chapter, the off-street parking facilities shall comply with the minimum dimensions for parking and maneuvering space specified in this section.

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### SEC. 112-9. - DESIGN STANDARDS.

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Geometric design standards for driveways and off-street parking stalls are set forth in appendix 1 to this chapter, which is on file in the offices of the city clerk and chief building official. Curb cuts shall conform to standards established in the engineering department. Permits for all curb cuts will be issued by the chief building official.

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## MIXED USE (MU)

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### SEC. 112-10. - MAINTENANCE OF OFF-STREET PARKING AREAS.

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Parking spaces and pedestrian walkways must be clearly delineated and parking spaces must meet the minimum dimensions specified in section 112-8. Parking spaces must be clearly marked with appropriate striping if on a paved surface or appropriate marking if on an unpaved surface. All improved parking surfaces and walkways shall be maintained in a good and safe condition; and free of any defects affecting the use, safety, appearance or drainage of the surface or of the adjoining property.

### SEC. 112-11. - VEHICLE STORAGE AREAS.

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- (a) Any motor vehicle sales, car lot, or vehicle or boat repair business, whose customers leave their motor vehicles for repair or service, shall designate a vehicle storage area separate from the required customer parking area for all non-operational vehicles to be serviced. Spaces within the vehicle storage area shall not count towards meeting the minimum required number of customer parking spaces specified in section 112-4, nor shall they block access to the building, driveways, sidewalks, or hinder proper vehicular circulation within the lot.
- (b) Each vehicle storage area shall:
  - (1) Meet the off-street parking minimum dimensions and design standards in this chapter; or
  - (2) Be:
    - a. Enclosed by a six-foot-high, opaque fence consisting of the materials specified in section 18-1011;
    - b. Located behind the building line of the building; and
    - c. Designed so that the vehicles stored within are not visible from any public right-of-way in any manner.
- (c) Any vehicle serviced or waiting to be serviced must be stored in the vehicle storage area when not being actively repaired.

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## MIXED USE (MU)

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### SEC. 18-93. - SIDEWALKS.

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- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Construction* means the building or placement of any structure requiring a permit from the city.

*Impervious surface* means any type of improvement to real property that will prevent water from passing through to the soil below.

*Primary non-residential structure* means the main structure on a lot or parcel that is anything other than a primary residential structure.

*Primary residential structure* means the main dwelling unit on a lot or parcel that is:

- (1) A detached one- or two-family dwelling; or
- (2) A townhome not more than three stories above grade plane in height, with separate means of egress, and open to a public right-of-way or yard on at least two sides.

*Sidewalk* means a paved path for the use of pedestrians constructed:

- (1) In the right-of-way between the curb lines or the edge of pavement of a roadway and the adjacent property lines; or
- (2) In an easement on private property dedicated to the city or the public for which a sidewalk is permitted to be built.

- (b) *Required.* Except as provided in subsection (c) of this section, sidewalks conforming to the requirements of chapter 122 of this Code shall be constructed when a permit is issued for any of the following:

- (1) Construction of a primary residential structure in a subdivision platted after July 26, 2012;
- (2) Construction of a primary non-residential structure within any zoning district with the exception of a LI or HI zoning district; or
- (3) Construction on a primary non-residential structure or the parking area serving a primary non-residential structure that would result in either:
  - a. A 30-percent aggregate increase in the existing gross area of impervious surface on the property in any zoning district with the exception of the HI zoning district; or
  - b. Five thousand square feet of new impervious surface area, on the property in any zoning district with the exception of LI or HI zoning district.

- (c) *Exempt.* Construction of sidewalks shall not be required:

- (1) On a property where a primary residential structure in a residential zoning district, as determined by the ULDC, is being constructed but there is not enough space within the right-of-way to construct a sidewalk as determined by the director of engineering;
- (2) When a residential lot is platted after July 26, 2012, in an existing residential area where less than 80 percent of the existing homes have sidewalks;

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## MIXED USE (MU)

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- (3) On property where a governmental agency prohibits the construction of sidewalks and the applicant has provided to the chief building official current documentation to this effect from the governmental agency; or
- (4) When, in the opinion of the chief building official, the installation of sidewalks would not be feasible due to planned public improvements and the owner or developer, in lieu of constructing a sidewalk, pays at the time of the issuance of a building permit a fee. Such fee shall be in an amount equal to the cost of the construction of the sidewalk per square foot based upon the competitively bid prices obtained by the city for its annual concrete work contract.
- (d) *Appeals.* Appeals from a decision of the chief building official shall be made in accordance with section 18-58.
- (e) *Violation.* It shall be unlawful for any person to willfully or maliciously tear up, injure, deface or destroy any sidewalk, or any portion thereof.
- (f) *Enforcement.*
  - (1) Any violation of this article shall constitute a misdemeanor punishable, upon conviction, by a fine as provided in section 1-14.
  - (2) In addition to enforcement action taken pursuant to subsection (f)(1), certificates of occupancy and certificates of completion shall be withheld until repairs required in subsection (d) of this section have been made and approved by the chief building official.

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## MIXED USE (MU)

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### ARTICLE XIV. - LANDSCAPING

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#### SEC. 18-1201. - GENERAL REGULATIONS.

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- (a) *Title.* This article shall be known and may be referred to as the "Landscaping Ordinance of the City of Baytown" or simply as the "Landscaping Ordinance."
- (b) *Purpose.* This article is adopted for the purpose of promoting the public health, safety and general welfare of the citizens of the city and is intended to achieve one or more of the following:
- (1) To create an aesthetically pleasing environment that improves the quality of life for citizens;
  - (2) To enhance property values and to protect public and private investment;
  - (3) To promote the beautification of the city;
  - (4) To provide adequate light and air space;
  - (5) To prevent overcrowding of land;
  - (6) To ensure that the local stock of trees and vegetation is replenished; and/or
  - (7) To stabilize the environment's ecological balance by contributing to the processes of air purification, oxygen regeneration, ground water recharge, stormwater runoff, and soil erosion retardation, while at the same time aiding in noise, glare and heat abatement.
- (c) *Applicability.* The provisions of this article shall apply to all nonresidential developments, as that term is defined in section 18-1202, within the city, unless specifically provided otherwise in this article.
- (1) The landscaping provisions contained in this article shall become applicable to each individual nonresidential lot at the time an application for a new commercial permit is made. When remodeling, redevelopment or reconstruction is proposed on nonresidential property that would result in an expansion of gross floor area, parking lot area, or vehicular surface area, the following provisions apply:
    - a. When remodeling, redevelopment or reconstruction is proposed on nonresidential property that would expand existing gross floor area of the lot's structure or structures by less than 50 percent, only the portion of the site where the expansion is located is subject to the provisions of this article.
    - b. When remodeling, redevelopment, reconstruction or expansion is proposed on nonresidential property that would expand existing gross floor area of the lot's structure or structures by 50 percent or more, the entire property must comply with the provisions of this article. The removal of any portion of an existing building is not required for compliance with this subsection (c)(1)b.
    - c. If within a three-year period the impervious surface area of a nonresidential development is increased by 25 percent or more or if within a three-year period 25 percent or more of the impervious surface area of a nonresidential development is reconstructed, the requirements of section 18-1206 shall be applied only to the area where the expansion or reconstruction occurs. This provision shall apply only when such expansion or reconstruction is not a part of a structural remodeling, redevelopment or reconstruction project.

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- (2) All landscaping requirements under this article shall run with the land and shall apply against any owner or subsequent owner.
  - (3) Each phase of a phased project shall comply with the requirements of this article. If the nonresidential development is to be construed in phases, phase lines shall be drawn 20 feet or more from developed site elements (parking, buildings, ponds, etc.). The portion of the land remaining for subsequent phases shall be no less than three-fourths of an acre.
  - (4) This article shall have no application to nonresidential developments with parking lots of less than 5,000 square feet.
- (d) *Inconsistent provisions and conflict with other regulations.* In the event that any provision of this article is inconsistent or in conflict with any other provision of this article or any other ordinance or regulation of the city, the more stringent provision shall control, unless otherwise specifically stated.
- (e) *Transitional provisions.*
- (1) *Building permits.* Except as specifically provided in this article, the provisions of this article shall not affect any valid building permit issued or any valid building permit application filed prior to August 2, 1998, provided that construction pursuant to such permit, is commenced within six months of the date of issuance of the permit and diligently pursued, as determined by the chief building official, to completion in accordance with the applicable regulations of the city.
  - (2) *Subdivision plats.* Except as specifically provided in this article, the provisions of this article shall not affect any preliminary plat or final plat approved pursuant to the regulations of chapter 126.

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### SEC. 18-1202. - DEFINITIONS.

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For the purpose of interpreting and administrating the provisions of this article, the words defined in this section shall be given the meanings set forth below. All other words shall be given their common, ordinary meanings, as the context may reasonably suggest.

*Caliper* means the diameter of a tree at 18 inches above ground level.

*Commission* means the city's planning and zoning commission as presently constituted, or any successor commission.

*Developed land* means that portion of real property which has been altered from its natural landscape by the construction or reconstruction of any structure, parking lot, or other improvement.

*Director* means the director of planning and development services.

*Duplex dwelling use* means the use of a lot for two dwelling units within a single building or structure.

*Dwelling unit* means a building or portion of a building that is arranged, occupied or intended to be occupied as a residence and includes facilities for sleeping, cooking and sanitation.

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## MIXED USE (MU)

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*Evergreen tree* means a tree that retains some or all of its leaves throughout the year, which can be used for the purposes of providing a visual screen.

*Existing tree* means a tree which is located on the property prior to a new construction permit being issued by the city.

*Groundcover* means a spreading plant including sods and grasses less than 18 inches in height that may be used for erosion control.

*Impervious surface* area means any surface area that prevents infiltration of water into the soil. Impervious surface may include, but not be limited to, those surfaces covered by asphalt, concrete, crushed stone, clay, bedrock, limestone and compacted soil.

*Landscape reserve* means undeveloped property which is left in its natural state and is of sufficient size for the growth of plants and trees.

*Large tree* means a tree, under normal growth conditions, that reaches a mature height at or above 40 feet. A tree that, at the time of planting, is at least 12 feet tall above grade and has a minimum caliper of three inches.

*Mulch* means various substances that are placed around plants to prevent evaporation, to control weeds and to control soil erosion. Mulch material includes, but is not limited to, organic substances and various forms and sizes of natural rocks.

*Multi-family dwelling* means the use of a lot for three or more dwelling units within a single building.

*New commercial permit* means a building permit required for the construction and/or development of all new nonresidential developments. Nonresidential means any use other than single-family or duplex dwelling use, and expressly includes, but is not limited to, uses associated with multi-family dwellings, manufactured home parks, mobile home parks, RV parks and commercial developments within the city.

*Parking space* means a space used for parking a motor vehicle and satisfying all of the applicable requirements for off-street parking contained in chapter 112.

*Shade tree* means any self-supporting woody plant with one well-defined trunk and a distinct definite formed crown.

*Shrub* means a woody perennial plant differing from a perennial herb by its more woody stem and from a tree by its low stature and habit of branching from the base.

*Single-family dwelling use* means the use of a lot for one dwelling unit.

*Small tree* means a type of tree that, under normal growth conditions, that reaches a mature height between 20 and 40 feet. A tree that, at the time of planting, is at least six feet tall above grade and has a minimum caliper of two inches.

*Streetscape* means the landscaping along the property adjacent to the street rights-of-way as required to be landscaped pursuant to this article.



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*Tree* means any self-supporting woody plant with one well-defined trunk two inches in diameter or greater.

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### SEC. 18-1203. - ELIGIBLE TREES, SHRUBS, AND GROUNDCOVER.

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All forms of landscaping are suitable including flowers, ground cover, shrubs, trees and the various forms and sizes of mulch. Unless expressly stated otherwise, all trees shall be a minimum of five feet in height immediate upon planting and have a minimum 1½-inch caliper. All shrubs must be a minimum size of one gallon and be a minimum of 1½ feet in height when planted. Plant height shall be measured from average grade after planting.

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### SEC. 18-1204. - LANDSCAPE PLAN REQUIREMENTS.

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When a new commercial permit is required, the owner shall provide the director as part of his construction documents a landscape plan containing the following information:

- (1) The location of existing boundary lines and dimensions of the tract and the square footage of the total off-street parking area;
- (2) The location of existing and proposed utility easements on or adjacent to the lot and the location of overhead power lines and any underground utilities;
- (3) A description of adjacent land uses, existing developments and roadways;
- (4) The location, size and type of proposed landscaping in areas to be landscaped and the size of proposed landscaped area;
- (5) The location, species and diameter of existing trees having a caliper of 1½ inches or larger. Landscape reserves with numerous trees may be outlined with a description of existing trees to be preserved; and
- (6) All other information necessary for verifying that the minimum landscaping requirements have been satisfied pursuant to this article.

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### SEC. 18-1205. - LANDSCAPING REQUIREMENTS.

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- (a) The owner of the property on which an off-street parking area is located shall be required to provide interior landscaped open spaces for any parking lot 5,000 square feet or larger. All areas within the parking lot's perimeter are counted toward the landscape requirement, including the planting islands, curbed areas, parking spaces, and all interior driveways and aisles. The required landscape open space area shall be calculated as follows:

Total Off-street Parking Area	Percent of the Off-street Parking Area that must be a Landscaped Open Space Area
5,000—9,999 square feet	5 percent
Over 9,999 square feet	7 percent

At least 50 percent of the required landscaped open space shall be located within the parking lot as an island or as a peninsula in order to be applied towards the landscaped requirements of this section. The remaining 50 percent of the required landscape open space may be located outside of the parking lot, but must be located forward of the rear building line of the primary structure and be visible from the public street.

- (b) A minimum of one shade tree and four shrubs shall be planted and maintained for each 350 square feet or portion thereof of landscaped open space area. Credit may be given or received for preservation of existing trees as follows; provided, that the existing trees are located near or within the parking lot's perimeter, in good form and condition and reasonably free of damage by insect, disease or other affliction, as determined by the director:

Existing Tree Caliper	Tree Credit
1½—6 inches	1
Over 6—12 inches	2
Over 12 inches	3

(c) Groundcover or mulch is required in swales, drainage areas, parking lot islands, landscape reserves and all unpaved portions of the property that is not otherwise used for a parking lot, building site or other improvement.

(d) All persons subject to this ordinance must replace dead landscaping or landscaping that has been removed by any means and for any reason within 45 days of receipt of written notification by the

## MIXED USE (MU)

director. Failure to replace landscaping as required by this section shall constitute a violation of this article punishable as provided in section 18-1208.

- (e) That portion of any off-street parking area, not otherwise required by section 112-4 that is located at a site primarily used for the storage of vehicles is exempt from the requirements of this section. Additionally, public schools of an elementary or secondary level and recreational areas owned by such schools shall be exempt from the requirements of this section.
- (f) The landscaping requirements of this section shall not be required for heavy industry uses in a HI zoning district.

### SEC. 18-1206. - STREETSCAPE.

- (a) In addition to the landscaping requirements of section 18-1205, the owner of nonresidential property subject to this article shall be required to provide streetscape as described in this section and as depicted in Figure 18-1 "Streetscape Layout." Nothing in this subsection shall be construed as to require streetscape on undeveloped land. Streetscapes shall be no less than six feet wide.
- (b) Streetscape shall be required along the entire length of the property which is adjacent to a street right-of-way, except that streetscape shall not be required across driveways.
- (c) Streetscape shall include an area beginning at the property line which is adjacent to a street right-of-way, extending into the private property to establish the required width as listed in this section.
- (d) The streetscape's trees, shrubs, ground cover, and other landscaping shall be placed and maintained so as not to cause a visual obstruction and so as not to violate section 122-3.
- (e) Streetscapes shall be adequately watered using one of the following methods:
  - (1) Automatic irrigation system; or
  - (2) Manual watering, if all parts of the landscape improvements are within 100 feet of one or more hose bibs, and if a nonresidential streetscape improvement does not exceed 1,500 square feet.
- (f) Streetscape width shall be determined by the street classification as identified by the city's major thoroughfare plan and shall be as follows:

Classification	Minimum Streetscape Width	
Local	6 feet	
Collector	6 feet	
Minor Arterial	<i>Lot Size</i>	<i>Minimum Street Width</i>
	1 acre or less	6 feet
	More than 1 acre	12 feet

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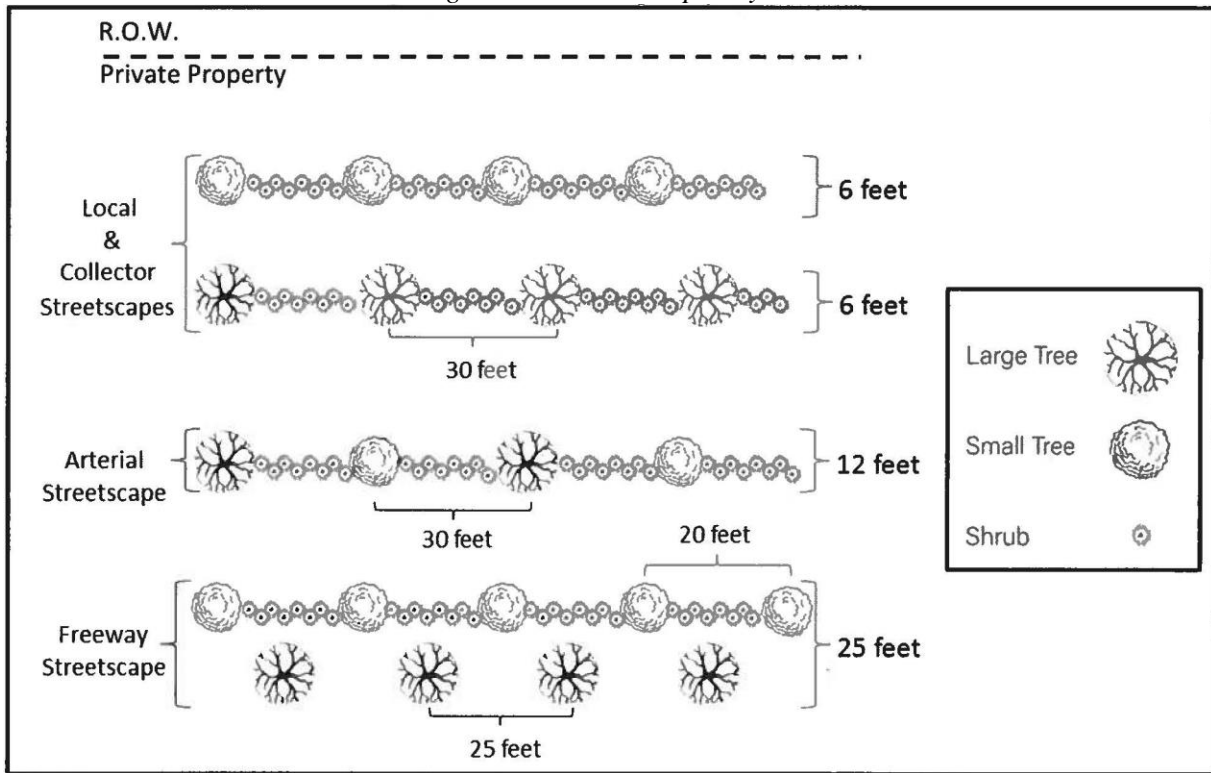
Classification	Minimum Streetscape Width	
Major Arterial	<i>Lot Size</i>	<i>Minimum Street Width</i>
	1 acre or less	6 feet
	More than 1 acre	12 feet
Freeway	25 feet	

(g) Streetscape planting installation.

- (1) Within a streetscape, large trees can be substituted with small trees where overhead utility lines will conflict with the large tree at or before the tree grows to its mature height.
- (2) All trees and shrubs are to be planted in an organized fashion and in such a way as to facilitate the creation of a visual screen.
- (3) Local and/or collector. The streetscape along local and collectors street shall be planted with either large or small trees, planted 30 feet on center, with eight shrubs, not less than two feet in height, for every 30 feet.
- (4) Minor and major arterials. The streetscape along a major and/or minor arterial street shall be planted with either large or small trees, planted 30 feet on center, with eight shrubs not less than two feet in height for every 30 feet to form an intermittent hedge. No less than 50 percent of the tree plantings shall be large trees along minor and major arterials.
- (5) Freeway.
  - a. The streetscape along a freeway shall be planted as a staggered double row consisting of small evergreen trees on the front row, and large trees on the back row.
  - b. The front row of trees shall be planted 20 feet on center.
  - c. A minimum of 50% of the back row shall be planted with evergreen trees. This row shall consist of large trees planted 25 feet on center.
  - d. A minimum of 8 shrubs, not less than two feet in height, for every 20 feet forming an intermediate hedge, shall be planted in the front row.

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Figure 18-1. Streetscape Layout



- (6) Appropriate tree planting species. Appropriate shade tree species for streetscape and buffers include the following:

Tree Species	Local/ Collector Streetscape	Arterial Streetscape	Freeway Streetscape	Vegetative/ Transition Buffer
Lacebark Elm ( <i>Ulmus parvifolia</i> )	◆(1) x	x	x	
Southern Magnolia ( <i>Magnolia grandiflora</i> )	◆◆ (1)	x	x	x
Live Oak ( <i>Quercus virginiana</i> )	◆◆ (1)	x	x	x
American Holly ( <i>Ilex opaca</i> )	◆◆ (1)	x	x	x
Montezuma Cypress ( <i>Taxodium mucronatum</i> )	◆ (1)	x	x	x

## MIXED USE (MU)

Tree Species	Local/ Collector Streetscape	Arterial Streetscape	Freeway Streetscape	Vegetative/ Transition Buffer
Eastern Redcedar ♦♦ (l) (Juniperus virginiana)		x	x	x
Common Crapemyrtle ♦(s) (Lagerstroemia indica)	x	x		
Waxmyrtle ♦♦(s) (Myrica cerifera)	x	x	x	x
Yaupon ♦♦(s) (Ilex vomitoria)	x	x	x	x
Little Gem Magnolia ♦♦(s) (Magnolia grandiflora)	x	x	x	
Sweetbay Magnolia ♦♦(s) (Magnolia virginiana)	x	x	x	x
Foster Holly ♦♦(s) (Ilex x attenuata 'Fosteri')	x	x	x	
Flowering Dogwood ♦(s) (Cornus florida)	x	x		
Nelly Stevens Holly ♦♦(s) (Ilex x)	x	x	x	

(s) - small tree (l) - large tree ♦ - deciduous tree ♦♦ - evergreen tree

(h) Variances.

- (1) The director has the authority to approve variations to the streetscape tree species and the layout of the streetscape plantings as set forth in this section, so long as the number of required plantings and the size of the required plantings meet the intent of this article.
- (2) Any person, wishing to appeal the director's denial of a variance pursuant to subsection (h)(2), may file a completed application for a variance pursuant to section 18-1207 within 30 days after the director's decision. Such variance request shall follow the process and procedures therein established.

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- (i) Exceptions. The following shall be exempt from the streetscape requirements set forth in this section:
  - (1) A lot that is permitted to have a lot coverage greater than 91%, or
  - (2) A lot that is:
    - a. 21,780 square feet or less and
    - b. Adjacent to property developed with nonresidential land uses, which adjacent property does not have an existing streetscape.

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### SEC. 18-1206.5. - VEGETATIVE AND TRANSITION BUFFER ZONES.

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- (a) *Purposes.* The purpose of the vegetative and transition buffer zones required herein is to guard against incompatible uses in adjacent zoning districts by providing a visual screen, a light barrier, a sound barrier and some containment of air movement near the ground level. The provisions of this section shall be construed to accomplish these purposes.
- (b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*HI zoning district* shall mean the HI heavy industrial zoning district established in the Unified Land Development Code.

*LI zoning district* shall mean the LI light industrial zoning district established in the Unified Land Development Code.

*Transition buffer zone* means an area, which extends inward from the property line of a site, provides protection between land uses consisting of ground cover and trees.

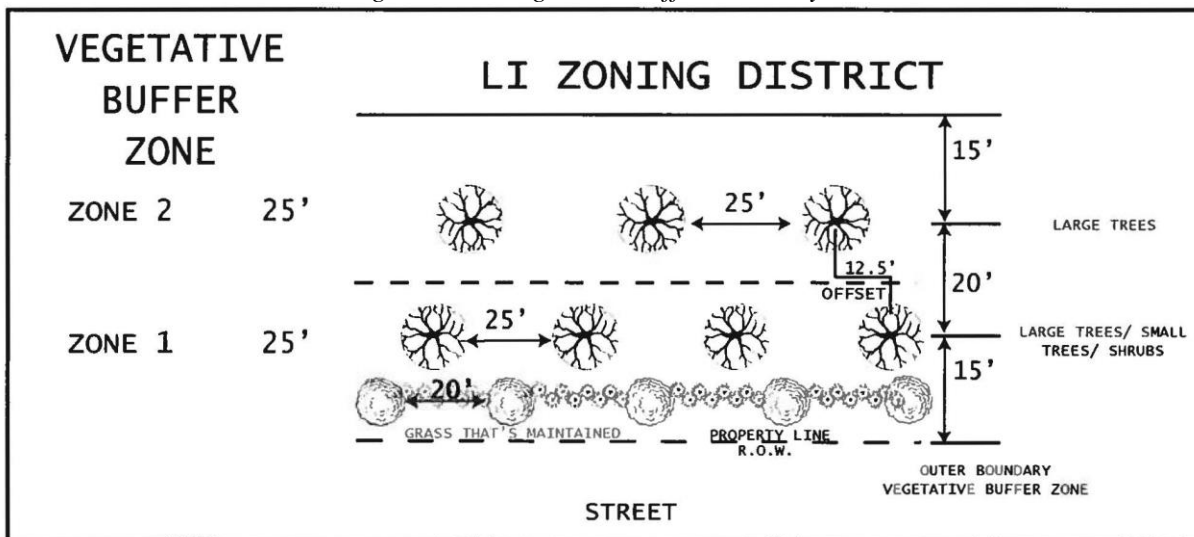
*Vegetative buffer zone* has the meaning ascribed to it in the Unified Land Development Code.

- (d) *Exemption.* Where vegetative and transition buffer zones are required, the property shall be exempt from section 18-1206 but must provide interior landscaped open space, as required by section 18-1205 for parking areas located in the front yard of the development. Side and rear yard parking areas are not required to provide interior landscaped open space.
- (e) *Landscaping requirements.* The landscaping requirements of this subsection are intended to provide a continuous vegetative screening of the district or land use. The following contain the minimum standards; however, additional plantings or other forms of opaque screening may be required to accomplish this purpose.
  - (1) *Vegetative buffer zone.* Vegetative buffer zones shall have a minimum width of 50 feet.
    - a. *LI zoning district.* Vegetative buffer zones in a LI zoning district shall be in accordance with the following and as depicted in Figure 18-2 "Vegetative Buffer Zone Layout":
      - 1. LI zone 1 shall include an area adjacent to the property line, beginning at the property line and extending into the private property for a distance of 25 feet. The owner shall plant and maintain at least the following in LI zone 1:

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- i. A staggered double row consisting of small evergreen trees on the front row, and large trees on the back row.
  - ii. The front row of trees shall be planted 20 feet on center.
  - iii. A minimum of 50% of the back row shall consist of large evergreen trees.
  - iv. The back row shall be planted 25 feet on center.
  - v. A minimum of 8 shrubs, not less than two feet in height, for every 20 feet forming an intermediate hedge, shall be planted in the front row along the right-of-way.
  - vi. Groundcover extending for 25 feet measured from the outside boundary of the LI zone 1, which groundcover shall be maintained in accordance with article II of chapter 42.
2. LI zone 2 shall include an area adjacent to LI zone 1, beginning at the interior boundary of LI zone 1 and extending into the property for a minimum distance of 25 feet. In LI zone 2, the owner shall plant and maintain at least the following:
    - i. A row of large trees planted 15 feet from the inner boundary of LI zone 2.
    - ii. The trees shall be planted 25 feet on center.
    - iii. Such trees shall be offset 12.5 feet from the trees in the back row of LI zone 1.

*Figure 18-2. Vegetative Buffer Zone Layout*



- b. *HI zoning district.* Vegetative buffer zones in an HI zoning district shall be in accordance with the following and as depicted in Figure 18-3 "Vegetative Buffer Zone Layout":
  1. HI zone 1 shall include an area adjacent to the property line, beginning at the property line and extending into the private property for a distance of 25 feet. The owner shall plant and maintain groundcover extending throughout the entire HI zone 1, which shall be maintained in accordance with article II of chapter 42.



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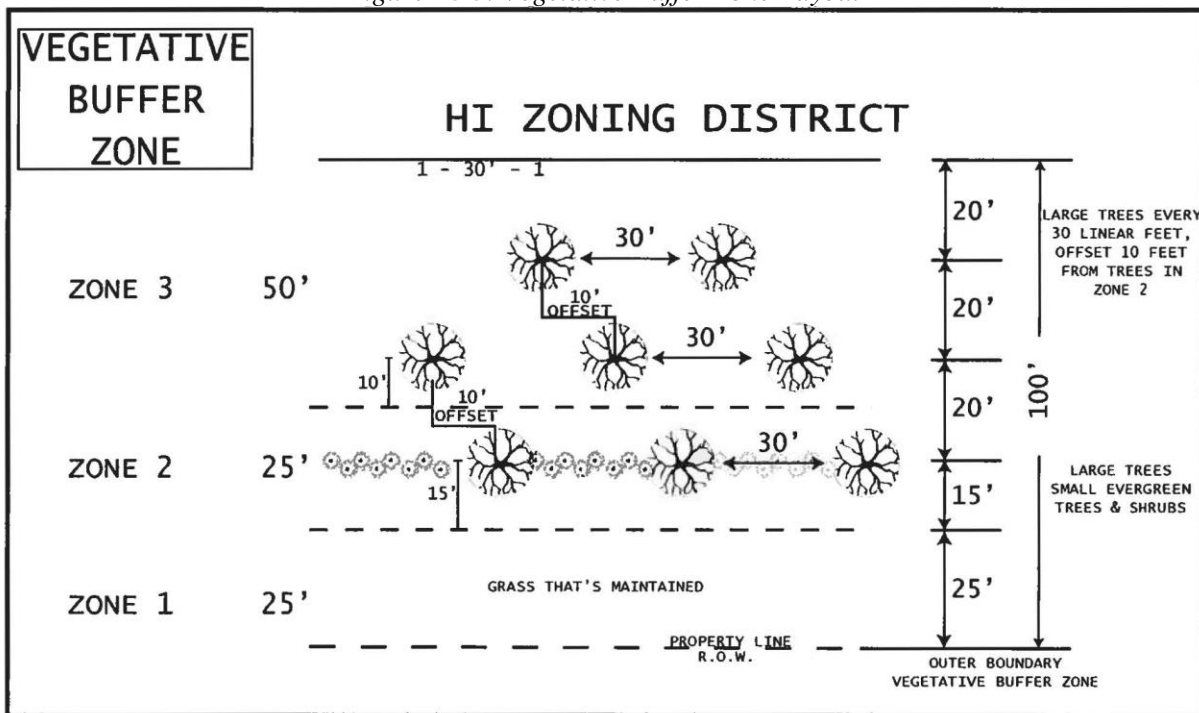
2. HI zone 2 shall include an area adjacent to HI zone 1, beginning at the interior boundary of HI zone 1 and extending into the property for a minimum distance of 25 feet. The owner shall plant and maintain at least the following in HI zone 2:
  - i. Mixture of small trees and shade trees, which shall be planted every 30 linear feet, 15 feet from the inside boundary of HI zone 1; provided, however, that no more than 50 percent of trees may be small trees; and
  - ii. Eight shrubs for every 30 linear feet evenly spaced.

HI zone 2 shall be maintained so as to allow native trees, shrubs, vines, and other forms of vegetation to grow.

3. HI zone 3 shall include an area adjacent to HI zone 2, beginning at the interior boundary of HI zone 2 and extending into the property for a minimum distance of 25 feet. In HI zone 3, the owner shall plant and maintain the following:
  - i. At least one shade tree every 30 linear feet with centers ten feet from the inner boundary of HI zone 2. Such trees shall be offset ten feet from the trees in HI zone 2; and
  - ii. At least one shade tree every 30 linear feet with centers 20 feet from the inner boundary of HI zone 3. Such trees shall be offset ten feet from the trees required in subsection (e)(1)(b)(2)(i).

HI zone 3 shall be maintained so as to allow native trees, shrubs, vines, and other forms of vegetation to grow naturally.

*Figure 18-3. Vegetative Buffer Zone Layout*



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- (2) *Transition buffer zone.* A transition buffer zone provides protection to adjacent land uses and shall consist of:
- a. A ten-foot wide vegetative buffer containing a row of moderate to fast-growing evergreen trees with an expected growth to a minimum height of 16 feet and a minimum width of ten feet at its maturity, along the side yard lines, rear yard lines, and frontage along a street. Tree types shall include, but are not limited to, Wax Myrtle, Leyland Cypress, and/or American Holly;
  - b. All trees shall be installed with ten feet of separation on center, at or above-grade of the public right-of-way, and shall be a minimum of five feet in height at time of planting; and
  - c. A wood or masonry fence with a minimum height of six feet shall be installed interior to the transition buffer.

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## CHAPTER 118 - SIGNS

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\*\*Link Only\*\*