

**COUNTY OF DALLAS/COUNTY OF KAUFMAN
CITY OF SEAGOVILLE**

CITY OF SEAGOVILLE CITY COUNCIL MINUTES

The City Council of the City of Seagoville met in a Regular Meeting on Thursday, May 6, 2010 beginning at 7:30 p.m. in the Council Chambers of City Hall, 702 N. Highway 175, Seagoville, Texas, with the following members present:

Mayor	Sidney M. Sexton, Jr.
Mayor Pro Tem	Brenda Thompson
Council Member	Harold Magill
Council Member	Jose Hernandez
Council Member	Carl Polnac
Council Member	Marshall Green

The following members were absent:
None

The following City staff members were present:

City Manager	Denny Wheat
Assistant City Manager/Public Works Dir.	Mike Hitt
City Attorney	Bob Hager
City Planner	Sherry Sefko
SEDC CEO and President	Bekki Roberts
City Secretary	Sheila Martin

Mayor Sexton called the meeting to order at 7:34 p.m. and delivered the invocation. The City Council led the Pledge of Allegiance.

PRESENTATION / PROCLAMATION(S)

The Mayor read the following Proclamations into the record recognizing:

- Motorcycle Safety Awareness Week

SPEAKERS

There were no persons to speak before the Council.

PUBLIC HEARINGS

There were no Public Hearings

CONSENT AGENDA

1. Consider approval of the minutes of the May 6, 2010 Regular City Council Meeting

Motion: Brenda Thompson made a MOTION Harold Magill SECONDED to approve, as presented, the Consent Agenda as presented.

VOTE: 5- Ayes

0-Nays

ITEMS FOR INDIVIDUAL CONSIDERATION:

PUBLIC HEARINGS/ACTION ITEMS

2. Hold a Public Hearing and Consider Ordinance No.04-10 Amending the Zoning Ordinance Concerning Restaurants and Convenience Stores

Mayor Sexton opened the Public Hearing at 7:37 p.m.

No one came forward to speak for or against the zoning ordinance Amendment.

Mayor Sexton closed the Public Hearing at 7:39 p.m.

City Attorney Bob Hager read the following amendments to Ordinance No. 04-10 Amending the Zoning Ordinance as Council agreed to during the May 6, 2010 Worksession (Details are blue-lined in Ordinance No. 04-10 attached to these Minutes

Page Amendments:

1	Correct spelling of "District"
1	Correct spelling of "Subsection"
10	Sec.25.02.713 (b)(1) Overhead Doors – <i>permitting overhead doors for automotive services</i>
14	Sec.25.02.715 (2)(f) In Non-Residential Zoning Districts – <i>disallowing exceeding the use of gaseous, LED, or other electrified/illuminated tubing devices as described in this section</i>
14	Sec. 25.02.715 (g) Waiver – <i>clarifying the waiver process</i>
17	Sec.25.02.716 3(b) Cargo Containers – <i>allowing for the use of on agricultural property of two acres or more</i>
17	Sec.25.02.716 3 (c)1 Outside Retail Sales – <i>allowing for current Certificate of occupancy holder to support retail sales for charitable purposes</i>

Motion: Jose Hernandez made a MOTION to adopt Ordinance No. 04-10 as with the above amendments Carl Polnac **SECONDED.**

VOTE: 5- Ayes

0-Nays

CITIZEN COMMENTS

3. Leon Love 304 Farmer's Road addressed the Council and expressed concern about the parking lot at the Senior Citizens' Center. Mr. Love stated that the lot needs to be paved, concerned that mobility impaired senior citizens will fall and/or injury themselves on the uneven surface. Encouraged the City Council and staff to pursue a grant in the amount of \$11,500.00 to repair the parking lot surface.

FUTURE AGENDA ITEMS

3. Harold Magill requested a future agenda item on establishing a neighborhood park in the Armstrong-Stafford edition.

EXECUTIVE SESSION

4. Executive Session held under – Personnel - Texas Local Government Code Section 551.071 (20) Consultation with the City Attorney – Town Center Overlay 4; District zoning uses and regulations

Council recessed into Executive Session at 7:46 p.m.

Council re-convened at 8:29 p.m.

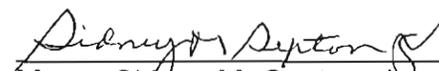
5. Action Resulting from the Executive Session
City Attorney Hager stated:
 - An "enforcement plan" would be implemented in the area within the next 45 – 60 days, and
 - Staff will visit with property owners to increase awareness of the 'enforcement plan'

No further action was taken.

ADJOURN

Mayor Sexton adjourned the Council meeting at 8:30

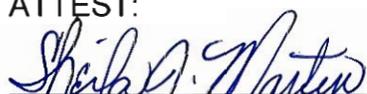
Approved this the 20th day of May, 2010.



Mayor Sidney M. Sexton, Jr.



ATTEST:



Sheila J. Martin, City Secretary

.CITY OF SEAGOVILLE, TEXAS
ORDINANCE NO. 04-10

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES, BY AMENDING CHAPTER 25, ZONING, DIVISION 13, OFFICE (O) DISTRICT REGULATIONS, BY AMENDING SUBSECTION 25.02.274(e), PARKING REGULATIONS, TO PROVIDE FOR PARKING REGULATIONS IN THE OFFICE DISTRICT; BY AMENDING DIVISION 15, LOCAL RETAIL (LR) DISTRICT REGULATIONS, BY AMENDING SECTION 25.02.351, USE REGULATIONS, TO ADD, DELETE AND RE-DEFINE CERTAIN USES ALLOWED BY RIGHT IN THE LR ~~DISTRICT~~DISTRICT, AND BY AMENDING SUBSECTION 25.02.353(f), PARKING REGULATIONS, BY ADDING PARAGRAPH (9) TO PROVIDE FOR ON-SITE VEHICLE STACKING FOR DRIVE-THROUGH FACILITIES; BY AMENDING DIVISION 16, COMMERCIAL (C) DISTRICT REGULATIONS, BY AMENDING SECTION 25.02.371, USE REGULATIONS, TO ADD, DELETE AND RE-DEFINE CERTAIN USES ALLOWED BY RIGHT IN THE C DISTRICT, AND BY AMENDING SUBSECTION 25.02.373(f), PARKING REGULATIONS, BY ADDING PARAGRAPH (8) TO PROVIDE FOR ON-SITE VEHICLE STACKING FOR DRIVE-THROUGH FACILITIES; BY AMENDING DIVISION 18, LIGHT MANUFACTURING (LM) DISTRICT REGULATIONS, BY AMENDING SECTION 25.02.421, USE REGULATIONS, TO ADD, DELETE AND RE-DEFINE CERTAIN USES ALLOWED BY RIGHT IN THE LM DISTRICT, AND BY AMENDING SUBSECTION 25.02.423(f), PARKING REGULATIONS, BY ADDING PARAGRAPH (F) TO PROVIDE FOR ON-SITE VEHICLE STACKING FOR DRIVE-THROUGH FACILITIES; BY AMENDING DIVISION 19, HEAVY MANUFACTURING (HM) DISTRICT REGULATIONS, BY AMENDING SECTION 25.02.451, USE REGULATIONS, TO ADD, DELETE AND RE-DEFINE CERTAIN USES ALLOWED BY RIGHT IN THE HM DISTRICT, AND BY AMENDING SUBSECTION 25.02.453(d), PARKING REGULATIONS, BY ADDING PARAGRAPH (5) TO PROVIDE FOR ON-SITE VEHICLE STACKING FOR DRIVE-THROUGH FACILITIES; BY AMENDING DIVISION 20, U.S. HIGHWAY 175 OVERLAY (H/O) DISTRICT REGULATIONS, BY AMENDING SUBSECTION 25.02.474(a), PARKING AND CURBING, BY ADDING PARAGRAPH (6) TO PROVIDE FOR ON-SITE VEHICLE STACKING FOR DRIVE-THROUGH FACILITIES, AND BY AMENDING ~~SUBSUBSECTIONS~~SUBSECTION 25.02.474(b), LIGHTING, BY ADDING PARAGRAPH (5) TO PROVIDE FOR SITE AND BUILDING LIGHTING, AND BY AMENDING SUBSECTION 25.02.474(f), LOADING DOCKS, BY ADDING PARAGRAPH (5) TO PROVIDE FOR THE ORIENTATION OF OVERHEAD AND/OR BAY DOORS, AND BY REPEALING AND REPLACING SUBSECTION 25.02.474(h), PROHIBITED USES; BY AMENDING DIVISION 26, SPECIAL USES, SECTION 25.02.631, USES

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WHICH MAY BE AUTHORIZED BY ORDINANCE, BY ADDING, DELETING AND RE-DEFINING CERTAIN USES THAT MAY BE AUTHORIZED BY SPECIAL USE PERMIT ORDINANCE; BY AMENDING DIVISION 32, REGULATIONS APPLICABLE TO ALL DISTRICTS, BY ADDING NEW SECTIONS 25.02.713, 25.02.714, 25.02.715, 25.02.716, 25.02.717, 25.02.718 AND 25.02.719 TO PROVIDE SPECIAL REQUIREMENTS FOR PARKING, LOADING AND VEHICULAR STACKING, DRIVE-THROUGH, DRIVE-IN AND WALK-UP SERVICES, SITE AND BUILDING LIGHTING, OUTSIDE DISPLAY, STORAGE AND RETAIL SALES, CARPORTS , CANOPIES AND PORTE COCHERES, DISTANCE SEPARATIONS BETWEEN CERTAIN USES, AND CONVERSIONS OF EXISTING STRUCTURES, RESPECTIVELY; AND BY AMENDING DIVISION 37, DEFINITIONS, SECTION 25.02.801, BY DELETING THE NUMBERING SYSTEM AND TO ADD NEW DEFINITIONS RELATED TO ENTERTAINMENT, FOOD SERVICE ESTABLISHMENTS, RETAIL ESTABLISHMENTS, ESTABLISHMENTS SELLING GASOLINE OR FUEL, AND OUTSIDE STORAGE/DISPLAY, AS PROVIDED HEREIN; PROVIDING FOR A REPEAL OF REGULATIONS IN CONFLICT; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the governing body of the City of Seagoville, Texas, in compliance with the laws of the State of Texas and the Ordinances of the City of Seagoville, Texas, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all persons interested and in the exercise of its legislative discretion, the City Council has concluded that Chapter 25, Zoning, of the Code of Ordinances, as previously amended, should be further amended as provided herein.

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

SECTION 1. That the Code of Ordinances be and the same is hereby amended by amending Chapter 25, Zoning, which shall read as follows:

“CHAPTER 25

ZONING

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Division 13. O Office District Regulations:

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Sec. 25.02.274 Area requirements

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(e) **Parking regulations.**

(1) Off-street parking shall be provided at the minimum ratio of one space for each 200 square feet of building, unless otherwise provided in Section 25.02.713.

(2) On-site vehicle stacking for drive-through facilities shall be provided in accordance with Section 25.02.713.

Secs. 25.02.275 – 25.02.300 Reserved

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Division 15. LR Local Retail District Regulations:

Sec. 25.02.351 Use Regulations

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Auto seat covering.

Bakery, retail.

Bank, office, wholesale sales office, or sample room.

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Bowling alley – if air-conditioned and soundproofed.

Camera shop.

Candy shop.

Caterer and wedding service.

Cleaning, dyeing and laundry pickup station . . .

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Department store, novelty or variety shop, retail sales.
Dying plant with not more than 6,000 square feet of floor space.

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Frozen food lockers, retail.
Gasoline/motor fuel sales.
Gasoline/motor fuel sales, automated.
Grocery store (over 5,000 square feet).
Hardware, sporting goods, . . .

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Office building.
Outside display, new materials only.
Outside storage units, portable (PODs).
Parking lot without public garage . . .
Pharmacy/drug store.
Photographer's or artist's studio.

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Plumbing Shop, retail sales only, . . .
Restaurant, dine-in only (over 4,000 square feet).
Restaurant, dine-in/convenience (over 4,000 square feet).
Retail store or shop for custom work . . .

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Sec. 25.02.353 Area regulations

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(f) Parking regulations.

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(8)

- (9) On-site vehicle stacking for drive-through facilities shall be provided in accordance with Section 25.02.713.

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Division 16. C Commercial District Regulations

Sec. 25.02.371 Use Regulations

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Book printing, binding, bindery.

Bottling works with syrup manufacture.

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Contractor's storage yard.

Driving range.

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Furniture auction sales.

Hauling, light or heavy.

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Newspaper printing.

Optical goods manufacture.

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Sec. 25.02.373 Area regulations

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(f) Parking regulations.

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(7)

- (8) On-site vehicle stacking for drive-through facilities shall be provided in accordance with Section 25.02.713.

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Division 18. LM Light Manufacturing District Regulations

Sec. 25.02.421 Use regulations

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Bag manufacturer and cleaning.

Bakery, commercial.

Bank equipment manufacture.

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Milk processing plant.

Outside storage, new materials.

Paper products manufacture.

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Sec. 25.02.423 Area regulations

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(f) Parking regulations.

(E)

(F) On-site vehicle stacking for drive-through facilities shall be provided in accordance with Section 25.02.713.

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Division 19. HM Heavy Manufacturing District Regulations

Sec. 25.02.451 Use regulations

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Clay products.

Concrete mixing and batching plant.

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Dextrine manufacture.

Dumping station.

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Sec. 25.02.453 Area regulations

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(d) Parking regulations.

(4)

(5) On-site vehicle stacking for drive-through facilities shall be provided in accordance with Section 25.02.713.

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Division 20. H/O U.S. Highway 175 Overlay District Regulations

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Sec. 25.02.474 Building regulations

(a) Parking and curbing.

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(5)

(6) On-site vehicle stacking for drive-through facilities shall be provided in accordance with Section 25.02.713.

(b) Lighting.

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(4)

(5) Site and building lighting shall be in conformance with Section 25.02.715.

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(f) Loading docks.

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(4)

(5) The orientation of overhead/bay doors shall be in accordance with Section 25.02.713(b).

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- (h) Prohibited uses. Outside display and storage, where allowed, shall not be located within 35 feet of any right-of-way line of U.S. Highway 175, and shall be in accordance with Section 25.02.716.

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Division 26. Special Uses

Sec. 25.02.631 Uses which may be authorized by ordinance

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- (15) Lodges, boarding houses, . . .
- (16) Community buildings in an "A" district or on a site of three acres or more in any district.
- (17) Drive-in theatres . . .
- (18) Greenhouses and nurseries . . .
- (19) (reserved).
- (20) Rock quarries, sand, . . .

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- (35) Bakery, commercial in "C" District
- (36) Bar, beer tavern, lounge in "C", "LM" and "HM" Districts
- (37) Brewery, distillery in "LM" and "HM" Districts
- (38) Cargo container in "LM" and "HM" Districts
- (39) Convenience store/mini-mart (1,000-5,000 square feet) in "LR", "C", "LM" and "HM" Districts
- (40) Tobacco shop in "LR", "C", "LM" and "HM" Districts
- (41) Drive-in service in "LR", "C", "LM" and "HM" Districts
- (42) Drive-through service in "LR", "C", "LM" and "HM" Districts
- (43) Walk-up service in in "LR", "C", "LM" and "HM" Districts
- (44) Microbrewery/brewpub in "LR", "C", "LM" and "HM" Districts
- (45) Night club/dance hall in "C", "LM" and "HM" Districts
- (46) Outside display, used materials, in "C", "LM" and "HM" Districts
- (47) Outside storage, new materials in "C" District

- (48) Outside storage, used materials in "C", "LM" and "HM" Districts
- (49) Outside storage of any type of materials exceeding eight feet (8') in height in "C", "LM" and "HM" Districts
- (50) Restaurant, dine-in only (\leq 4,000 square feet) in "LR", "C", "LM" and "HM" Districts
- (51) Restaurant, dine-in/convenience (\leq 4,000 square feet) in "LR", "C", "LM" and "HM" Districts
- (52) Restaurant, fast-food in "LR", "C", "LM" and "HM" Districts
- (53) Restaurant, outdoor/patio dining in "LR", "C", "LM" and "HM" Districts
- (54) Restaurant/private club in "LR", "C", "LM" and "HM" Districts
- (55) Travel center in "C", "LM" and "HM" Districts
- (56) Winery in "LM" and "HM" Districts
- (57) Winery, boutique in "C", "LM" and "HM" Districts
- (58) Wine-tasting room in "LR", "C", "LM" and "HM" Districts
- (59) Addition of the sale of prepackaged food or beverages to the operation of a retail or business operation already in existence on the effective date of this Ordinance (May __, 2010) in any district.
- (60) Sales of prepackaged food and/or beverages, in combination, that exceeds 10% of an establishment's gross annual sales revenues in any district.

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Division 32. Regulations Applicable to All Districts

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Sec. 25.02.713. Special Parking, Loading and Vehicular Stacking Requirements:

- (a) Off-street stacking requirements for drive-through facilities:
 - (1) A stacking space shall be an area on a site measuring eight feet (8') by twenty feet (20') with direct forward access to a service window or station of a drive-through facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area. An escape lane, of at least eight (8) feet in width and with negotiable geometric design, must be provided to allow vehicles to get out of

stacking lane in the event of a stalled vehicle, emergency, accidental entry, etc.

- (2) For financial institutions with drive-through facilities, each teller window or station, human or mechanical, shall be provided with a minimum of five (5) stacking spaces. One escape lane shall be provided.
- (3) For each service window of a drive-through restaurant, a minimum of five (5) spaces shall be provided for the first vehicle stop (usually the menu/order board), and two (2) spaces shall be provided for each additional vehicle stop (order/pick-up windows, etc.). One escape lane shall be provided from the beginning of the stacking lane to the first stop (e.g., menu/order board).
- (4) For other retail operations (i.e., other than restaurants, banks, etc. specifically cited in this section) and kiosks that provide drive-through or drive-up service (e.g., pharmacy, dry cleaners, etc.), a minimum of three (3) stacking spaces for each service window shall be provided.
- (5) For a full-service car wash, each vacuum or gas pump lane shall be provided with a minimum of four (4) stacking spaces. For the finish/drying area, adequate vehicle stacking and storage space must be provided to keep finished vehicles out of circulation aisles, access easements, fire lanes, streets, etc.
- (6) For each automated self-service (drive-through/rollover) car wash bay, a minimum of three (3) stacking spaces, in addition to the wash bay itself, shall be provided. One stacking space shall be provided at the exit end of each wash bay for window-drying and other detailing.
- (7) For each wand-type self-service (open) car wash bay, a minimum of two (2) stacking spaces, in addition to the wash bay itself, shall be provided. One stacking space shall be provided at the exit end of each wash bay for window-drying and other detailing, unless a separate area/shade structure is provided (outside of circulation aisles) for these activities.
- (8) For automobile quick-lube type facilities, a minimum of three (3) stacking spaces shall be provided for each service bay in addition to the service bay itself.

(b) Overhead Doors. In all nonresidential zoning districts, overhead/roll-up service bay doors shall not face any public street unless otherwise provided below:

- (1) An oil/lube change establishment and an automated car wash bay shall be the only uses that ~~can have~~ are permitted for automotive service and/or overhead/roll-up service bay doors on opposite sides of the

building for drive-through convenience. For a corner lot, only one set of service bay doors (either entrance or exit) may face onto the secondary roadway (for example: along a freeway frontage road one set of doors can face onto the perpendicular side-street and the other/opposite set of doors faces the interior side yard; along a major or minor arterial one set of doors can face onto the perpendicular side-street and the other/opposite set of doors faces the interior side yard; etc.). For a through lot, or for a lot having three or more sides facing a public street, or for another peculiar circumstance pertaining to how a development site is situated, a waiver may be requested and may be approved by the Planning & Zoning Commission during site plan approval process.

- (2) Legally non-conforming overhead/roll-up service bay doors in existence as of the effective date of this Ordinance may remain used for their current purpose. However, any change of use on the property to any non-automotive-related retail, personal service or food service use (such as a grocery store, convenience store, mini-mart, restaurant, cafeteria, etc.) shall require permanent closure and removal of such doors, and conversion of the openings to either fixed-pane windows or solid exterior construction that matches, to the greatest extent practical, the colors and finishes of the building.

(c) Use of Required Parking and Loading Spaces. Required off-street parking and loading spaces shall be used only for these respective purposes and shall not be used for refuse containers, cart corrals, recycling kiosks, signs or sign support structures, telecommunications towers or support structures, storage or display of boats, trailers, campers, motor vehicles or other goods, materials or products for sale/lease/rent.

(d) Municipal Facilities. Fire stations and other municipally-owned administrative and service facilities are exempt from this Section 25.02.713.

Sec. 25.02.714. Drive-Through, Drive-In and Walk-Up Services

(a) Sale of Prepackaged Items. An establishment shall not sell or serve prepackaged beverages through drive-through, drive-in, drive-up or walk-up facilities. The prohibitions in this section shall not apply to sales and service of food or beverages to:

- (1) customers who must physically leave their vehicles and enter a building in order to purchase such food or beverages; or
- (2) sale or service of food to a customer by a fast-food or a dine-in/convenience restaurant.

(b) Vehicle Stacking. On-site vehicle stacking for drive-through facilities shall be provided in accordance with Section 25.02.713.

(c) Exterior Speakers. Exterior speakers shall not operate at a volume that disturbs neighboring property owners, and shall comply with the City's noise regulations in the Code of Ordinances.

(d) Adjacent to Residential. Drive-through, drive-in, drive-up and walk-up facilities (i.e., the point-of-order menu board and the actual window or portal through which goods are distributed) shall not be located closer than fifty (50) feet to a residential zoning district boundary.

Sec. 25.02.715. Site and Building Lighting:

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

(b) Nonresidential Site Lighting and Glare Standards.

- (1) Site and building lighting shall not produce obnoxious glare or direct illumination across the site's property line from a visible source of illumination that creates a nuisance or detracts from the use or enjoyment of adjacent property. All outside lights shall be comprised of a light source and reflector that act together such that the light beam is controlled and not directed across any neighboring property line above a height of three (3) feet. The allowable maximum intensity measured at the property line adjoining a residential district shall be 0.25 footcandles, and at the property line adjoining a nonresidential district shall be 0.5 footcandles. Light poles shall not exceed the maximum height allowed in the subject property's zoning district, and they shall be placed on the site a setback equal to their height from all adjacent residential property.
- (2) All off-street parking areas for nonresidential uses which are used after dark shall be illuminated beginning one-half (1/2) hour after sunset and continuing throughout the hours of business operation. If only a portion of a parking area is used after dark, only that part is required to be illuminated.
- (3) Building floodlighting shall only be allowed using white, shielded/not visible, steadily illuminating light sources (i.e., shall not be tinted using colored bulbs, gels or lenses, shall not change colors or blink or change intensity in any way, etc.).
- (4) Free-standing "art forms" shall not be internally lighted. Such fixtures shall only be externally illuminated using tightly focused uplighting from a white, shielded/not visible, steadily illuminating light source (i.e., shall not be tinted using colored bulbs, gels or lenses, shall not change colors or blink or change intensity in any way, etc.).

(c) Luminaires. Light sources shall be of a down-light type, indirect, diffused or shielded type luminaires installed and maintained so as to reduce glare effect (i.e., minimum seventy degree [70°] cutoff when measured from horizontal) and light overspill onto adjacent streets and properties. Bare bulbs above seventy-five (75) watts and strings of lamps are prohibited, except for temporary lighting as provided in subsection D below.

(d) Special Seasonal or Temporary Lighting (low wattage): Bare bulbs or strings of lamps are prohibited, except during holidays special lighting shall be permitted for a maximum time period of forty-five (45) calendar days for each holiday used. In non-residential zoning districts only, strings of low-wattage “holiday” or “twinkling” lights are only allowed during these holiday periods unless otherwise approved for permanent display on a non-residential building (or its premises, such as on an outdoor dining patio or in trees on the site) by the Planning & Zoning Commission during the site plan and façade plan approval process.

(e) Gaseous/Electrified Tubing and Backlit Lighting Elements. The use of gaseous, LED or other electrified or illuminated tubing or backlit “band” lighting to outline or decorate buildings, signs or other site features shall be limited as follows:

- (1) In Residential or Agricultural Zoning Districts: Prohibited.
- (2) In Non-Residential Zoning Districts:
 - a. Allowed to decorate only one (1) predominantly horizontal architectural element on a building (e.g., along the rooflines including any peaks/arches/bump-ups/etc., or horizontally along the building’s façade as lighted tubing or a backlit “band”) provided that such tubing/“band” does not exceed six inches (6”) in width. Any lighted “band” on a building in addition to, or that exceeds the maximum width of, the single allowed lighted element described above shall be counted and regulated as part of the building’s “Wall Signage” per the Sign Ordinance (Article 21.09 of the Code of Ordinances, as amended). Vertically-oriented gaseous, LED or other electrified or illuminated tubing or “bands” on a building or on any site fixture are prohibited.
 - b. Building-mounted awnings may be backlit provided they do not comprise more than ten percent (10%) of a building façade’s total surface area, or the outermost edges only of awnings may be outlined or decorated with gaseous or electrified tubing (i.e., entire awnings may not be outlined, only the outermost edges).
 - c. Building-mounted, projecting porch covers may be outlined or decorated with gaseous or electrified tubing to highlight the main entrance into the building. Only the outermost panel/plane that is

more or less parallel to the building's front façade may be backlit (i.e., not the entire projecting porch cover).

- d. The outer edges of canopies sheltering vehicular areas (such as at gas stations, convenience stores, drive-through bank facilities, etc.) may be outlined or decorated with one gaseous, LED or electrified/illuminated tubing strip having a maximum width of six inches (6"), or with a backlit "band" provided that such "band" does not exceed the thickness of the canopy or eighteen inches (18") in width, whichever is smaller (i.e., the "band" may not protrude beyond the upper or lower edge of the canopy).
- e. Free-standing "art forms" shall not be illuminated by or with gaseous, LED or other electrified or illuminated tubing or devices. Special seasonal figurines, decorations and holiday display fixtures shall be permitted for a maximum time period of forty-five (45) calendar days for each holiday used.

f. In no event shall any gaseous, LED or other electrified or illuminated tubing or devices, as provided in this subsection (e) above, exceed the standards established by this Section.

(f) Municipal Facilities. Fire stations and other municipally-owned administrative and service facilities are exempt from this Section 25.02.713

(g) Waiver. A waiver to any provision of this Section 25.02.715 may be requested and may be approved, with the placement of the appropriate special conditions, by the Planning & Zoning Commission during the site plan and façade plan approval process provided only that such waiver protects the health, safety and welfare of the adjacent property and the general public.

Sec. 25.02.716 Outside Display, Storage and Retail Sales

(a) Outside Display. Where it is allowed, outside display of merchandise and seasonal items (e.g., Christmas trees, pumpkins or other seasonal produce items, landscaping/gardening materials, temporary floral or other holiday-oriented sales tents, etc.) shall:

- (1) Not be placed/located more than twenty feet (20') from the main building nor on top of any structure.
- (2) Not occupy any required parking spaces (except on a temporary basis only, which is a maximum of 45 calendar days per display and a maximum of two displays per calendar year – a City permit shall be required for any allowed outside display occupying any required parking spaces for any length of time).
- (3) Not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.

- (4) Not extend above ten (10) feet in height nor into public right-of-way, over any easement, or onto adjacent property.
 - (5) Not be left outside overnight – all outside display items shall not remain outside overnight, but shall be removed and stored within a building at the end of business each day (except for seasonal landscaping/gardening and large new/unused/non-consumable items that cannot reasonably be moved indoors each evening such as landscaping materials, plants, trees, fertilizer/soil amendments, Christmas trees, swingsets/play structures, etc. which may remain outside for as long as sales of such seasonal items is actively occurring – a City permit shall be required for any outside display remaining outside overnight for any length of time).
 - (6) Be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.
- (b) Outside Storage.
- (1) Where it is allowed, outside storage shall:
 - a. Be limited to a maximum of five percent (5%) of the total lot area in the Local Retail (LR) zoning district;
 - b. Be limited to a maximum of ten percent (10%) of the total lot area in the Commercial (C) zoning district;
 - c. Be limited to a maximum of twenty percent (20%) of the total lot area in the Light Manufacturing (LM) and Heavy Manufacturing (HM) zoning districts;
 - d. Not be located in front of (i.e., on any street side of), or on top of, any structure;
 - e. Be screened, at a minimum height of six feet (6'), by one or a combination of the following methods (i.e., cannot be visible from any public street or adjacent property):
 - (i) Solid masonry (brick, concrete block or concrete panels) wall similar in materials and color to the main building(s);
 - (ii) Wrought iron with solid landscape screening; or
 - (iii) Alternate equivalent screening may as be approved through the site plan approval process.
 - f. Not exceed the height of the screening wall/fence – outside storage exceeding eight feet (8') in height shall require a Specific Use Permit in accordance with Division 26 (Special Uses).

(2) Outside Storage Units, Portable (PODs). Portable outside storage units shall:

- a. Be allowed, without a permit, on a short-term basis (see subsection g below) in any zoning district;
- b. Not be located in front of the main building(s), except as provided for a residence in subsection l below;
- c. Not be located within any required front, side or rear yard setback (except as provided for a residence in subsection l below), or within any fire lane, easement or right-of-way;
- d. Not occupy any required vehicular parking (except as provided for a residence in subsection l below), stacking, loading or maneuvering space;
- e. Be completely screened from view of public streets (either by the building itself or by a screening device), except as provided for a residence in subsection l below;
- f. Be easily accessible by transport vehicle;
- g. Not remain on-site for longer than thirty (30) calendar days (for a storage unit that is needed to temporarily store/secure construction materials at a City-permitted construction site or to temporarily store/secure personal residential possessions while moving/relocating or during house remodeling, such time frame may be extended for the duration of the construction, or the moving/relocation or house remodeling, provided a permit is first issued by the City, provided the building permit for the construction site remains valid (if applicable), and provided that such unit is immediately removed from the premises upon completion of construction or upon completion of moving/relocation or house remodeling, as applicable);
- h. Be limited to the placement of no more than two (2) storage units on any lot, tract or parcel (unless such units are needed for a City-permitted construction site, in which case more than two units may be approved and permitted by the Building Official);
- i. Not exceed twenty (20) feet in length, or eight (8) feet in width, or eight (8) feet in height (a container of larger size in one or more of these dimensions shall be defined as a "cargo container");
- j. Not be illuminated in any way;
- k. Not be used for any use other than the storage of materials or goods (i.e., no business operations, etc.); and

- l. A maximum of one (1) portable outside storage unit may be used for a single- or two-family residence, on a short-term basis only in accordance with subsection g above, during home construction, moving/relocation, or house remodeling. Such storage unit may be placed in the driveway of such residence (with no screening required) and within the front, side or rear setback (as applicable to driveway location), but shall not encroach into any fire lane, easement, adjacent property or right-of-way.

(3) Cargo Containers. Cargo containers shall:

- a. Not be allowed in any residential zoning district (except for a non-residential use only, such as a school or day care or church, in a residential district, on a short-term basis, and subject to all the same requirements as a portable outside storage unit except as provided below); and/or
- bb. Be allowed on active agricultural property consisting of two (2) or more acres and screened from public rights-of-way; and
- c. Be subject to all of the same requirements as a portable outside storage unit, except they may not exceed forty (40) feet in length, or eight (8) feet in width, or ten (10) feet in height.

(c) Outside Retail Sales.

(1) All retail sales shall occur completely within a permanent main building on the site (i.e., not in a parking lot, on the street or a public sidewalk, in a vehicle or trailer, under a tent, etc.) except for a drive-in restaurant where a carhop delivers food, and collects payment for such food, at designated outdoor ordering stations, and except for temporary holiday tent sales (such as Christmas trees, holiday floral tent sales, etc.) provided that the outside sales operation is by the actual owner/tenant of the property (i.e., not by itinerant vendors who are not affiliated with the actual owner/tenant of the property).

(2) The prohibitions in subsection (c)(1) of this section shall not apply on property with a current certificate of occupancy issued by the City where the retail sale by a non-profit corporation or association is for charitable or eleemosynary purposes as defined under state law.

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Sec. 25.02.717 Carports, Canopies and Porte Cocheres:

(a) Nonresidential Uses.

- (1) A carport, canopy or porte cochere for a nonresidential use (regardless of zoning district) shall:
 - a. Not encroach into a required front, side or rear yard setback;

- b. Not extend over a public street, a City easement (unless approved by the City's Engineer), or a solid waste container (i.e., dumpster);
- c. Have a minimum 14-foot clearance when extending over a fire lane or vehicular drive aisle; and
- d. Be supported by masonry columns (or masonry-encased columns) that are architecturally integrated and match the materials and colors of the main building.

Sec. 25.02.718 Distance Separations Between Certain Uses:

Convenience Stores/Mini-Marts. A minimum separation distance of one thousand feet (1,000') shall be maintained between convenience stores/mini-marts, as measured from property line to property line.

Sec. 25.02.719 Conversions of Existing Structures; Additional Retail Uses; Accessory Uses:

(a) Conversion of Structure to Retail Use. The conversion of an existing structure to a retail or other business use shall only be in accordance with all City codes and ordinances, and shall only occur upon a finding that the proposed use is in compliance with the applicable zoning district, and that the premises/site will meet parking and other requirements for the proposed use.

(b) Addition of Prepackaged Food or Beverage Sales. The addition of the sale of prepackaged food or beverages to the operation of an existing retail or business establishment shall be considered a new use, and shall only be allowed with the approval of a Specific Use Permit in accordance with Division 26 (Special Uses).

(c) Prepackaged Food or Beverage Sales as an Accessory Use. If the sales of prepackaged foods and beverages, in combination, exceeds ten percent (10%) of an establishment's gross annual sales revenues, then such prepackaged food and beverage sales shall be considered a primary use, and shall only be allowed with the approval of a Specific Use Permit in accordance with Division 26 (Special Uses).

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Division 37. Definitions

Sec. 25.02.801 Certain words defined

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Accessory building:

Alcoholic beverage: Means alcohol, or any beverage containing more than one-half of one percent (i.e., 0.05%) of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted. Includes ales, beers, meads, spirits, wines, wine coolers, and other fermented or distilled beverages.

Alley:

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Area of the lot:

Bakery, Commercial: A large-scale food manufacturing operation that produces baked goods such as bread, buns, biscuits, ice cream cones, cakes, pies, and other baked products of which flour or meal is the principle ingredient primarily for commercial/wholesale customers (i.e., not retail sales) for off-site distribution and consumption.

Bakery, Retail (also known as a Bake Shop): A small-scale, retail sales establishment that specializes in the production, decorating and sale of oven-baked cakes, pies, doughnuts and other similar specialty dessert items primarily

for off-site consumption. If on-site dining/consumption areas and/or drive-through service are allowed and provided, the establishment shall also comply with on-site vehicular parking and stacking requirements in Section 25.02.713(a).

Bar (includes beer tavern and lounge): An area or an establishment where the primary activity is the on-premise sale, serving and consumption of alcoholic beverages, provided the establishment has all applicable local, state and federal permits/licenses for such. Does not ordinarily include live music, the playing of recorded music (other than one coin-operated jukebox) or dancing (see “Night Club/Dance Hall”). The sale and service of food and snacks is incidental to the primary use of alcoholic beverage sales/consumption.

Basement:

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Breezeway:

Brewery/Distillery: A commercial- or industrial-scale establishment that annually brews more than 5,000 barrels of ales, beers, meads, or other alcoholic beverages (other than wine – see “Winery” and “Winery, Boutique”), and that has all applicable local, state and federal permits/licenses for such alcoholic beverage production.

Building:

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Business:

Cafeteria (also includes a café): See “Restaurant, Dine-In/Convenience” or “Restaurant, Dine-In Only”, as applicable.

Candy Shop: A retail-only sales establishment that specializes in the retail sale of candy, confections and other specialty non-baked dessert items (for retail sales of baked dessert items, see “Bakery, retail”).

Cargo container: A standardized, reusable shipping or storage vessel used in the transportation of freight or the storage of goods, that is capable of being mounted and moved on a rail car, a truck or a ship.

Cellar:

Clinic, medical:

Convalescent home:

Convenience Store/Mini-Mart: A small-scale retail store of at least 1,000, but no larger than 5,000, square feet in total building square footage which primarily sells groceries, tobacco products, sundries/toiletries, household and other non-food items, newspapers and magazines, candy and snacks, prepackaged (i.e., not

cooked or prepared on-site) convenience food items such as sandwiches and salads, heated fast-food items (such as hot dogs, etc.), for off-site use and consumption. (For on-site motor fuel sales, see "Gasoline/Motor Fuel Sales"; for on-site food service/consumption, see "Restaurant, Fast-Food", "Restaurant, Dine-In/Convenience", or "Restaurant, Dine-In Only", as applicable; for drive-in, drive through or walk-up convenience services, see "Drive-In Service", "Drive-Through Service" or "Walk-Up Service", as applicable).

Court:

Customary home occupations:

Dance Hall: See "Night Club".

Day nursery:

Depth of rear yard:

Depth of lot:

Distillation of Liquors, spirits: See "Brewery/Distillery".

District: A section of the City for which the regulations governing the area, height or use of the building are uniform.

Drive-In Service (also includes Drive-Up Service): A facility that is designed to allow customers to obtain goods in predominantly disposable containers while remaining in their vehicles via an employee who physically delivers such goods to their vehicles (does not include convenience services such as a remote banking, pharmacy or dry cleaners drive-in facility where only services or non-consumables are distributed). A drive-in service facility shall have one on-site vehicular parking space for each order/dining station plus additional on-site parking in accordance with Zoning Ordinance requirements for the primary use, and vehicular stacking as provided in Section 25.02.713(a), and shall not provide food or beverage service to vehicles parked off-site or within public rights-of-way.

Drive-Through Service: A facility that is designed to allow customers to obtain goods in predominantly disposable containers while remaining in their motor vehicles via a drive-through window wherein the server does not physically leave the confines of the building (does not include convenience services such as a remote banking, pharmacy or dry cleaners drive-through facility where only services or non-consumables are distributed). A drive-through service facility shall have on-site parking in accordance with Zoning Ordinance requirements for the primary use, and vehicular stacking as provided in Section 25.02.713(a), and shall not provide food or beverage service to vehicles parked off-site or within public rights-of-way.

Drive-up service: See "Drive-In Service".

Drug Store: See “Pharmacy/Drug Store”.

Dwelling, one-family:

Dwelling, two-family:

Dwelling unit:

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Front yard:

Gasoline/Motor Fuel Sales, Automated (retail): A gasoline/motor fuel sales facility that is completely automated (i.e., with no attendant).

Gasoline/Motor Fuel Sales (retail): That portion of a property where flammable or combustible liquids or gases used as fuel are stored, sold and dispensed from fixed equipment (i.e., fuel pumps) into the fuel tanks of motor vehicles.

Grade:

Grocery Store: A retail store of over 5,000 square feet that primarily sells groceries and consumable food items, but that may also sell tobacco products, sundries/toiletries, household and other non-food items, newspapers and magazines, candy and snacks, floral items, prepackaged (i.e., not cooked or prepared on-site) convenience food items such as sandwiches and salads, in-house delicatessen- and bakery-prepared food items (such as fresh meats, cheeses, salads, entrées, side dishes, desserts, etc.), audio and video rentals, etc. for off-site use and consumption. On-site deli- and bakery-food consumption is allowed by right provided such dining areas comprise no more than 10% of the total publicly accessible sales floor area of the store. (For on-site motor fuel sales, see “Gasoline/Motor Fuel Sales”; for drive-in, drive through or walk-up convenience services, see “Drive-In Service”, “Drive-Through Service” or “Walk-Up Service”, as applicable).

Gross floor area:

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Manufactured home:

Microbrewery/Brewpub: A food service establishment (“dine-in” only, no drive-through, drive-in or walk-up service) that also brews no more than 5,000 barrels of malt beverages (such as beers and ales) annually on the premises solely for on-site consumption by patrons (i.e., no carry-out or drive-through beverage sales), provided the establishment has all applicable local, state and federal permits/licenses for such. The area used for brewing operations shall not exceed twenty-five percent (25%) of the floor area of the establishment.

Mobile home:

Mobile home park:

Night club (also includes "dance hall"): An area or an establishment where the primary activity is dancing to live or recorded music, and that may also include the on-premise sale, serving and consumption of alcoholic beverages, as well as the sale and service of food and snacks, provided the establishment has all applicable local, state and federal permits/licenses for such.

Nonconforming uses:

One-family dwellings:

Open space:

Outside Display, New Materials: The temporary placement and display, in an unenclosed or unroofed area, of any new/unused non-consumable goods, materials or merchandise for less than 24 hours on sales/business days only (i.e., not on a continuous basis), and which are removed from display at the end of each sales/business day and stored indoors overnight.

Outside Display, Prepackaged Food or Beverages: The temporary placement and display, in an unenclosed or unroofed area, of any prepackaged food or beverage items for less than 24 hours on sales/business days only (i.e., not on a continuous basis), and which are removed from display at the end of each sales/business day and stored indoors overnight.

Outside Display, Used Materials: The temporary placement and display, in an unenclosed or unroofed area, of any used or salvaged non-consumable goods, materials or merchandise for less than 24 hours on sales/business days only (i.e., not on a continuous basis), and which are removed from display at the end of each sales/business day and stored indoors overnight.

Outside Storage, New Materials: The keeping, in an unenclosed or unroofed area, of any new/unused non-consumable goods, materials or merchandise in the same place for more than 24 hours (i.e., overnight).

Outside Storage, Prepackaged Food or Beverages: The keeping, in an unenclosed or unroofed area, of any prepackaged food or beverage items in the same place for more than 24 hours (i.e., overnight).

Outside Storage, Used Materials: The keeping, in an unenclosed or unroofed area, of any used or salvaged non-consumable goods, materials or merchandise in the same place for more than 24 hours (i.e., overnight).

Outside Storage Units, Portable (PODs): A storage unit, or container, that is delivered to a location on a truck, placed on a premises, and used for storage usually on a temporary basis (i.e., not permanent).

Parking space:

Pharmacy/Drug Store: A retail store that includes the sale of prescription drugs, non-prescription medicines, medical supplies, cosmetics, a limited selection of grocery and household items, tobacco products, sundries/toiletries, newspapers and magazines, greeting cards, candy and snacks, prepackaged food items, etc. for off-site use and consumption.

Place:

Prepackaged Beverages, Retail Sales of: In general, consumable beverage items that are prepackaged and sealed for retail sale and off-premise consumption, and that are not freshly dispensed on-site. Does not include on-site dispensed/brewed soda fountain drinks or hot beverages, prepackaged/bottled uncarbonated waters, flavored uncarbonated or lightly carbonated waters, uncarbonated or lightly carbonated sports drinks, and carbonated soda beverages that are sold individually by fast-food restaurants along with on-site prepared fast food items.

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Prepackaged Foods, Retail Sales of: In general, consumable food items that are prepackaged and sealed for retail sale and off-premise consumption, and that are not cooked, prepared, assembled or packaged on-site (e.g., ready-to-eat and ready-to-heat-and-eat sandwiches, salads, pastries, refrigerated/perishable snack items, peeled/sliced fruits and vegetables, etc.). Does not include longer shelf-life, unrefrigerated prepackaged food items like chips, cookies, crackers, candies, instant meals/entrées, etc.

Private garage:

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Recreational vehicle:

Restaurant, Dine-In/Convenience: An establishment where food and beverages are prepared, served and consumed within the primary building on the premises using predominantly non-disposable dishes/containers in one or more of the following methods:

- (1) cafeteria-style where patrons make their selections while going through a serving line and taken to a table for on-site consumption, or
- (2) where patrons are normally provided with individual menus and are served their food and beverages by a restaurant employee at the same table or counter where such are consumed, or
- (3) where patrons may call orders in advance for carry-out service in disposable containers provided they leave their vehicles and physically enter the building to pick up/pay for such carry-out items, or
- (4) where drive-through/convenience window service is allowed and provided (see "Drive-Through Service") in accordance with this Ordinance.

In addition to inside dining, a dine-in/convenience restaurant may also include outside/patio dining of up to an additional 25% of the inside dining floor area provided that additional on-site parking for this area is provided in accordance with Zoning Ordinance requirements for restaurant uses.

Restaurant, Dine-In Only: An establishment where food and beverages are prepared, served and consumed within the primary building on the premises using predominantly non-disposable dishes/containers in one or more of the following methods:

- (1) cafeteria-style where patrons make their selections while going through a serving line and taken to a table for on-site consumption, or
- (2) where patrons are normally provided with individual menus and are served their food and beverages by a restaurant employee at the same table or counter where such are consumed, or
- (3) where patrons may call orders in advance for carry-out service in disposable containers provided they leave their vehicles and physically enter the building to pick up/pay for such carry-out items.

In addition to inside dining, a dine-in restaurant may also include outside/patio dining of up to an additional 25% of the inside dining floor area provided that additional on-site parking for this area is provided in accordance with Zoning Ordinance requirements for restaurant uses.

Restaurant, Fast-Food: An establishment where food and beverages are prepared, served and consumed either within the primary building on the premises using predominantly disposable dishes/containers in one or more of the following methods:

- (1) counter-service-style where patrons make and pay for their selections at an order counter, or cafeteria-style where patrons make their selections while going through a serving line, and they then take their selections to a table for on-site consumption or take them away for off-site consumption, or
- (2) where patrons may place, pay for, and receive their orders in disposable containers via drive-through/convenience window service if such is allowed and provided (see "Drive-Through Service") in accordance with this Ordinance.

In addition to inside dining, a fast-food restaurant may also include outside/patio dining of unlimited floor area provided that additional on-site parking for this area is provided in accordance with Zoning Ordinance requirements for restaurant uses.

Restaurant, Outdoor/Patio Dining: An establishment where food and beverages are prepared, served and consumed outside (i.e., not within an enclosed building on the premises) in an area that is part of, and contiguous with, the primary

restaurant, using either disposable or non-disposable dishes/containers in one or more of the following methods:

- (1) cafeteria-style where patrons make their selections while going through a serving line and taken to an outside table for on-site consumption, or
- (2) where patrons are normally provided with individual menus and are served their food and beverages by a restaurant employee at the same outside table or counter where such are consumed.

Outside/patio dining areas shall comply with applicable on-site parking requirements for restaurants in accordance with Zoning Ordinance requirements for restaurant uses.

Restaurant/Private Club: A Dine-In Only Restaurant (i.e., no drive-through, drive-in or walk-up services) that has all applicable local, state and federal permits/licenses for the on-site sales and consumption of alcoholic beverages, and that does not have or provide any type of carry-out sales of alcoholic beverages, in accordance with state law.

Servant's quarters:

Shopping Center:

Side yard:

Storage garage:

Store: An establishment devoted exclusively to the retail sale of a commodity within a primary building on the premises.

Story, half:

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Structural alterations:

Tobacco Shop: A retail-only sales establishment that specializes in the retail sale of various forms and flavors of smoking tobacco, cigars, cigarettes, tobacco pipes and other tobacco-smoking paraphernalia (i.e., for smoking tobacco pipes, rolling handmade tobacco cigars and cigarettes, etc.) that are produced off-site (i.e., are not cooked, baked, dried/cured, etc. on-site).

Tourist court:

Travel Center (also, "Truck Stop"): A large-scale gasoline/motor fuel sales facility of over 5,000 square feet which primarily involves fueling and travel services for tractor trucks and the trucking industry. A travel center may also provide limited/minor on-site truck repair and maintenance services (such as an automated truck wash bay, a minor repair bay, etc.) and limited on-site personal hygiene facilities (such as showers and changing rooms for truck crews), and it

may also sell groceries, tobacco products, sundries/toiletries, household and other non-food items, newspapers and magazines, candy and snacks, prepackaged (i.e., not cooked or prepared on-site) convenience food items such as sandwiches and salads, heated fast-food items (such as hot dogs, etc.), for off-site use and consumption. A travel center may not provide on-site overnight lodging facilities (e.g., motel rooms) other than parking spaces for truck crews who wish to sleep within their own vehicles. (For on-site food service/consumption, see "Restaurant, Fast-Food", "Restaurant, Dine-In/Convenience", or "Restaurant, Dine-In Only", as applicable; for drive-in, drive through or walk-up convenience services, see "Drive-In Service", "Drive-Through Service" or "Walk-Up Service", as applicable).

Truck Stop: See "Travel Center".

Two-family dwelling:

Used car lots:

Walk-Up Service: A facility that is designed to allow customers to order, pay for, and obtain goods in predominantly disposable containers by walking up to an exterior service window or portal while not physically entering the building (does not include convenience services such as a remote banking/ATM machines, pharmacy or dry cleaners walk-up facility where only services or non-consumables are distributed). A walk-up service facility shall have on-site vehicular parking in accordance with Zoning Ordinance requirements for the primary use(s) on the property, and shall not provide food or beverage service to vehicles parked off-site or within public rights-of-way.

Width of side yard:

Wine-tasting room: A business establishment that is devoted to the sampling and sales of wine or sparkling wine produced off the premises. Incidental sales of food items is allowed with applicable food service permits.

Winery: A business establishment that produces 10,000 or more cases of wine per year. No maximum site or building area, and building(s) may include space allocated to bottling/crushing activities, lab and office space, tasting room(s), storage, indoor events room(s), and outdoor event or picnic area(s). A winery shall provide at least two of the following four activities on-site: crushing, fermentation, bulk aging/storage, and/or bottling.

Winery, boutique: A business establishment that produces up to 10,000 cases of wine per year. Maximum site area of three (3) acres, with up to 10,000 square feet of building area, including space allocated to bottling/crushing activities, lab and office space, tasting room(s), storage, indoor events room(s), and small outdoor event or picnic area(s) A boutique winery shall provide at least two of the following four activities on-site: crushing, fermentation, bulk aging/storage, and/or bottling.

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SECTION 2. That all ordinances of the City of Seagoville, Texas in conflict with the provisions of this ordinance be and the same are hereby repealed and all other ordinances of the City of Seagoville, Texas not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. That an offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 4. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 5. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Seagoville, Texas as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

SECTION 6. That this ordinance shall take effect from and after its passage and the publication of the caption as the law and Charter in such cases provide.

DULY ADOPTED by the City Council of the City of Seagoville, Texas, on the ____
day of _____, 2010.

APPROVED:

SIDNEY M. SEXTON, JR., MAYOR

ATTEST:

SHEILA MARTIN, CITY SECRETARY

APPROVED AS TO FORM:

ROBERT E. HAGER, CITY ATTORNEY
(REH/cdb)

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