

**MONTGOMERY PLANNING AND ZONING COMMISSION AGENDA  
PUBLIC HEARING AND SPECIAL MEETING OF  
TUESDAY, MAY 21, 2019, 6:00 P.M.  
CITY HALL COUNCIL CHAMBERS 101 OLD PLANTERSVILLE ROAD,  
MONTGOMERY, TEXAS**

**CALL TO ORDER**

1. Consideration and possible action regarding approval of minutes for Regular Meeting held on April 22, 2019 and Special Meeting and Public Hearing held on May 13, 2019.

**PUBLIC HEARING(S):**

**Convene into Public Hearings for the purpose of giving all interested persons the right to appear and be heard regarding the following:**

2. **PUBLIC HEARING(S): Rezoning the following properties from ID-Industrial to B-Commercial:**

- a. 1.24 acres in Tract 42 of the Zachariah Landrum survey A-22, also described as part of 21627 Eva St. SH 105 frontage, Montgomery, owned by the Lone Star Cowboy Church.
- b. 1.08 acres in Tract 42 of the Zachariah Landrum survey A-22, also described as part of 21627 Eva St., Montgomery, owned by the Lone Star Cowboy Church.
- c. 8.35 acres in Tracts 3 & 4 of the Zachariah Landrum survey A-22, also described as along SH 105 West/Eva St. in Montgomery, owned by Alan Wayne Mann.

Adjourn Public Hearings

Reconvene into Special Meeting

3. Consideration and possible action regarding approval of a Final Report on Agenda Item 2.

4. **PUBLIC HEARING(S): Rezoning the following properties from ID-Industrial to R1 Single Family Residential:**

- a. 1.41 acres in Tract 46T-1 of the Zachariah Landrum survey A-22, also described as part of 11181 Womack Cemetery Rd, Montgomery, owned by William and Julie Todd.
- b. 1.88 acres in Tract 46T-1 of the Zachariah Landrum survey A-22, also described as part of 21930 Twin Creeks Rd, Montgomery, owned by David and Carrie Solomon.
- c. 3.04 acres in Tract 46K of the Zachariah Landrum survey A-22, also described as part of 21910 Twin Creeks Rd, Montgomery, owned by Harvey and Juanita Simmons.

Adjourn Public Hearings

Reconvene into Special Meeting

5. Consideration and possible action regarding approval of a Final Report on Agenda Item 4.

6. **PUBLIC HEARING(S): Rezoning the following properties from I-Institutional to R1-Single Family Residential:**

- a. 2.25 acres in Tracts 45-D & 45-D-1 of the Zachariah Landrum survey A-22, also described as part of 623 Old Plantersville Rd, Montgomery, owned by the Joseph Shockley Revocable Living Trust.

Adjourn Public Hearings

Reconvene into Special Meeting

7. Consideration and possible action regarding approval of a Final Report on Agenda Item 6.
8. **PUBLIC HEARING(S): Rezoning the following properties from R1-Single Family Residential to B-Commercial:**
  - a. 0.46 acres in Tract 82 of the Owen Shannon survey A-36, also described as 15309 FM 149 Rd, Montgomery, owned by the Estate of Cherry D. Easley.
  - b. 0.374 acres in Tract 84 of the Owen Shannon survey A-36, also described as approximately 15307 FM 149 Rd, Montgomery, owned by Arnette Easley.
  - c. 0.41 acres in Tracts 1 & 70 of the Owen Shannon survey A-36, also described as 712 N Liberty St, Montgomery, owned by Paul D and Doris J Allen.
  - d. 0.5 acres in Tract 8 of the Owen Shannon survey A-36, also described as approximately 15328 N Liberty St, Montgomery, owned by Paul D and Doris J Allen.
  - e. 0.25 acres in Tract 9 of the Owen Shannon survey A-36, also described as 15330 N Liberty St, Montgomery, owned by Willie & Evelyn Wright.
  - f. 0.32 acres in Tract 2 of the Owen Shannon survey A-36, also described as 22950 W FM 1097 Rd, Montgomery, owned by the Estate of Audrey B. Allen.

Adjourn Public Hearings

Reconvene into Special Meeting

9. Consideration and possible action regarding approval of a Final Report on Agenda Item 8.
10. **PUBLIC HEARING(S): Realigning the Zoning Boundaries for the following property:**
  - a. 30.84 acres in Tract 14 of the John Corner survey A-8, also described as FM 149 South frontage on the east side of road from the city limits to the MISD bus barn, owned by Risher Randall, et al. in Montgomery. The property is currently zoned B-Commercial and R2-Multi Family Residential. The proposed rezoning will realign zoning district boundaries, consolidating like districts and resulting in no appreciable change in size of either district.

Adjourn Public Hearings

Reconvene into Special Meeting

11. Consideration and possible action regarding approval of a Final Report on Agenda Item 10.
12. **PUBLIC HEARING(S): Rezoning the following properties from B-Commercial to R1-Single Family Residential:**
  - a. Lots 1 – 51, Blocks 1 & 2, The Hills of Town Creek, Section 2 Subdivision, also described as 103 – 234 Brock's Lane, and 308 – 317 Brock's Court, Montgomery.
  - b. Open Space Reserves A, B, C, & D in The Hills of Town Creek Section 2
  - c. Lots 1 – 49, Block 3, The Hills of Town Creek, Section 3 Subdivision, also described as 242 – 265 Brock's Lane, and 110 – 155 Scenic Hills Court, Montgomery.

d. Open Space Reserve A in The Hills of Town Creek, Section 3.

Adjourn Public Hearings

Reconvene into Special Meeting

13. Consideration and possible action regarding approval of a Final Report on Agenda Item 12.

14. **PUBLIC HEARING(S): Rezoning the following properties from I-Institutional to B- Commercial:**

a. 0.5 acres in Tracts 15-A & 83-A of the Owen Shannon survey A-36, also described as 712 Community Center Dr., Montgomery, owned by Patricia Easley.

Adjourn Public Hearings

Reconvene into Special Meeting

15. Consideration and possible action regarding approval of a Final Report on Agenda Item 14.

16. **VISITOR/CITIZENS FORUM**

Any citizen with business not scheduled on the agenda may speak to the Commission. Prior to speaking, each speaker must be recognized by the Chairman. Commission may not discuss or take any action on any item but may place the issue on a future agenda. The number of speakers along with the time allowed per speaker may be limited.

17. Consideration and possible action regarding approval of a temporary sign at 305 Prairie Street, Montgomery for Revive Facial as submitted by Hollie Adams.

18. Report regarding Tree Ordinance

19. Discussion regarding Zoning Ordinance and Table of Uses.

20. Adjournment

  
\_\_\_\_\_  
Jack Yates, City Administrator



Posted May 17 2019 at 3:15 p.m. This facility is wheelchair accessible and accessible parking spaces are available. Please contact the City Secretary's office at 936-597-6434 for further information or for special accommodation

**MINUTES OF PUBLIC HEARING and SPECIAL MEETING**

**May 13, 2019**

**MONTGOMERY PLANNING AND ZONING COMMISSION**

**CALL TO ORDER**

Chairman Nelson Cox declared a quorum was present, and called the meeting to order at 6:10 p.m.

Present: Nelson Cox, Jeffrey Waddell, William Simpson and Carol Langley

Absent: Arnette Easley

Also Present: Jack Yates, City Administrator

Dave McCorquodale, Assistant to City Administrator

1. Public Hearing regarding a Special Use Permit for a microblading business located at 401 College Street Suite 110-B.

Chairman Cox convened the Public Hearing at 6:10 p.m.

Mr. Yates advised that no one had requested to speak at the public hearing and that no one had contacted the city regarding the Special Use Permit.

There were no other comments made.

Chairman Cox adjourned the Public Hearing at 6:12 p.m.

2. Consideration and possible action regarding Special Use Permit request for Candace Welsh for microblading business located at 401 College Street, Suite 110-B.

Jeffrey Waddell inquired if the proposed business location is the Kemifer Building. The applicant stated that it is.

Carol Langley asked the applicant, Ms. Welsh, if she understood the terms of the Special Use Permit and that the microblading can only be conducted at the proposed business location in Suite 110-B. Ms. Welsh stated that she understood.

Jeffrey Waddell moved to recommend to City Council approval of the Special Use Permit for Candace Welsh regarding a microblading business located at 401 College Street Suite 110-B. Carol Langley seconded the motion, the motion carried unanimously (4-0).

2. Adjournment

Jeffrey Waddell moved to adjourn the meeting at 6:17 p.m. William Simpson seconded the motion, the motion carried unanimously. (4-0)

Date approved: \_\_\_\_\_

\_\_\_\_\_  
Chairman Nelson Cox

ATTEST:

\_\_\_\_\_  
Susan Hensley, City Secretary

## MINUTES OF REGULAR MEETING

April 22, 2019

### MONTGOMERY PLANNING AND ZONING COMMISSION

#### CALL TO ORDER

Chairman Nelson Cox declared a quorum was present, and called the meeting to order at 6:00 p.m.

Present: Nelson Cox, Jeffrey Waddell, William Simpson, Arnette Easley and Carol Langley

Absent:

Also Present: Jack Yates, City Administrator

Dave McCorquodale, Assistant to City Administrator

Chris Roznovsky, City Engineer

#### VISITOR/CITIZENS FORUM

Any citizen with business not scheduled on the agenda may speak to the Commission. Prior to speaking, each speaker must be recognized by the Chairman. Commission may not discuss or take any action on any item but may place the issue on a future agenda. The number of speakers along with the time allowed per speaker may be limited.

No comments were made.

- 1) Consideration and possible action regarding regular meeting minute of March 25, 2019.

Jeffrey Waddell moved to approve the minutes of the March 25, 2019 Regular Meeting. William Simpson seconded the motion, the motion carried unanimously. (5-0)

- 2) Consideration and action regarding approval of a sign at 202 McCown Street - Rachel Anderson

Mr. Yates advised this was an art shop that will also sell wine. Mr. Yates said the sign was a simple design for the southernmost space, just south of the Old Montgomery Steakhouse next to Caroline Street. Carol Langley asked where the sign would be installed. Mr. Yates said the sign would be installed on the wall of the space. Jeffrey Waddell asked if the sign would be lit. Mr. Yates said no. Jeffrey Waddell said the sign was nice.

Jeffrey Waddell stated the aluminum sign was 4' x 8'. Mr. Yates said there was some lighting under the awning that would light the sign up. Jeffrey Waddell stated that the sign was on the front wall facing FM 149.

After discussion, Jeffrey Waddell moved to approve the sign for 202 McCown Street as presented. Arnette Easley seconded the motion, the motion carried unanimously. (5-0)

3) Consideration and possible action scheduling a public hearing regarding a Special Use Permit to Candace Welsh for a microblading business at 14375 Liberty Street.

Mr. Yates advised the proposed location of the business is still being finalized and Mr. Welsh needed until the close of business on Wednesday afternoon to know which location they were going to select, either 14375 Liberty St or at 401 College Street, Ste. 110-B. Mr. Yates said he told Mr. Welsh that he would need a letter directed to him by the close of business Wednesday stating which address they would be choosing. Mr. Yates said if the Commission held their Public Hearing on May 13, 2019 and then City Council would meet on May 14, 2019 to consider approval. Mr. Yates said if they conduct the Public Hearing during a Special Meeting, there will need to be four people present for the meeting. Carol Langley asked if there was still information on the previous person that received a Special Use Permit for the same use, and asked if there were some items put in there that would relate to this same thing. Mr. Yates said it was essentially the same Special Use Permit.

After discussion, Arnette Easley moved to call a Special Meeting and Public Hearing for May 13, 2019 to be held at 6:00 at City Hall, 101 Old Plantersville Road regarding a Special Use Permit for the Candace Welsh microblading business at 14375 Liberty Street or 401 College Street, Suite 110-B. William Simpson seconded the motion, the motion carried unanimously. (5-0)

- 4) Consideration and possible action regarding calling Public Hearings for May 16th and May 21, 2019 at 6:00 PM at Montgomery City Hall to hear public comment regarding rezoning the following properties from **ID-Industrial to B-Commercial**:
- a) 1.24 acres in Tract 42 of the Zachariah Landrum survey A-22, also described as part of 21627 Eva St. SH 105 frontage, Montgomery, owned by the Lone Star Cowboy Church.
  - b) 1.08 acres in Tract 42 of the Zachariah Landrum survey A-22, also described as part of 21627 Eva St., Montgomery, owned by the Lone Star Cowboy Church.
  - c) 8.35 acres in Tracts 3 & 4 of the Zachariah Landrum survey A-22, also described as along SH 105 West/Eva St. in Montgomery, owned by Alan Wayne Mann.

William Simpson moved to call a Public Hearings to be held on May 16 and May 21, 2019 at 6:00 p.m. at Montgomery City Hall, 101 Old Plantersville Road for rezoning of the tracts of land from ID- Industrial to B-Commercial as shown on the Agenda as 4 a, b, and c. Arnette Easley seconded the motion, the motion carried unanimously. (5-0)

- 5) Consideration and possible action regarding calling Public Hearings for May 16th and May 21, 2019 at 6:00 PM at Montgomery City Hall to hear public comment regarding rezoning the following properties from **ID-Industrial to R1-Single Family Residential**:
- a) 1.41 acres in Tract 46T-1 of the Zachariah Landrum survey A-22, also described as part of 11181 Womack Cemetery Rd, Montgomery, owned by William and Julie Todd.
  - b) 1.88 acres in Tract 46T-1 of the Zachariah Landrum survey A-22, also described as part of 21930 Twin Creeks Rd, Montgomery, owned by David and Carrie Solomon.
  - c) 3.04 acres in Tract 46K of the Zachariah Landrum survey A-22, also described as part of 21910 Twin Creeks Rd, Montgomery, owned by Harvey and Juanita Simmons.

Jeffrey Waddell moved to call a Public Hearings to hear public comments on rezoning of said properties, listed under 5 a, b and c, from ID-Industrial to R1-Single Family Residential to be held on May 16 and May 21, 2019 to be held at 6:00 p.m. at Montgomery City Hall, located at 1010 Old Plantersville Road. Carol Langley seconded the motion, the motion carried unanimously. (5-0)



- 6) Consideration and possible action regarding calling Public Hearings for May 16th and May 21, 2019 at 6:00 PM at Montgomery City Hall to hear public comment regarding rezoning the following properties from **I-Institutional to R1-Single Family Residential**:
- a) 2.25 acres in Tracts 45-D & 45-D-1 of the Zachariah Landrum survey A-22, also described as part of 623 Old Plantersville Rd, Montgomery, owned by the Joseph Shockley Revocable Living Trust.
  - b) 0.5 acres in Tracts 15-A & 83-A of the Owen Shannon survey A-36, also described as 712 Community Center Dr, Montgomery, owned by Patricia Easley.

Arnette Easley said he thought this should be requesting to rezone from I-Institutional to B-Commercial because he thought that when Mr. Yates wrote this he did not think the property went all the way through, it is adjacent to his property. William Simpson asked to confirm that would be only for item “b”. Carol Langley asked how they would handle that since it was not stated that way on the Agenda. Mr. Yates said they could call the Public Hearing however they want to and he will be changing it for City Council tomorrow night and will be advising them of the same information.

Carol Langley asked Arnette Easley about when Patricia Easley came before City Council to do her cooking business there, did she get a Special Use Permit or did she get it rezoned. Arnette Easley said it was a Special Use Permit.

Chairman Cox said his only question was by the time they have these public hearings, will this information be clarified. Mr. Yates said the information will be clarified by the Commission and City Council. William Simpson asked what they need to do tonight. Mr. Yates said if they want it to be commercial, they just need to say which tract they want to be rezoned from I-Institutional to B-Commercial, as requested by the owner.

William Simpson moved to call the Special Meeting and Public Hearings for Item “a” 2.25 acres in Tracts 45-D & 45-D-1 on of the Zachariah Landrum survey A-22, also described as part of 623 Old Plantersville Rd, Montgomery, owned by the Joseph Shockley Revocable Living Trust from I-Institutional to R1- Single Family Residential; and Item “b” 0.5 acres in Tracts 15-A & 83-A of the Owen Shannon survey A-36, also described as 712 Community Center Dr., Montgomery, owned by Patricia Easley from I-Institutional to B-Commercial to be

held on May 16 and May 21, 2019 at 6:00 p.m. at Montgomery City Hall. Arnette Easley seconded the motion, the motion carried unanimously. (5-0)

- 7) Consideration and possible action regarding calling Public Hearings for May 16th and May 21, 2019 at 6:00 PM at Montgomery City Hall to hear public comment regarding rezoning the following properties from R1-Single Family Residential to B- Commercial:
- a. 0.46 acres in Tract 82 of the Owen Shannon survey A-36, also described as 15309 FM 149 Rd, Montgomery, owned by the Estate of Cherry D. Easley.
  - b. 0.374 acres in Tract 84 of the Owen Shannon survey A-36, also described as approximately 15307 FM 149 Rd, Montgomery, owned by Arnette Easley.
  - c. 0.41 acres in Tracts 1 & 70 of the Owen Shannon survey A-36, also described as 712 N Liberty St, Montgomery, owned by Paul D and Doris J Allen.
  - d. 0.5 acres in Tract 8 of the Owen Shannon survey A-36, also described as approximately 15328 N Liberty St, Montgomery, owned by Paul D and Doris J Allen
  - e. 0.25 acres in Tract 9 of the Owen Shannon survey A-36, also described as 15330 N Liberty St, Montgomery, owned by Willie & Evelyn Wright.
  - f. 0.32 acres in Tract 2 of the Owen Shannon survey A-36, also described as 22950 W FM 1097 Rd, Montgomery, owned by the Estate of Audrey B. Allen.

Arnette Easley said he spoke to Mr. McCorquodale about his property Item “b”, advising that many years ago it was rezoned, but the maps were not right, which is why they are seeing it again tonight. Mr. McCorquodale said on the west side of FM 149 directly across from FM 1097, there is a small rectangle that is already zoned Commercial, which is Arnette Easley’s property. Mr. McCorquodale said the mapping ability that they had when they rezoned that property did not reflect the other boundaries. Mr. McCorquodale said he did not think that they needed to go through the process for this property, but since they are already rezoning properties all around his property, it makes sense to go ahead and formalize it based on the new survey of the property boundaries just to cover any question on the zoning of the property. Mr. McCorquodale said Arnette Easley also clarified a couple of the street addresses and said he obtained the information from MCAD that had different street addresses, so the information in the legal notice will have a slightly different number, which is just a few off of what MCAD had on file.

Carol Langley asked how Item “d” is addressed off of North Liberty instead of FM 1097. Mr. McCorquodale said on the map there is a property boundary that runs along FM 149 and that is according to MCAD. Arnette Easley said the address would not be FM 1097 it would be FM 149. Carol Langley asked if the property described in Item “d” had a house on it. Arnette Easley said no it did not. Carol Langley asked if the property goes to FM 1097. Arnette Easley said no, there is a piece of property between it and FM 1097.

William Simpson moved to call Public Hearings to hear public comment regarding rezoning the following properties from R1-Single Family Residential to B- Commercial on May 16 and May 21, 2019 at 6:00 p.m. at Montgomery City Hall for the said read Items “a”, “b”, “c”, “d”, “e”, and “f” from R1-Single Family Residential to B-Commercial. Jeffrey Waddell seconded the motion, the motion carried unanimously. (5-0)

- 8) Consideration and possible action regarding calling Public Hearings for May 16th and May 21st, 2019 at 6:00 PM at Montgomery City Hall to hear public comment regarding **realigning the zoning boundaries** for the following property:

- a. 30.84 acres in Tract 14 of the John Comer survey A-8, also described as FM 149 South frontage on the east side of road from the city limits to the MISD bus barn, owned by Risher Randall, et al. in Montgomery. The property is currently zoned B-Commercial and R2-Multi Family Residential. The proposed rezoning will realign zoning district boundaries, consolidating like districts and resulting in no appreciable change in size of either district.

Carol Langley asked about the intent of this item. Mr. McCorquodale said the way the property is zoned now, the map shows how the properties alternate between Commercial and R2 zones, in particular, the commercial portions that are on the north and south end are smaller than what is practical to be developed. Mr. McCorquodale said the property on the south does not have any street frontage and there is no way to get to it, so the logic for a commercial property without any way to access it seems strange.

After discussion, William Simpson moved to call Public Hearing for May 16 and May 21, 2019 at 6:00 p.m. at Montgomery City Hall, 101 Old Plantersville Road, for the said read Item 8(a). Jeffrey Waddell seconded the motion, the motion carried unanimously.

- 9) Consideration and possible action regarding calling Public Hearings for May 16th and May 21st, 2019 at 6:00 PM at Montgomery City Hall to hear public comment regarding rezoning the following properties from **B-Commercial to R1-Single Family Residential**:
- a. Lots 1 -51, Blocks 1 & 2, The Hills of Town Creek, Section 2 Subdivision, also described as 103 -234 Brock's Lane, and 308 -317 Brock's Court, Montgomery.
  - b. Open Space Reserves A, B, C, & D in The Hills of Town Creek Section 2.
  - c. Lots 1 -49, Block 3, The Hills of Town Creek, Section 3 Subdivision, also described as 242 - 265 Brock's Lane, and 110 - 155 Scenic Hills Court, Montgomery.
  - d. Open Space Reserve A in The Hills of Town Creek Section 3.

Jeffrey Waddell moved to call Public Hearings to hear public comment on the rezoning of said properties May 16 and May 21, 2019, at 6:00 p.m. to be held at Montgomery City Hall, 101 Old Plantersville Road. William Simpson seconded the motion, the motion carried unanimously. (5-0)

- 10) Consideration and possible action regarding Tree Ordinance.

Mr. McCorquodale presented the information and there was a discussion regarding the tree ordinance revisions. Mr. McCorquodale said the area for them to focus on is the residential buffer zone in between non-residential and residential uses because that is where they really look to preserve trees without exception. Jeffrey Waddell said that topic has come up a number of times in the discussion.

Jeffrey Waddell asked about the width and percentages of the buffers. Mr. McCorquodale advised it was 20 feet off the adjoining property line where they are not able to take down any trees larger than 18 inches, but they still have to meet the official screening requirements that are outlined in the ordinance, as well as the rest of the canopy coverage items.

Jeffrey Waddell asked about the requirement for one or two family dwellings and the requirement for two trees, with at least one being in the front yard and whether that was for five acres or more. Mr. McCorquodale said it was on every residential lot, and said there are several developers that are already doing this voluntarily.

Chairman Cox asked if there was an inspection process that would be included in the ordinance, where someone will go out and make sure they are doing what they are supposed to be doing. Mr. McCorquodale said with respect to the single-family lots, they can't get a Certificate of Occupancy until the requirements have been met, so that will require the City communicating to the Building Inspector to add that to his list for the final inspection. Mr. McCorquodale said he would be monitoring the information as well, so he can observe how this works.

After discussion, the Commission directed staff to move forward with preparing the revised ordinance for review by the City Attorney.

11) Consideration and possible action regarding Table of Uses.

Mr. McCorquodale advised one of the biggest changes is they feel like the Special Use Permit for all Industrial zones is probably not going to get the support needed to make it through. Mr. McCorquodale said what he had done in the Industrial areas is add Commercial Use to the Industrial areas as well, except assisted living, nursing homes and auto sales, which would require City Council approval. Mr. McCorquodale said once an auto dealer is put in, even when they leave the site, the property still looks like an auto dealer and would have the potential to affect the dynamic of the City as a whole, and having City Council look at each one would be a prudent course of action.

William Simpson said the one thing he notices is the well drilling contractors have to have a barrier, but their stuff sits out and there is no way to cover their equipment since it is all up in the air, so how would they handle that and recycle centers or salvage centers. Mr. McCorquodale said those would also require City Council approval.

Carol Langley asked to clarify the definition of a community home per V.T.C.A., Human Resources Code §123.003. Carol Langley then asked to confirm that the Table of Uses is actually part of the Code that needs an ordinance to update.

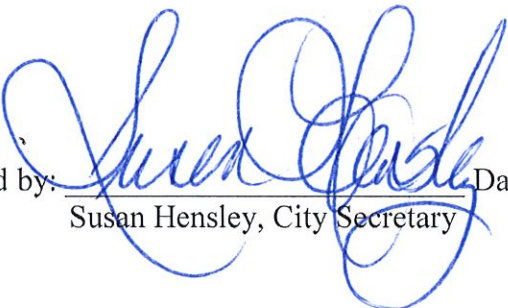
After discussion, the Commission directed staff to continue with the process to update the Table of Uses.

12) Consideration and possible action regarding rescheduling the May, 2019 Planning and Zoning Commission meeting

After discussion, Jeffrey Waddell moved to cancel the Regular May 27, 2019 Meeting. Carol Langley seconded the motion, the motion carried unanimously. (5-0)

13) Adjournment

William Simpson moved to adjourn the meeting at 7:10 p.m. Arnette Easley seconded the motion, the motion carried unanimously. (4-0)

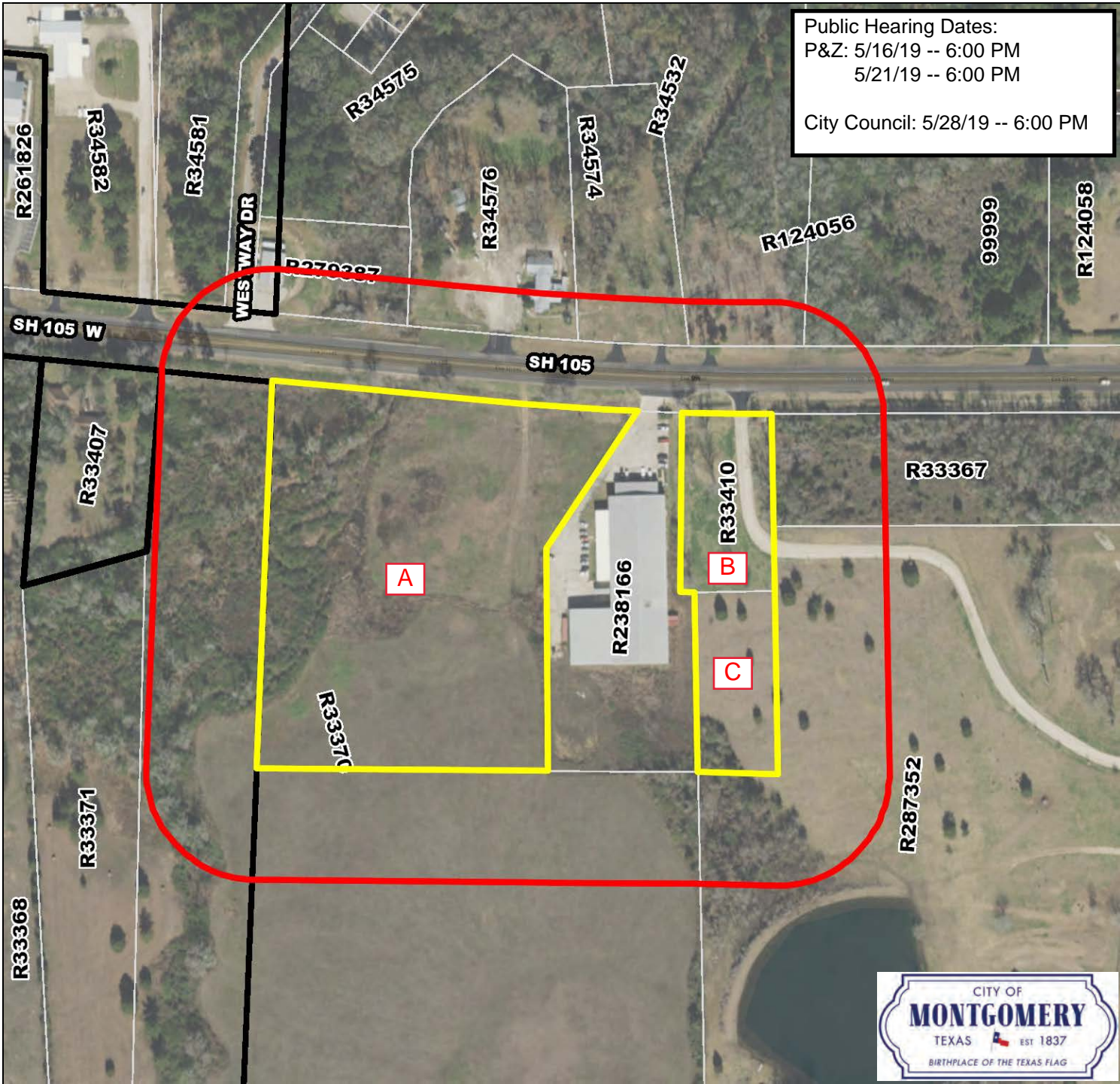
Submitted by:  Date approved: \_\_\_\_\_  
Susan Hensley, City Secretary

\_\_\_\_\_  
Chairman Nelson Cox

# Mann & Lone Star Cowboy Church Tracts

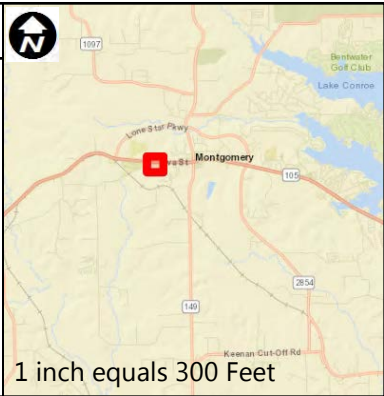
Agenda Item #2

Public Hearing Dates:  
 P&Z: 5/16/19 -- 6:00 PM  
 5/21/19 -- 6:00 PM  
 City Council: 5/28/19 -- 6:00 PM



LEGEND:  City Limit     Tract Boundary     200-ft Notification Boundary

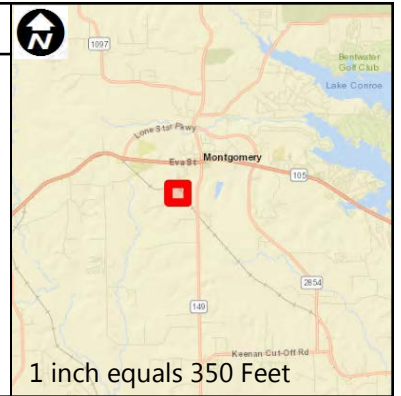
- A. Mann Tract: 8.35 acres along SH 105 W in Montgomery, west of Lone Star Cowboy Church
- B. Lone Star Cowboy Church Tract: 1.24-ac portion of 21267 Eva St, Montgomery
- C. Lone Star Cowboy Church Tract: 1.08-ac portion of 21267 Eva St, Montgomery



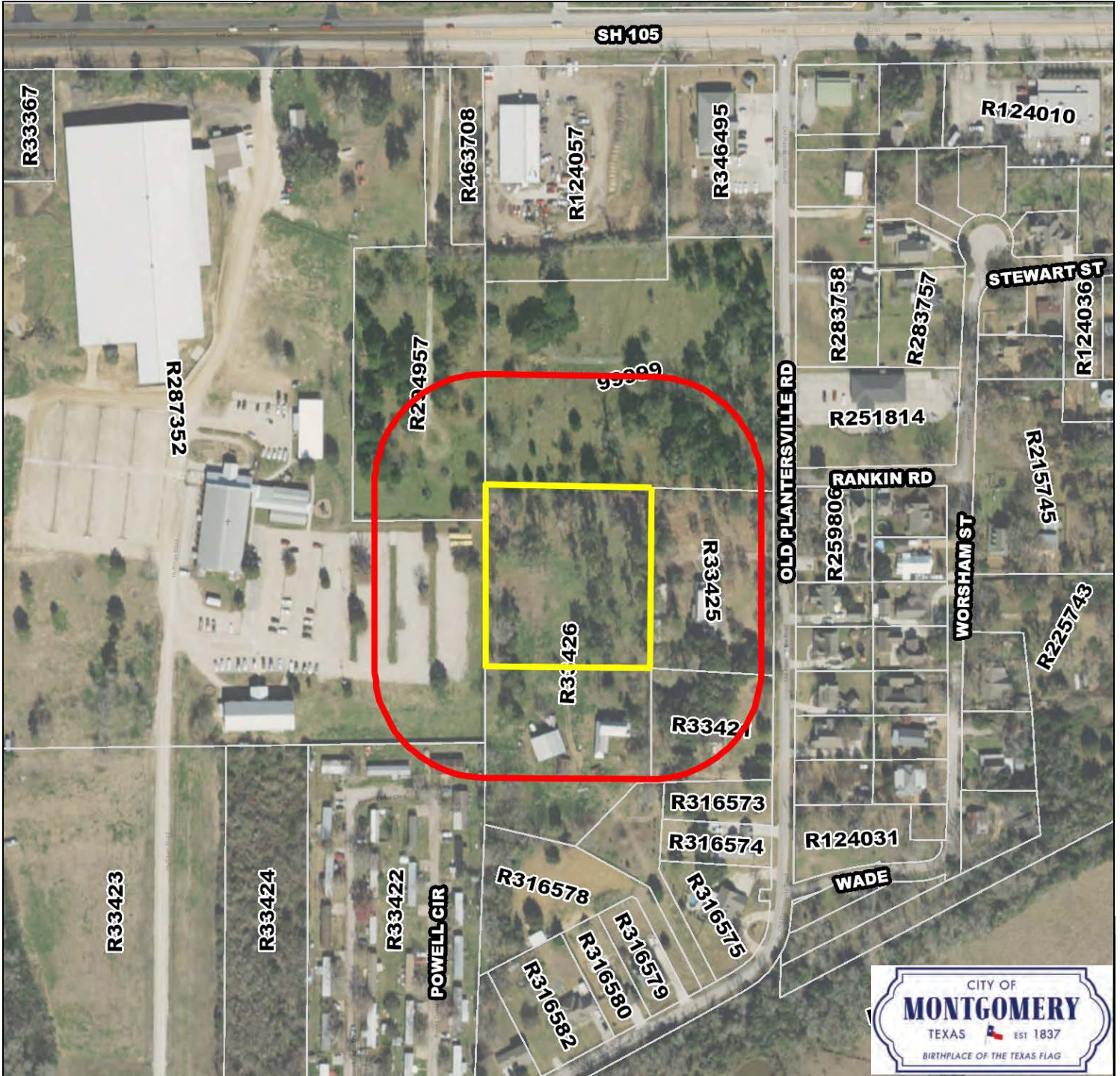


LEGEND:  City Limit     Tract Boundary     200-ft Notification Boundary

- A. Todd Tract: 11181 Womack Cemetery Rd, Montgomery
- B. Solomon Tract: 21930 Twin Creeks Rd, Montgomery
- C. Simmons Tract: 21910 Twin Creeks Rd, Montgomery



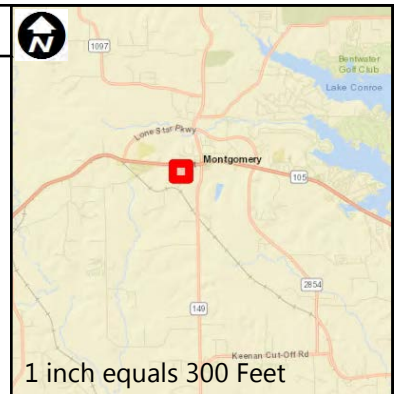




LEGEND:  City Limit     Tract Boundary     200-ft Notification Boundary

A 2.25-acre portion of 623 Old Plantersville Road, Montgomery

Public Hearing Dates:  
 P&Z: 5/16/19 -- 6:00 PM  
       5/21/19 -- 6:00 PM  
  
 City Council: 5/28/19 -- 6:00 PM



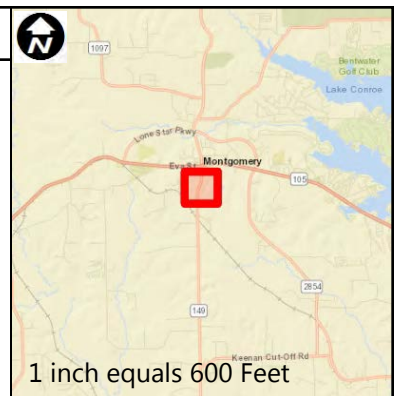


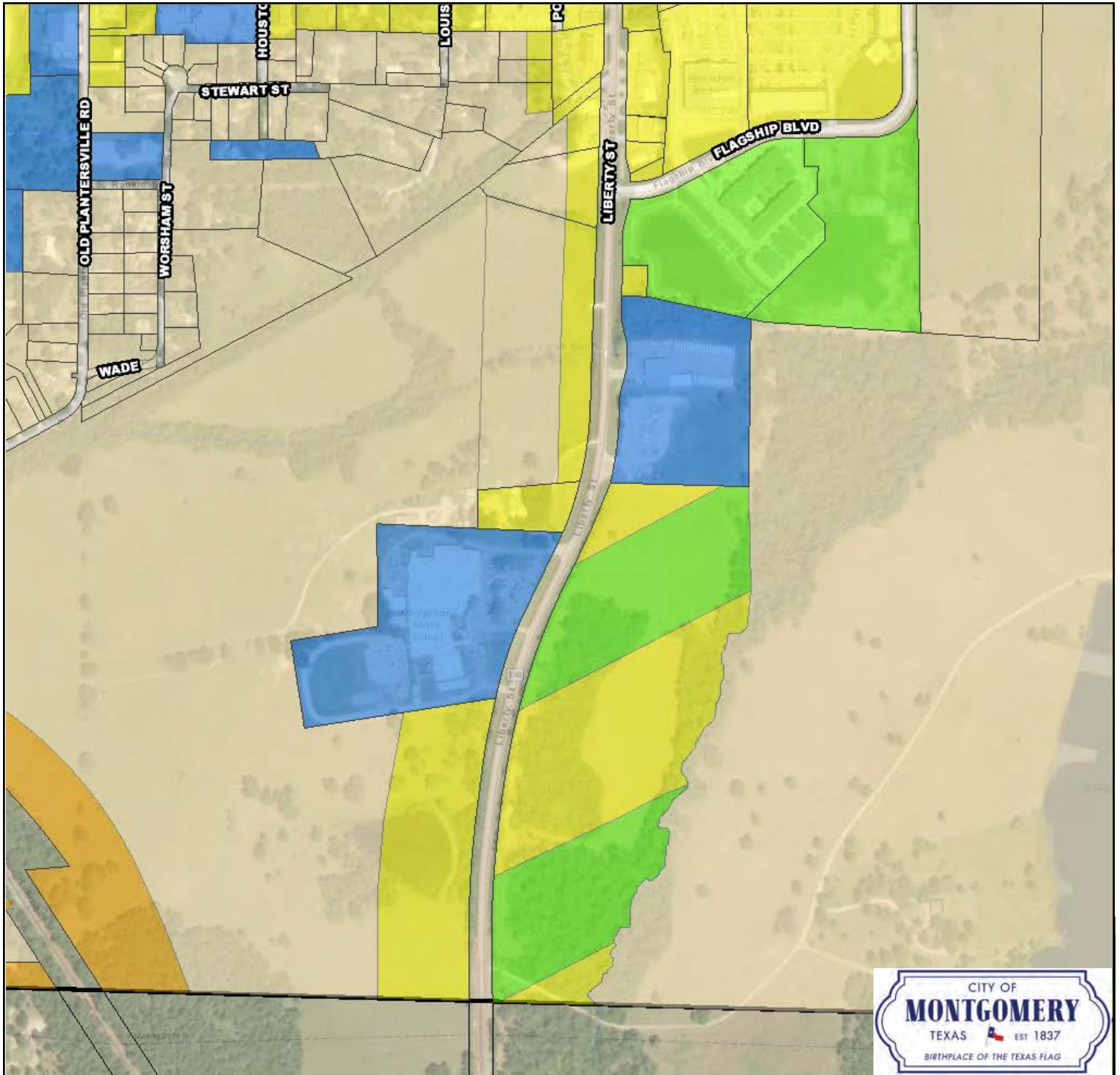


LEGEND:  City Limit     Tract Boundary     200-ft Notification Boundary

The area in consideration is approximately 31 acres of undeveloped land along FM 149 S.

Public Hearing Dates:  
 P&Z: 5/16/19 -- 6:00 PM  
       5/21/19 -- 6:00 PM  
  
 City Council: 5/28/19 -- 6:00 PM

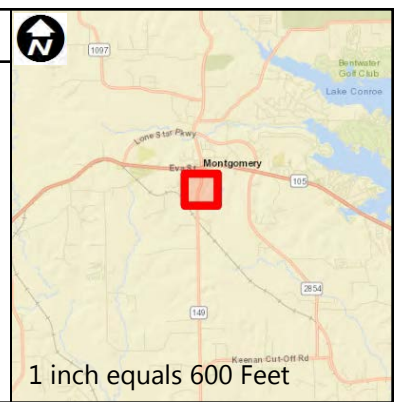




LEGEND: City Limit    Tract Boundary    200-ft Notification Boundary

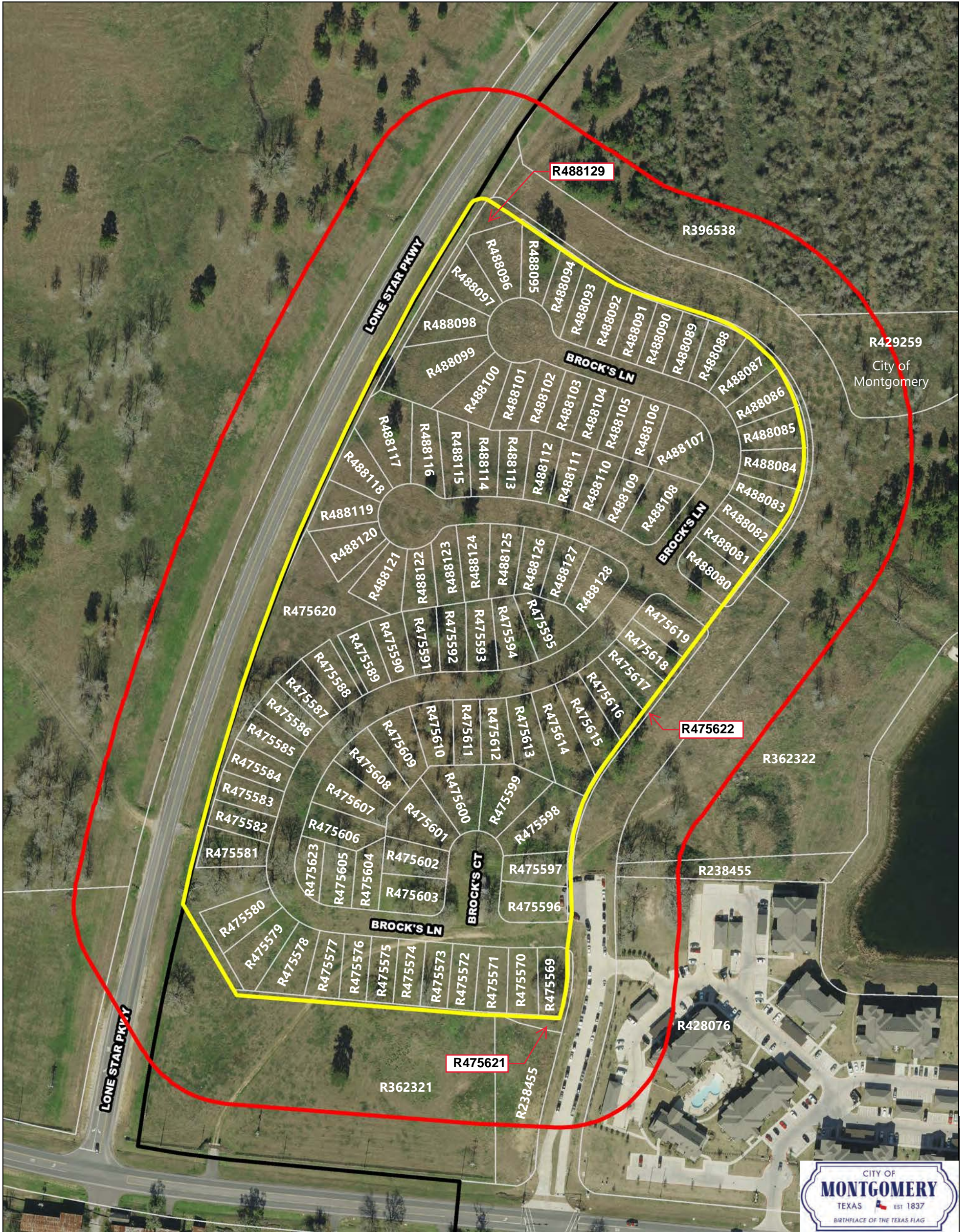
The area in consideration is approximately 31 acres of undeveloped land along FM 149 S.

Public Hearing Dates:  
P&Z: 5/16/19 -- 6:00 PM  
5/21/19 -- 6:00 PM  
  
City Council: 5/28/19 -- 6:00 PM



1 inch equals 600 Feet

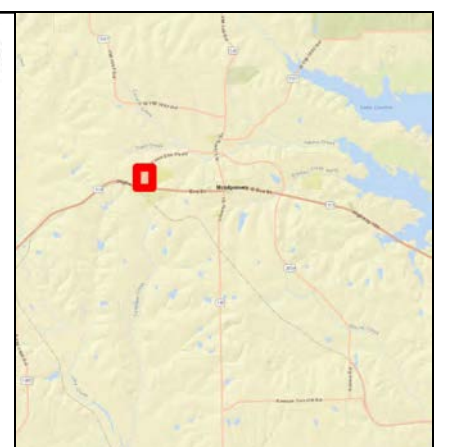




LEGEND:  City Limit     Tract Boundary     200-ft Notification Boundary

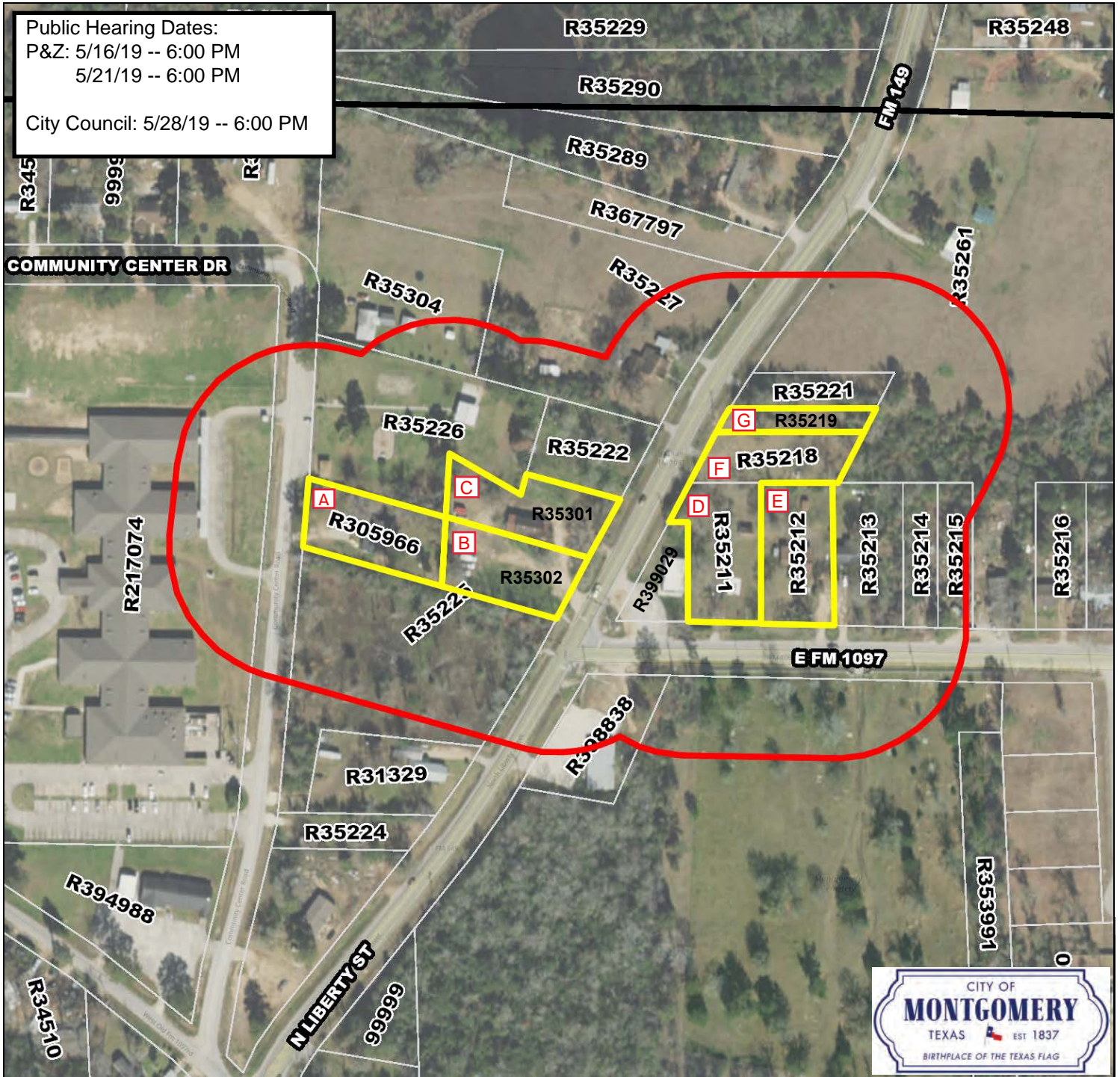
The Hills of Town Creek Sections 2 & 3, located at SH 105 and Lone Star Parkway on the west side of Montgomery. The subdivision consists of 100 residential lots, 5 open space reserves, and is approximately 50% built out.

Public Hearing Dates:  
 P&Z: 5/16/19 -- 6:00 PM  
       5/21/19 -- 6:00 PM  
  
 City Council: 5/28/19 -- 6:00 PM



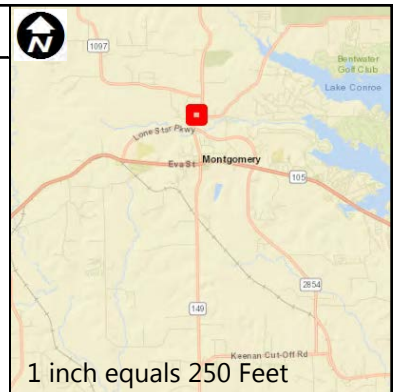
1 inch equals 200 Feet

Public Hearing Dates:  
 P&Z: 5/16/19 -- 6:00 PM  
 5/21/19 -- 6:00 PM  
 City Council: 5/28/19 -- 6:00 PM



LEGEND: City Limit Tract Boundary 200-ft Notification Boundary

- A. Patricia Easley Tract: 712 Community Center Dr, Montgomery
- B. Arnette Easley Tract: approx. 15307 FM 149 Rd, Montgomery
- C. Cherry D. Easley Estate Tract: 15309 FM 149 Rd, Montgomery
- D. Allen Tract: 712 N Liberty St, Montgomery
- E. Audrey B. Allen Estate Tract: 22950 W FM 1097 Rd, Montgomery
- F. Allen Tract: approx. 15328 N Liberty St, Montgomery
- G. Wright Tract: 15330 N Liberty St, Montgomery



Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: May 21, 2019</b>	<b>Budgeted Amount:</b>
<b>Prepared By: Jack Yates City Administrator</b>	<b>Exhibits: sign permit application, Picture of proposed sign</b>
<b>Date Prepared: May 17, 2019</b>	

**Subject**

Consideration of approval of a temporary sign at 305 Prairie Street for “Revive Facial” business.

**Description**

The sign is temporary , meaning for a proposed maximum of ninety days. The sign is not particularly in character with the historic nature of the historic district—but it is only a temporary sign. Perhaps in your approval you could point out to the applicant that the permanent sign needs to be more in the historic character.

**Recommendation**

Approve the sign permit is requested with a time limit of 90 days.

**Approved By**

City Administrator	Jack Yates	Date: May 17, 2019
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# Sign Permit Application

Public Works and Community Development Department

City of Montgomery, Texas  
 101 Old Plantersville Road  
 Montgomery, Texas 77356  
[www.montgomerytexas.gov](http://www.montgomerytexas.gov)

\* SIGN PERMIT APPLICATION EXPIRES IN 6 MONTHS (180 DAYS) NON-TRANSFERABLE\*

TEMPORARY SIGN?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
PERMANENT SIGN?	YES <input type="checkbox"/> NO <input type="checkbox"/>
Pre-Existing OR New Sign?	Pre-Existing <input type="checkbox"/> New <input type="checkbox"/>

**Permit #:**

**Date:** 5/6/2019

JOB ADDRESS: <i>305 Prairie Street, Montgomery TX</i>	BUSINESS NAME: <i>Revive Facial</i>	
BUSINESS OWNER: <i>Hollie Adams</i>	MAILING ADDRESS: <i>21409 Martin Road</i>	TELEPHONE: <i>(760)420-9635</i>
APPLICANT: <i>Hollie Adams</i>	MAILING ADDRESS:	TELEPHONE:

CONTRACTOR LICENSE # (if electrical):

IS THE SIGN IN THE HISTORIC PRESERVATION DISTRICT?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	IS THE SIGN ILLUMINATED?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
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SIGN PLACEMENT: <i>on peak of mini house / side</i>	VALUATION: <i>\$70.00</i>
SIGN DESIGN & COLOR SCHEME: <i>white vinyl; w/ logo</i>	

SIGN TYPE	SIGN DIMENSIONS	
FREESTANDING MONUMENT SIGN	SIGN HEIGHT	<i>3'</i>
BUILDING WALL SIGN	SIGN WIDTH	<i>8'</i>
BANNER <i>Vinyl w/ logo "Revive Facial"</i>	TOTAL SQ FT	<i>24</i>
OTHER	SET BACK	
	BUILDING/LOT LINEAR FOOTAGE	

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of law and ordinances governing this type of work will be complied with whether or not specified herein. The granting of a permit does not presume to give authority to violate or cancel the provisions of any state or local law office regulating construction or the performance of construction.

NAME of Property Owner or Agent: <i>Hotti Joe Shockley</i>	SIGNATURE of Property Owner or Agent: <i>Hollie Adams</i>
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**OFFICE USE ONLY**

APPROVED BY:	TOTAL FEE:	\$
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COMMENTS:

Another Vinyl (Same)  
Facing Road

1 Revivo Facial 1

503

DEER



3 FT X 8 FT VINYL BANNER



Montgomery Planning and Zoning Commission  
**AGENDA REPORT**

<b>Meeting Date: May 21, 2019</b>	<b>Budgeted Amount: N/A</b>
<b>Department: Administrative</b>	
<b>Prepared By: Dave McCorquodale</b>	<b>Exhibits: Summary of tree ordinance revisions, proposed ordinance draft</b>
<b>Date Prepared: May 16, 2019</b>	

**Subject**

Report regarding proposed tree ordinance revisions.



**Description**

Staff has worked through revisions for the tree ordinance and provided an updated summary of the ordinance. Staff met with local developers to discuss the changes, and held a series of follow up conversations with local developers and engineers to refine the proposed ordinance.

**Recommendation**

No action needed, provide comments as you see fit. Staff is planning a joint workshop for P&Z and City Council in part to review the tree ordinance revisions.

**Approved By**

Asst. to City Admin.	Dave McCorquodale 	Date: 5/16/19
City Administrator	Jack Yates 	Date: 5/16/19

## Montgomery Tree Ordinance Revisions Summary

- **Individual property owners in R1 are exempt from requirements**
- **Requirements are based on amount of canopy coverage** of the property post-development (instead of caliper inches currently existing on the site)
- Protected trees are **select species >18" DBH** in residential buffer zones and between the building setback line and property line on non- single-family residential property
- Tree canopy coverage requirements are based on land use district:
  - **20%** of property in District B-Commercial (excluding ROW & easements)
  - **10%** of property in District ID-Industrial (excluding ROW & easements)
  - **20%** of property in District I-Institutional (excluding sports fields)
  - **20%** of area in open space & reserves in R1-Single Family Residential
  - **20%** of property in R2-Multi Family Residential (excluding ROW & easements)
- Each **one or two family dwelling requires 2 trees** w/ at least one in front yard
  - (1) 2" tree in front yard from "large tree" list
  - (1) 30-gallon minimum size of any classification elsewhere on lot
- Requires a **20-foot wide residential buffer zone** on non-residential property that abuts R1 or R2 residential
- **Requires parking lot trees**—60 sqft of canopy for each parking space (which are 162 sqft); these trees do count toward overall site canopy coverage, however, this requirement must be met irrespective of total site canopy coverage amount
- Allows for pre-development & partial clearing within the building envelope
- Provides incentive for preserving trees adjacent to streets
- Requires tree preservation plan with development
- Requires trees to be spread out over property

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING CHAPTER 78 "SUBDIVISIONS" OF THE CITY CODE OF ORDINANCES BY AMENDING ARTICLE VII, TREE PRESERVATION AND REPLACEMENT; PROVIDING DEFINITIONS, PROVIDING REGULATIONS FOR TREE PRESERVATION AND PROTECTION; CREATION OF A CITY TREE FUND; CREATING AN ACCEPTABLE NEW AND REPLACEMENT TREE LIST; PROVIDING A FEE SCHEDULE FOR IMPLEMENTATION; PROVIDING FOR CRIMINAL PENALTIES AND CIVIL ENFORCEMENT; PROVIDING REPEALING AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE AFTER PUBLICATION

WHEREAS, THE City Council of the City of Montgomery has determined that it is necessary to adopt new regulations for tree protection and preservation in order to better protect property values and the interests of the City and its citizens;

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

**SECTION ONE: AMENDMENT TO CODE OF ORDINANCES**

The City Code of Ordinances at Chapter 78 "SUBDIVISIONS," Article VII, "TREE PRESERVATION AND REPLACEMENT," is hereby amended to read as follows:

**Sec. 78-171. FINDINGS AND INTENT.**

- (a) The city council finds that trees are an important public resource that contributes to the unique character of the city and its physical, historical, cultural, aesthetic, ecological and economic environment. Trees reduce the effects of pollutants, provide wildlife habitat, shade and cooling, and add value to real property. It is the goal of the city council to secure these benefits by maintaining the tree canopy over a significant area of the city.

- (b) This article is intended to prevent the indiscriminate cutting of trees in advance of development; to preserve existing trees of certain species; to provide for the replacement of trees that are necessarily removed during construction or development; to require the consideration of trees as a component of site design; and to allow for the commercial development of private property subject to minimum standards for the preservation and planting of trees. The provisions of this article shall not be construed or applied to preclude development or prohibit ingress or egress.
- (c) The City recognizes and appreciates the value of private property within its city limits and Extraterritorial Jurisdiction (ETJ) that is devoted principally to agricultural use for the production and support of timber, forest products and livestock. These lands devoted to the production of plant and animal products and agricultural timber farms shall not be subject to this ordinance while being actively managed for such purposes and recognized by the Montgomery County Appraisal District as having agricultural or timber exemptions.

#### **Sec. 78-172. DEFINITIONS**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Caliper means the trunk diameter of nursery stock trees planted to satisfy a requirement of this article. Caliper is measured 6 inches above the root ball for trees that are four inches in diameter or smaller, and twelve inches above the root ball for larger nursery stock.

Canopy area means the extent of the uppermost crown of a tree or trees formed by the outer layer of leaves of an individual tree or group of trees.

City administrator means the person holding the office of city administrator or his designee acting in behalf of the city, with authority over the tree protection and preservation ordinance.

City engineer means the person or firm designated by the city council or the city administrator as the city engineer.

Critical root zone means the area within a radius extending out from the trunk of the tree one foot per each diameter inch of the trunk measured at breast height.

Diameter at breast height (DBH) means the diameter of trunk measured at 42 inches above natural grade.

Protected tree means any tree between the property line and existing or anticipated building setback lines or residential buffer zones on non-single family residential property with a **caliper of eighteen (18) inches or greater** that is not one of the following species: bois d'arc, thorny honey locust, hackberry, cottonwood, chinaberry, native black willow, native red or white mulberry, or Chinese tallow.

Tree preservation plan means a plan submitted by the owner in a form or manner specified by the city administrator or designee providing the method of protecting trees during construction that shall include protection details, standards, notes, and construction plans in accordance with

generally accepted practices such as those provided in the Urban Forest Technical Manual, on file in the office of the city secretary. Total site area canopy area calculation shall also be included on the plan.

Urban Forest Technical Manual means the standards and specifications based on generally accepted practices developed by the city administrator or designee for sound arboricultural practices, techniques and procedures which shall serve as guidelines for trees regulated by this article, including, but not limited to, tree selection, planting, alteration, treatment, protection, and removal as approved by the city council, maintained by the city secretary and available through the city administrator.

Woodland Tree Stand means an area of contiguous wooded vegetation covering at least two thousand five hundred (2,500) square feet where the branches and leaves of the trees form a canopy over substantially all the area.

#### **Sec. 78-173. TECHNICAL STANDARDS AND SPECIFICATIONS.**

The city administrator is authorized to prepare technical standards and specifications to ensure the proper implementation of the provisions of this article. These can be found in the Urban Forest Technical Manual. In the event of any conflict between the provisions of this article and the provisions of the Urban Forest Technical Manual, the provisions of this article shall control.

#### **Sec. 78-174. APPLICABILITY AND EXCEPTIONS.**

Except as otherwise provided by this section the requirements of this article are applicable throughout the corporate limits of the city and apply to all types of development or development activity by both public and private entities, including but not limited to:

- (a) The removal of any protected tree;
- (b) Clearing of all or a portion of property as a part of the development process;
- (c) Subdivisions of land for any purpose;
- (d) Additions to non-residential buildings or parking lots that expand the footprint of the structure by thirty percent (30%) or more, or that add at least three thousand (3,000) square feet of area to the existing structure;
- (e) Construction of new multi-family or non-residential structures for which a building permit is required; and
- (f) Construction of new one- or two-family residential structures.



**This article does not apply to:**

- (a) A tree removed from a residential lot by or at the direction of the homeowner residing on the property
- (b) Harvesting of timber or forest products for commercial or personal purposes on private property.
- (c) Changes in the use or configuration of existing non-residential buildings or parking lots that does not expand the structure beyond the limits provided in (a)(4) of this section;
- (d) Clearing, maintenance or tree trimming within an easement or right-of-way by a railroad or utility company;
- (e) The construction of streets or highways by or on behalf of a state or local government entity; and
- (f) The removal or trimming of trees or other vegetation within or adjacent to street rights-of-way to conform to traffic safety rules requiring unobstructed views.
- (g) Infill construction of single-family residences on lots in residential subdivisions vested in regulations in effect prior to September 27, 2016 are subject to the requirements of Section 78-177 but are otherwise exempt from the requirements of this article.

**Sec. 78-175. MINIMUM TREE CANOPY REQUIRED FOR DEVELOPMENT.**

- (a) Property developed for any purpose must meet the minimum tree canopy requirements of this section. Where the canopy of preserved trees is insufficient to meet the required minimum, additional canopy shall be provided by new planting.
- (b) Tree canopy coverage requirements are based on zoning classification. The minimum required tree canopy for development is:
  - (1) 20% of the gross property area in District B-Commercial excluding rights-of-way and easements;
  - (2) 10% of the gross property area in District ID-Industrial excluding rights-of-way and easements;
  - (3) 20% of the gross property area excluding sports fields in District I-Institutional;
  - (4) 20% of the gross property area for reserves and designated open space in District R1-Single Family Residential;

- (5) 20% of the gross property area excluding rights-of-way and easements in District R2-Multi Family Residential

**Sec. 78-176. CANOPY MEASUREMENT.**

- (a) The canopy area of a woodland tree stand is the ground area within the smallest perimeter that contains all trees in the tree stand. The tree stand area may be surveyed on the ground or estimated from an aerial photograph depicting existing conditions.
- (b) Individual trees not located within a woodland tree stand are classified by diameter at breast height (DBH) and receive the canopy area credit applicable to their trunk size classification as provided in Table 1. Only healthy trees of a species on the Texas Forest Service list of native and naturalized trees of Texas, excluding those classified as shrubs, shall receive preservation credits.
- (c) The preservation of trees that are visible from the adjoining street is preferred. As a bonus to encourage preservation, any preserved tree or woodland tree stand that is visible from the public street and located within 150 feet of the right of way shall receive a credit equal to 150% of the value in Table 1.

TABLE 1. CANOPY AREA CREDITS FOR INDIVIDUAL TREES

DIAMETER AT BREAST HEIGHT (DBH)	CANOPY CREDIT
At least 3", but less than 8" DBH	1200 square feet
At least 8", but less than 18" DBH	1400 square feet
At least 18", but less than 24" DBH	1700 square feet
Greater than 24" DBH	2000 square feet

**Sec. 78-177. ADDITIONAL REQUIREMENTS FOR RESIDENTIAL DEVELOPMENT.**

Each building permit for a new one- or two-family dwelling shall require the preservation or planting of at least two trees. At least one tree must be located in the front yard of the dwelling, shall have a minimum caliper of two inches, and be classified as a large tree per Table 2 in Section 78-184. The remaining tree may be placed in the front, rear, or side yards, be at least a 30-gallon container size and may be any size classification. No certificate of occupancy shall be issued for any new one- or two-family dwelling until this requirement has been satisfied.

**Sec. 78-178. TREE PRESERVATION ADJOINING RESIDENTIAL PROPERTY.**

- (a) Where non-residential property is developed adjacent to residential land use districts, a residential buffer zone is required on the non-residential property along the common boundary. The buffer zone shall be a strip not less than twenty (20) feet deep running parallel and adjacent to the common boundary.
- (b) Protected trees located within a residential buffer zone are subject to mandatory preservation and no permit shall be issued to authorize the removal of any healthy protected tree except where removal is necessary for the construction of infrastructure, driveways, or on-premise advertising signs.

**Sec. 78-179. PARKING LOT TREES.**

In the case of new parking lots, or additions to existing parking that expand the footprint of the parking lot by more than 30%, sixty (60) square feet of tree canopy must be preserved or planted for each additional parking space. Parking lot trees must be located in the interior of the parking lot or in an area immediately adjacent to the parking lot. For parking lots of 250 spaces or more, at least fifty percent (50%) of the tree canopy must be located within the interior of the parking lot. Only trees of the preferred species listed in Table 2 of Section 78-184 may be used to satisfy the planting requirements of this section and all such trees must be at least two and a half-inch (2.5") caliper and a minimum of ten (10) feet in height. Additionally, no parking space shall be further than 125 feet away from the trunk of a tree.

**Sec. 78-180. PERMIT REQUIRED FOR REMOVAL OF PROTECTED TREE.**

A protected tree is any tree between the property line and existing or anticipated building setback lines or residential buffer zones on non-single family residential property with a **caliper of eighteen (18) inches or greater** that is not one of the following species: bois d'arc, thorny honey locust, hackberry, cottonwood, chinaberry, native black willow, native red or white mulberry, or Chinese tallow. A person shall not cut down or remove any protected tree unless authorized to do so under a permit issued as provided by this article. Only the following permits may be issued to authorize removal of a protected tree:

- (1) A protected tree removal permit;
- (2) A clearing or partial clearing permit issued in conjunction with a subdivision plat, building permit, or other form of development permit that incorporates a tree preservation plan approved under this article.

**Sec. 78-181. PROTECTED TREE REMOVAL PERMIT.**

- (a) A protected tree removal permit shall be issued to authorize the removal of:
  - (1) Any protected tree that is dying or has become a hazard tree;
  - (2) Any protected tree that obstructs the only practicable means of ingress or egress to or from property; or
  - (3) Any other protected tree on previously developed property provided that removal of the protected tree does not reduce the tree canopy below the required minimum tree canopy applicable to the property under Section 78-175.
- (b) A protected tree removed from previously developed property under a permit issued in accordance with this section must be replaced elsewhere upon the property unless the minimum canopy requirements of this article are satisfied without the necessity of replacement.
- (c) A protected tree removal permit may authorize the removal of up to ten (10) specific trees identified in the application and the permit expires thirty (30) days following the date of issuance. The city administrator shall prescribe the form of application for a tree removal permit. An application fee set forth in Appendix B must accompany each application.

**Sec. 78-182. PRE-DEVELOPMENT PLANNING AND CLEARING PERMITS.**

- (a) Except as expressly provided by this chapter, no development shall occur unless the site of the proposed work is covered by an approved tree preservation plan. The location of all proposed buildings and improvements shall be oriented by the applicant, at the applicant's sole discretion, taking into consideration the existing tree stock and other relevant site characteristics.
- (b) The applicant shall propose the location of woodland tree stands or individual trees for which preservation credits are requested. A tree located outside a woodland tree stand shall not receive credit unless the tree has a diameter at breast height (DBH) of at least six (6) inches. The applicant shall consider the preservation of trees in areas visible from abutting streets and public spaces. Preservation credits may be denied for trees located in existing or proposed easements or rights-of-way where there is a reasonable possibility that removal of the tree will be required for utility operations. New tree stock shall be planted where the minimum canopy is not met through preservation alone.

- (c) A clearing permit may be issued to authorize the removal of protected trees in conformity with a tree preservation plan that has been approved in conjunction with the approval or issuance of a subdivision plat, building permit or other form of development permit. Compliance with the tree preservation plan is a condition of the clearing permit and no related building permit and no certificate of occupancy may be issued until the city administrator confirms that the development has been completed in conformity with the tree preservation plan.
- (d) A partial clearing permit may be issued prior to the approval of a tree preservation plan submitted in conjunction with a final plat or development permit application in order to allow pre-development clearing of a portion of the land. An application to obtain a partial clearing permit must include a site plan of the of the property on which the applicant delineates proposed building setback lines and residential buffer zones that are applicable to the site. The partial clearing permit does not permit clearing activities in areas that are located within these setback lines or residential buffer zones. Building setback lines on single-family residential lots are not required to be shown on the site plan and are not subject to protected tree preservation requirements.

**Sec. 78-183. - TREE PRESERVATION AND PROTECTION.**

- (a) A tree preservation plan must be included with all final plat submittals to plat new subdivisions or developments, and again with all requests for permits for non-single family residential construction. If the site of development or construction does not contain any protected trees, a verification letter of no protected trees shall be submitted to the city that attests that protected trees are not on the property and that the person making this determination is qualified to do so. Persons who may prepare the tree preservation plan or verification letter include registered surveyors, professional engineers, architects, landscape architects, arborists, or other qualified licensed professional. The letter must contain a statement affirming the author is qualified to prepare such document and listing his state license number or other certificates of documentation.
- (b) The tree preservation plan shall be a scaled diagram overlaying the site plan and drawn to the same scale. Two copies of the plan shall be provided. The plan must include all details required for the preservation of existing trees during construction and for the installation of any new trees necessary to meet canopy area coverage required by this article. The tree preservation plan must include:
  - (1) the proposed location of all easements, setback lines, and applicable residential buffer zones; building setback lines on single-family residential lots are not required to be shown on the tree preservation plan and are not subject to protected tree preservation requirements.
  - (2) the footprint of all proposed buildings, parking lots, and detention ponds;
  - (3) the location, size, and variety of protected trees;

- (4) the location, size, and variety of each additional tree that will be preserved for credits and the outline of each woodland tree stand to be preserved;
  - (5) the location and variety of each tree to be planted to achieve the required minimum canopy; and
  - (6) any other information required by the city administrator to calculate the required canopy or amount of earned credits.
- (c) Trees may be planted or preserved within storm water detention areas provided that the trees do not interfere with the drainage or substantially impair the storm water detention function.

**Sec. 78-184. NEW AND REPLACEMENT TREES.**

- (a) Only trees of the preferred species listed in Table 2 of this section are considered acceptable for new and replacement tree planting. Additional tree species may be considered and approved on a case by case basis by the city administrator and such trees will receive a canopy credit applicable to the species class height. At least 20% of new trees must be a minimum of three inches in caliper at planting. The remaining 80% of required new trees must be a minimum of 2" caliper. Replacement trees on residential lots are exempt from size and species requirements in this section and shall follow sizing requirements in accordance with Section 78-177.
- (b) Not less than twenty-five percent (25%) of new trees planted shall be evergreen.
- (c) Trees planted under or near overhead power lines must be chosen from the Small Tree category of Table 2. Large tree species shall not be planted within thirty (30) feet of overhead power lines. Medium tree species shall not be planted within twenty (20) feet of overhead power lines.

**TABLE 2. PREFERRED SPECIES LIST**

Tree Species & Height at Maturity		Leaf Type	Canopy Credit
Large Over 40' tall	Loblolly Pine	evergreen	800 square feet
	Slash Pine	evergreen	
	Water Oak	deciduous	
	Live Oak	evergreen	
	Shumard Red Oak	deciduous	

	Southern Red Oak	deciduous	
	Chinquapin Oak	deciduous	
	Cedar Elm	deciduous	
	Green Ash	deciduous	
	Sweetgum	deciduous	
	American Elm	deciduous	
	Montezuma Cypress	deciduous	
	Bald Cypress	deciduous	
	Sycamore	deciduous	
Medium 25' to 40' tall	Winged Elm	deciduous	600 square feet
	Chinese Pistache	deciduous	
	Lacebark Elm	deciduous	
	River Birch	deciduous	
	Eastern Red Cedar	evergreen	
Small Less than 25'	Little Gem Magnolia*	evergreen	300 square feet
	Rusty Blackhaw*	deciduous	
	Fringetree*	deciduous	
	Redbud*	deciduous	
	Hophornbeam*	deciduous	
	Japanese Blueberry	evergreen	
	Cherry Laurel	evergreen	

\*Denotes only trees suitable for planting under or adjacent to power lines

**Sec. 78-185. ACCOMMODATIONS OF DEVELOPMENT STANDARDS.**

- (a) The City Council recognizes that in certain instances the goal of this article must be balanced against potentially conflicting objectives arising from other development regulations. The city administrator may modify or waive the application of development standards as provided in this section when the city administrator determines that modification will facilitate the tree preservation requirements of this article and will not substantially increase the risk of unsafe traffic conditions or congestion, inconvenience to pedestrians, or flooding.
- (b) Up to fifteen percent (15%) of required parking spaces may be waived if compliance with the canopy requirements cannot otherwise be achieved and if the reduction in parking area results in an equivalent increase in the area of preserved canopy.
- (c) Sidewalks may be relocated, reduced in width or otherwise modified, where the application of sidewalk standards would otherwise conflict with tree preservation and canopy objections.
- (d) The city administrator shall consider the effect on site drainage of low impact development strategies incorporating tree preservation and tree planting and, guided by generally accepted engineering standards and practices, may approve offsetting reductions to the size of onsite stormwater detention facilities.

**Sec. 78-186. PROTECTION OF CRITICAL ROOT ZONE DURING CONSTRUCTION.**

- (a) A maximum of 30% of the area within the critical root zone of a protected tree shall be encroached with temporary or permanent improvements and the remaining area shall be kept free of improvements and be protected during construction.
- (b) For individual trees or woodland tree stands within 50 feet of a construction area, the contractor shall construct a protective fence with a minimum height of four (4) feet that encircles the critical root zone area prior to development activities. Protective fencing must be made of orange plastic mesh net with t-posts, including a top rail or other type of support. Protective fencing shall remain in place through the completion of development activities.
- (c) The following activities within the critical root zone are prohibited:
  - (1) No cutting, filling, trenching, or other disturbance of the soil is permitted unless otherwise authorized by this article and the zone shall be maintained at natural grade;
  - (2) No construction or waste materials shall be placed or stored within the zone;



- (3) No harmful liquids shall be allowed to flow into the zone, including without limitation, vehicle or equipment wash water, paint, oil, solvents, asphalt, concrete, mortar or other materials;
- (4) No vehicle or equipment traffic parking shall be allowed within the zone; and
- (5) No signs, wires or other attachments, other than those of a protective nature, shall be attached to any protected tree.
- (6) Irrigation trenching within the critical root zone shall be minimized and placed radially to the tree trunk in a manner that minimizes damage to the roots. All irrigation trenching within the critical root zone shall be hand work with no roots over one-inch diameter being cut.

**Sec. 78-187. POST-DEVELOPMENT MAINTENANCE AND REPLACEMENT.**

- (a) Protected trees, parking lot trees, and replacement or mitigation trees must be maintained in a healthy condition for at least one year following the issue of a certificate of occupancy. The property owner is responsible for irrigating, fertilizing, pruning, and other maintenance of such trees as needed. Preserved or planted trees that die within the maintenance period must be replaced within 90 days with new trees meeting the requirements of Section 78-184. Planted trees that die during the maintenance period must be replaced with new trees having the total canopy value that is not less than the canopy of the tree to be replaced. Replacement trees planted to satisfy the requirements of this section are subject to a one-year maintenance period and must be replaced if they fail to survive the extended maintenance period.
- (b) Trees on residential lots are not subject to the one-year maintenance period established by this section. A homeowner is not required to replace a lot tree that dies or at the direction of the homeowner.
- (c) No person, or company directly or indirectly, shall cut down, destroy, remove or move, or effectively destroy through damaging, any protected tree regardless of whether the protected tree is on private property or the abutting public right-of-way with the following exceptions:
  - (1) During a period of emergency, such as a tornado, storm, flood or other act of God, the requirements of this article may be waived as may be deemed necessary by the city's designated emergency management coordinator (EMC) or, if unavailable, by the EMC equivalent from the federal, state or county emergency management agencies.
  - (2) If any protected tree is determined to be in a hazardous or dangerous condition so as to endanger the public health, welfare or safety, and requires immediate remove

without delay, authorization for removal may be given by the city emergency management coordinator or other designee of the city, and such a protected tree may then be removed without obtaining a written permit as required in this chapter and the fees, restitution, and penalties will not apply. Canopy coverage requirements will not be waived or altered as a result of this provision, and tree replacement shall be required if applicable.

- (d) Dead trees may be removed at any time, and shall be considered in the tree preservation plan. This shall not require city approval under this article.
- (e) Any tree may be reasonably pruned for aesthetic, maintenance, disease control, or safety reasons. This shall not require city approval.
- (f) No protected tree shall be pruned in a manner that significantly disfigures the tree or in a manner that would reasonably lead to the death of the tree.
- (g) Trees which are to be removed for disease or safety reasons shall be approved by the city prior to cutting. Factors to be considered include, but are not limited to, the overall health of the tree, the potential for adverse impacts of both leaving and removing the tree, and aesthetic value.

**Sec. 78-188. VARIANCE PROCEDURE.**

- (a) The city administrator may grant a variance to the requirements of this article where literal enforcement will result in unnecessary hardship. A variance shall not be granted unless:
  - (1) The variance is not contrary to public interest;
  - (2) The variance will be in harmony with the spirit and purpose of this article;
  - (3) The variance will not substantially weaken the general purposes of the regulations herein established for the protection of trees and the promotion of tree canopy; and
  - (4) The variance granted is limited in scope to that relief which is necessary to relieve the hardship condition.
- (b) All variance requests must be made in writing to the city administrator and must include the subject of the requested variance and the justification for granting the variance, including a description of the hardship condition that will result if the requested relief is not granted. The applicant has the burden of demonstrating that sufficient evidence exists for granting the variance. The city administrator may deny or grant the variance as requested, or may allow an alternate form of relief. The city administrator shall issue a

decision in writing not later than ten (10) business days following the date the variance request is received.

- (c) An applicant who disputes the decision of the city administrator may appeal the variance decision to the municipal planning and zoning commission. Any appeal must be made in writing and must be filed with the city administrator within ten (10) days following the date of the initial written decision. The city administrator shall refer the appeal to the planning commission and the decision of the planning commission shall be final.

**Sec. 78-189. MITIGATION PAYMENTS IN LIEU OF PRESERVATION OR PLANTING.**

- (a) An applicant may seek a variance as to all or a portion of the tree preservation or planting requirements upon the condition that the applicant pay mitigation fees in lieu of preservation or planting. An applicant for a variance bears the burden of demonstrating that application of the preservation or planting requirement will result in unnecessary hardship.
- (b) Mitigation fees authorized by this section shall be payable at the rate of \$1.50 per square foot of additional canopy necessary to achieve the coverage applicable to the property after allowance for all other credits.

**Sec. 78-190. TREE MITIGATION FUND.**

- (a) The city administrator shall establish a dedicated account to be known as the Tree Mitigation Fund. Mitigation fees paid as provided by section 78-189 of this article shall be recorded for the benefit of the fund and accounted for in a manner that distinguishes such funds from other general funds of the city. The balance of such fund remaining at the end of each fiscal year shall be appropriated as the beginning balance of the fund for the following fiscal year. The assets of the fund may be used as provided by this section and for no other purpose.
- (b) The assets of the fund shall be expended under the direction of the city administrator and may be used to purchase and plant new trees in public parks, parkways, medians and rights-of-way of public streets and upon the grounds of other public property of the city. Planting costs payable from the fund include the installation of related irrigation equipment and other measures necessary to the protection and subsequent maintenance of new trees for a period of up to three years following planting. An amount not to exceed 20% of the fund balance at the beginning of each fiscal year may be expended to promote

public awareness of the objectives of this article, including Earth Day or Arbor Day programs for the distribution of sapling trees to the general public.

**Sec. 78-191. PENALTIES FOR VIOLATION.**

- (a) Any person, firm or corporation that violates a provision of this article shall be guilty of a misdemeanor and upon conviction thereof may be fined in any amount not exceeding five hundred dollars (\$500). In cases of offenses involving the illegal removal of trees, the removal of each tree constitutes a separate offense. In cases of continuing violation, each separate day that a violation continues constitutes a separate offense.
- (b) Any person, firm or corporation that removes a protected tree without having secured a permit to authorize such removal shall be subject to a civil penalty in the amount of two hundred dollars (\$200) times the total diameter inches of all unlawfully removed protected trees. The civil penalty authorized by this paragraph may be imposed by the city administrator in addition to the misdemeanor penalty in paragraph (a) of this section. The imposition of a civil penalty may be appealed to the municipal planning commission. Any appeal must be made in writing and must be filed with the city administrator within ten (10) days following the date of the initial written decision. The city administrator shall refer the appeal to the planning commission and the decision of the planning commission shall be final.
- (c) Where illegal tree removal has occurred and the physical evidence has been removed from the site the civil penalty may be assessed based on the estimated diameter of removed trees. For purposes of such estimation the aggregate diameter of trees per acre is assumed to be 200 diameter inches per acre.
- (d) The imposition of a civil penalty under this section suspends all permits or permit applications issued to or for the benefit of the party responsible for payment of the civil penalty and all work under any such permits shall cease until the civil penalty is fully paid.

**Sec. 78-192. FEES.**

Appendix A contains a list of fees relating to tree preservation plans as currently established or as hereafter adopted by resolution of the city council from time to time and is available for review in the office of the city secretary.

**Sec. 78-193 — 78-195. RESERVED.**

## **SECTION TWO: SAVING/ REPEALING CLAUSE**

All other ordinances shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed; but such repeal shall not abate any pending prosecution for violation of the repealed Ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the Ordinance.

## **SECTION THREE: SEVERABILITY**

Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid by a court or competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

## **SECTION FOUR: TEXAS OPEN MEETINGS ACT**

The City Council hereby officially finds and determines that the meeting at which this Ordinance was passed was open to the public as required and that the public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

## **SECTION FIVE: EFFECTIVE DATE UPON PUBLICATION**

The provisions of this Ordinance will become effective immediately upon adoption by the City Council and publication as provided by law. It is the intent of the Council that the Ordinance apply to every property within the City on which it may apply without violating and state or federal law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY,  
TEXAS ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

THE CITY OF MONTGOMERY, TEXAS

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Sara Countryman, Mayor

ATTEST:

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Susan Hensley, City Secretary

APPROVED AS TO FORM:

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Larry L. Foerster, City Attorney

Montgomery Planning and Zoning Commission  
**AGENDA REPORT**

<b>Meeting Date: May 21, 2019</b>	<b>Budgeted Amount: N/A</b>
<b>Department: Administrative</b>	
<b>Prepared By: Dave McCorquodale</b>	<b>Exhibits: Proposed Table of Uses revisions</b>
<b>Date Prepared: May 16, 2019</b>	

**Subject**

Report regarding Zoning Ordinance and Table of Uses updates.

**Description**

Staff has worked through revisions for the Table of Permitted Uses. This process involved adding, consolidating, and amending various uses allowed in certain land use districts. The most significant change is to allow B-Commercial uses inside the ID-Industrial district (with the exception of residential-like uses: assisted living and nursing home). Additionally, automobile sales will require City Council approval of a special use permit.



Staff is planning a joint workshop for the Planning & Zoning Commission and City Council to review various updates to the Zoning Ordinance. The intent is to discuss how individual updates and amendments to the ordinance fit into the context of the zoning ordinance as a whole. Additionally, a workshop setting will allow for an in-depth conversation about various subjects. Possible topics of discussion include:

- Tree Ordinance Revisions
- Landscape Ordinance Revisions
- Table of Uses Revisions
- Additional Zoning Classifications (i.e. “downtown commercial vs. commercial)
- Moving parking requirements to Subdivision Ordinance (currently in Zoning ordinance)
- Corridor Enhancement variance requirements—ensuring a consistent process for all zoning variances
- The possibility of naming City Council as the Board of Adjustments
- Possible expansion of the Historic Overlay District boundaries

**Recommendation**

No action needed, provide comments as you see fit.

**Approved By**

Asst. to City Admin.	Dave McCorquodale 	Date: 5/16/19
City Administrator	Jack Yates 	Date: 5/16/19

## Table of Permitted Uses Update

May 16, 2019

### ***Table of Permitted Uses Amendments:***

Allow Commercial district uses in Industrial district

Combine automobile/motorized repair & service into one item

Require automobile or other motorized vehicle sales and service to have CC approval

Combine Barber/Beauty Shop

Combine hotel/motel

Move Grocery (wholesale) from Commercial to Industrial

Move Fruit and Produce (wholesale) from Commercial to Industrial

Change "Laboratory (research)" and "Laboratory (testing)" to:

    Research and Development Laboratory (Life Sciences)—Industrial

    Research and Development Laboratory (Technology)—Commercial & Industrial

Stone quarry or gravel pit already in Industrial—add CC approval

Truck repair & maintenance—add "heavy"—move to Industrial only

Other minor typographical corrections that do not affect permitted uses

### ***Remove from Table of Permitted Uses:***

Felt Manufacture (already have Textile mfg.)

Food Store

Tobacco processing (not relevant with agricultural uses in region)

Ice Cream & Ice Milk (redundant with other Ice Cream uses in list)

News Stand (no longer in existence)

Ice house (combined bar/tavern uses)

Watch repair



***Add to the Table of Permitted Uses:***

Retail shop, store (Commercial & Industrial) this replaces several miscellaneous uses: antique store, apparel & accessory store, retail dairy products, garden specialty store, hobby supply store, leather goods store, jewelry store, music store, office supply store, optical goods retail store, paint & wallpaper store, plumbing fixture retail store, shoe store, sporting goods store, stamp/coin store, stationary store, tobacco store, toy store, variety store

Banquet/reception hall, wedding chapel or other special event center (Commercial & Industrial) w/City Council approval

Storage Units—self/mini (Commercial & Industrial)

**Sec. 98-88. - Table of permitted uses and special uses.**

(a) Permitted uses and special uses in the various zoning districts are as specified in the following table:

Table 1. Table of Permitted Uses						
Permitted Uses	R-1	R-2	B	ID	I	CC
Accessory uses						X
Aerial or ground survey			X	X		
Air conditioning sales, retail, complete enclosed (services incidental)			X	X		
Air conditioning-refrigeration services repair (completely enclosed) with no installation of central units — heating or cooling						X
Airport / <u>Heliport</u> (nongovernmental)						X
Air product manufacturing				X		
Alcoholic beverage sales off premises			X	X		
Alcoholic beverage sales on premises						X
Alcoholic beverage storage			X	X		
Altering and repairing of wearing apparel			X	X		
Ambulance service			X	X		
Amusement arcade						X
Amusement park (commercial)						X
Animal shelter or dog pound (nongovernmental)						X
<del>Antique store (completely enclosed)</del>			X			
Apartment hotel						X
Apothecary, limited to the sale of pharmaceutical and medical supplies			X	X		
<del>Apparel and accessory store</del>			X			
Appliance repair (completely enclosed)			X	X		
Armory						X
Art gallery and/or museum (commercial retail sale of objects d'art only)			X			
Asphalt or creosote manufacturing or treatment						X
Assisted living		X	X			
Automobile and truck sales and service (new and used) (service completely enclosed)			X	X		X
Automobile car wash			X	X		
Automobile filling station and/or service (all repair in district to be completely enclosed)			X	X		
<del>Automobile glass sales and installation</del>			X			
<del>Automobile muffler sales and installation (completely enclosed)</del>			X			
Automobile parking lots or parking garages (commercial)						X
Automobile rental			X	X		
Automobile <u>or other motorized vehicle service, renovation, and/or</u> repair (completely enclosed)			X	X		
<del>Automobile upholstery sales and installation (completely enclosed)</del>			X			
Automobile wrecking, dismantling or salvage (enclosed by fence)						X
Aviary						X
Bait store			X	X		

Bakery (retail)			X	X		
Bakery (wholesale)			X	X		
<u>Banquet/reception hall, wedding chapel, or other special event center</u>			X	X		X
Barber / <u>Beauty</u> shop			X	X		
<del>Beauty salon</del>			X			
Bed and breakfast	X		X	X		
Churches					X	
Community home as required by V.T.C.A., Human Resources Code § 123.003	X	X				
Compressed gas manufacturing, repacking and/or storage						X
Dairy equipment (wholesale) (completely enclosed)			X	X		
<del>Dairy products sales (retail)</del>			X			
Dairy products sales (wholesale)			X	X		
Delicatessen			X	X		
Department store			X	X		
Dog pound or animal shelter (nongovernmental)						X
Drug manufacture						X
Drug sales (wholesale)			X	X		
Drugstore			X	X		
Dry cleaning pickup and pressing shops			X	X		
Dry cleaning plant						X
<del>Dry goods store</del>			X			
Dry goods (wholesale) (completely enclosed)			X	X		
Electric power generator station (primary station)						X
Electric repair (appliances) (completely enclosed)			X	X		
Electric repair shop (heavy equipment)				X		
Electrical substation, to be enclosed by a fence or wall of minimum six feet in height, with physical installation being enclosed by a barrier which constitutes a visual screen. Visual screening would not be required in ID district				X		
Electrician			X	X		
Electroplating			X	X		
Elevator maintenance and service				X		
Exterminator (completely enclosed)			X	X		
Farm equipment sales and service (completely enclosed in <del>B-2</del> district)			X	X		
Farm supplies			X	X		
Farming and truck gardening, but not for retail sales (permitted in any district)				X		
Feed store or seed and fertilizer			X	X		
<del>Felt manufacture (cloth)</del>				X		
Fish market (fenced outside storage)				X		
Fish market (retail)			X	X		
Fish market (wholesale)			X	X		
Fix-it shop (completely enclosed)			X	X		

Floor covering sales (retail completely enclosed)			X	X		
Floral shop (completely enclosed)			X	X		
Florist (wholesale) (completely enclosed)			X	X		
Food locker plant (retail)			X	X		
Food products (wholesale storage and sales)			X	X		
Food products manufacture and processing (not rendering)				X		
<del>Food store</del>			X			
Food to go (retail, no curb service)			X	X		
Foundry						X
Freight depot (railroad and/or truck)				X		
Fruit and produce (wholesale)			X	X		
Fruit and vegetable stand or store			X	X		
Funeral home, mortuary or undertaking establishment			X	X		
Fur dyeing, finishing and storing (no tanning, no hide storage)				X		
Furniture (wholesale sales)			X	X		
Furniture repair and upholstery (completely enclosed)			X	X		
Furniture repair and upholstery (fenced outside storage)			X	X		
Furniture store, retail (completely enclosed) (no repair)			X	X		
Furniture store, retail (fenced outside storage)			X	X		
Garage, public or storage				X		
<del>Garden specialty store</del>			X			
Gas filling station and/or service (all repairs to be completely enclosed)			X	X		
Gas regulation station (screening <u>required</u> )				X		
Gift shop (completely enclosed)			X	X		
Glass (retail sales) (service incidental to sales) (completely enclosed)			X	X		
Glass (wholesale sales)			X	X		
Glass manufacturing and glass products manufacturing				X		
Golf course and country club, but no driving range, pitch and putt or miniature golf course						X
Golf driving range, pitch-and-putt or miniature golf course						X
Greenhouse or nursery, retail			X	X		
Greenhouse or nursery, wholesale				X		
Grocery (wholesale)			X	X		
Grocery store			X	X		
Gymnasium (commercial)			X	X		
Hair products manufacturing and processing				X		
Hardware manufacture				X		
Hardware sales (wholesale)			X	X		
Hardware store			X	X		
<del>Heliport</del>			X			
<del>Hobby supply store</del>			X			

Hosiery manufacture			X	X		
Hospital or sanitarium			X			
Hotel / Motel			X	X		
<del>Ice cream and ice milk (retail)</del>				X		
Ice cream manufacturer (wholesale)				X		
Ice cream store			X	X		
<del>Ice house (no on-premises consumption of alcoholic beverages in B-1 district)</del>			X			
Ice manufacture / storage				X		
Insulation manufacture and fabrication				X		
Interior decorating studio			X	X		
<del>Jewelry store</del>			X			
Junkyard, salvage yard, including storage, baling or selling of rags, papers, iron or junk, need not be enclosed within a structure, but must be enclosed within a fence at least six feet high and adequate to obstruct view, noise and passage of persons; chain-link or similar fencing may be permitted if screen planting is provided						X
<del>Laboratory (dental or medical)</del>			X			
<del>Laboratory (research)</del>			X			
<del>Laboratory (testing)</del>			X			
Landfill						X
Laundry and dry cleaning (self service)			X	X		
Laundry or dry cleaning (pickup station)			X	X		
Laundry plant				X		
<del>Leather goods or luggage store</del>			X			
Library (nongovernmental)						X
Linen supply, diaper service or uniform supply			X	X		
Loan office			X	X		
Locksmith			X	X		
Lumber yard and building materials (wholesale)			X	X		
Machine shop				X		
Machine, tools and construction equipment sales and service			X	X		
Marine and boat manufacturing				X		
Marine and boat storage						X
Mattress manufacturing and rebuilding				X		
Massage parlor			X	X		
Metal products fabrication				X		
Milliner (custom)			X	X		
Millinery manufacture				X		
Millwork and similar wood products manufacture				X		
<del>Motel</del>			X			
<del>Motorcycle sales and service</del>			X			
Moving and transfer company				X		

<b>Music store</b>			X			
Nail salon			X			
<b>News stand</b>			X			
Night club/dance hall/ <u>bar/tavern</u>						X
Novelty and souvenir manufacture				X		
Nursery, daycare, or kindergarten (care of up to six children)	X	X				
Nursery, daycare, or kindergarten (care of up to 20 children)			X	X		
Nursery, daycare, or kindergarten (care of over 20 children)			X	X		
Nursing home		X	X			
Office equipment and furniture manufacture				X		
<b>Office equipment and supplies (retail)</b>			X			
Office equipment and supplies (wholesale)			X	X		
Offices (professional)			X	X		
Oil and well supplies and machinery sales				X		
<b>Optical goods (retail)</b>			X			
Optical goods (wholesale)			X	X		
Optician			X	X		
Packing and gasket manufacture				X		
Packing plant (no rendering)						X
<b>Paint and wallpaper store</b>			X			
Paper produce manufacture				X		
Paper supplies (wholesale)				X		
Parks, playgrounds, community buildings and other public recreational facilities owned and/or operated by the city or other public agency					X	
Passenger <u>depot-transit terminal</u> (railroad or bus)						X
Pawnshop (completely enclosed)			X	X		
Pecan shelling				X		
Pet shop (completely enclosed)			X	X		
Petroleum storage (wholesale)				X		
Photographic equipment and supplies sales			X	X		
Photographic studio			X	X		
Picture framing			X	X		
Pipe storage				X		X
Pipeline and electrical transmission lines						X
Playground equipment manufacture				X		
Plumber			X	X		
<b>Plumbing fixture sales (completely enclosed) (retail)</b>			X			
Plumbing fixture sales (wholesale)			X	X		
Printer			X	X		
Public buildings, including libraries, museums, police stations and fire stations					X	
Radio station or studio, without transmitter tower						X

Radio station with transmitter tower						X
Reading room			X	X		
Recycling plant						X
Reducing salon			X	X		
Refrigerator equipment manufacture				X		
<u>Research &amp; Development Laboratory (Life Sciences)</u>				X		
<u>Research &amp; Development Laboratory (Technology)</u>			X	X		
Restaurant			X	X		
<u>Retail shop, store</u>			X	X		
Riding stable or academy						X
Roominghouse or boardinghouse						X
Rug and/or carpet sales			X	X		
Rug cleaning				X		
Sand or gravel storage yard				X		
Schools						X
Shoe manufacture				X		
Shoe repair shop			X	X		
<u>Shoe sales (retail)</u>			X			
Shoe sales (wholesale) (completely enclosed)			X	X		
Sign, advertising (excluding business signs)			X	X		
Sign shop			X	X		
Sign shop (completely enclosed)			X	X		
Skating facility (outdoor)						X
Skating rink (enclosed)			X	X		
Small animal clinic or kennel			X	X		
Small animal clinic or kennel (completely enclosed)			X	X		
<u>Sporting goods store</u>			X			
Sporting goods (wholesale) (completely enclosed)			X	X		
<u>Stamp, coin sales (retail)</u>			X			
<u>Stationery sales</u>			X			
Stone cutting or monument manufacturing				X		
Stone monument sales			X			
Stone quarry or gravel pit				X		X
<u>Storage Units, self- / mini-</u>			X	X		
Studio for professional work or teaching of any form of fine arts, photography, music, drama, dance, painting, etc.			X	X		
Surgical or dental supplies store			X	X		
Tanning salon			X	X		
Tattoo parlor						X
<u>Tavern</u>						X
Taxidermist						X

Television station or studio without transmitter tower			X	X		
Television station with transmitter tower						X
Textile manufacture				X		
Theater (indoor)			X	X		
Theater (outdoor, including drive-in theaters)						X
Tile manufacturer (ceramic)				X		
<del>Tobacco processing</del>				X		
<del>Tobacco store</del>			X			
Tool manufacture				X		
Tool rental (completely enclosed)			X	X		
Tool rental (fence outside storage)			X	X		
Toy manufacture			X	X		
<del>Toy store</del>			X			
Trailer manufacture				X		
Trailer sales			X	X		
Transit vehicle storage and service				X		
Truck repair and maintenance ( <u>heavy</u> )			X	X		
Truck stop						X
<del>Variety store</del>			X			
Venetian blinds and metal awning fabrication, repair and cleaning				X		
Veterinarian (animal on premises)			X	X		
Warehousing				X		
<del>Watch repair</del>			X			
Water or sewage pumping (nongovernmental)						X
Water storage (overhead)						X
Welding shop				X		
Well drilling contractors			X	X		

(b) Any use not specifically permitted in this table or in the use regulations of each district set out below, shall require a special use permit, after approval by city council.

( [Ord. No. 2014-03](#), § 1, 5-20-2014)