

35.5.4. - Community Mixed Use Centers.

35.5.4.1. Purpose.

The purpose of the Community Mixed Use Centers is to provide the necessary shopping, services, recreation, employment and institutional facilities that are required and supported by the surrounding community. Land Use categories within the Community Mixed Use Centers include:

CM-G	Community Mixed Use General
CM-E	Community Mixed Use Employment

35.5.4.2. Permitted Uses.

The following uses are permitted within Community Mixed Use Centers:

Residential Land Use Categories	CM-G	CM-E
Accessory Dwelling Units	N	N
Agriculture	P	P
Attached Single-family Dwellings	N	N
Community Homes For the Disabled	P	P
Dormitory	N	N
Duplexes	N	N
Dwellings Above Businesses	P	N
Fraternity or Sorority House	N	N
Group Homes	N	N
Livestock	L(7)	L(7)
Live/Work Units	P	N

Manufactured Housing Developments	N	N
Multi-Family Dwellings	L(6) & L(4)	L(6) & L(4)
Single-family Dwellings	N	N
P=Permitted, N=Not permitted, SUP=Specific Use Permit Required, L(X)=Limited as defined in Section 35.5.8		

Commercial Land Use Categories	CM-G	CM-E
Administrative or Research Facilities	P	P
Auto and RV Sales	P	P
Bar	P	L(14)
Bed and Breakfast	P	N
Broadcasting of Production Studio	P	P
Commercial Parking Lots	P	P
Drive-through Facility	P	P
Equestrian Facilities	N	N
Home Occupation	N	N
Hotels	P	P
Indoor Recreation	P	P
Laundry Facilities	P	P
Major Event Entertainment	SUP	N

Motels	P	P
Movie Theaters	SUP	N
Outdoor Recreation	P	N
Private Club	P	L(14)
Professional Services and Offices	P	P
Quick Vehicle Servicing	P	P
Restaurant	P	L(14)
Retail Sales and Service	P	L(14)
Sale of Products Grown on Site	N	N
Sexually Oriented Business	N	N
Temporary Uses	L(38)	L(38)
Vehicle Repair	P	P
P=Permitted, N=Not permitted, SUP=Specific Use Permit Required, L(X)=Limited as defined in Section 35.5.8		

Industrial Land Use Categories	CM-G	CM-E
Bakeries	P	L(25)
Compressor Stations	N	N
Construction Materials Sales	N	N
Craft Alcohol Production	L(12)	L(12)

Distribution Center/Warehouse, General	N	N
Feed Lots	N	N
Food Processing	N	N
Gas Wells	L(27)	L(27)
Heavy Manufacturing	N	N
Junk Yards and Auto Wrecking	N	N
Kennels	N	N
Light Manufacturing	N	N
Manufacture of Non-odoriferous Foods	N	L(25)
Printing/Publishing	P	L(25)
Sanitary Landfills, Commercial Incinerators, Transfer Stations	N	N
Self-service Storage	N	N
Veterinary Clinics	P	P
Wholesale Nurseries	N	N
Warehouse, Retail	N	N
Wholesale Sales	N	N
Wrecker Services and Impound Lots	N	N
P=Permitted, N=Not permitted, SUP=Specific Use Permit Required, L(X)=Limited as defined in Section 35.5.8		

Institutional Land Use Categories	CM-G	CM-E
Adult or Child Day Care	P	N
Basic Utilities	SUP	SUP
Business/Trade School	P	P
Cemeteries	N	N
Churches	P	P
Colleges	P	P
Community Service	P	P
Conference/Convention Centers	P	P
Elderly Housing	N	N
Electric Substations and Switch Stations	L(43)	L(43)
High School	P	P
Hospital	N	N
Kindergarten, Elementary School	P	P
Medical Centers	P	P
Middle School	P	P
Mortuaries	P	P
Parks and Open Space	P	P
Semi-public, Halls, Clubs, and Lodges	P	P
WECS (Building-mounted)	SUP	SUP

WECS (Free-standing Monopole Support Structure)	SUP	SUP
P = Permitted, N = not permitted, SUP = Specific Use Permit Required, L(X) = Limited as defined in Section 35.5.8		

35.5.4.3. General Regulations.

General regulations of the Community Mixed Use Centers are in the table below:

General Regulations	CM-G	CM-E
Minimum lot area (square feet)	2,500	2,500
Minimum lot width	50 feet	50 feet
Minimum lot depth	50 feet	50 feet
Minimum front yard setback	None	10 feet
Minimum side yard	None	None
Minimum side yard adjacent to a street	None	10 feet
Minimum yard abutting a residential use or district	20 feet	20 feet, plus 1 foot for each foot of building height above 30 feet
Maximum FAR	1.5	0.75
Minimum residential unit size	500 SF	None
Maximum lot coverage	80%	85%
Minimum landscaped area	20%	15%
Maximum building height	65 feet	65 feet

Maximum WECS height	75 feet	75 feet
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35.5.8. - Limitations.

The following define the limitations to zoning uses when the zoning matrix identifies a use as permitted, but limited:

L(1) = Accessory dwelling units are permitted, subject to the following additional criteria:

1. The proposal must conform with the overall maximum lot coverage and setback requirements of the underlying zone.
2. The maximum number of accessory dwelling units shall not exceed one (1) per lot.
3. The maximum gross habitable floor area (GHFA) of the accessory residential structure shall not exceed fifty (50) percent of the GHFA of the primary residence on the lot, and shall not exceed one thousand (1,000) sq. ft. GHFA unless the lot meets the requirements of L(1).5.
4. One (1) additional parking space shall be provided that conforms to the off-street parking provisions of this Chapter.
5. The maximum gross habitable floor area (GHFA) of the accessory residential structure shall not exceed fifty (50) percent of the GHFA of the primary residence on the lot, where the lot size is equal to or greater than ten (10) acres in size. An SUP is not required for such an accessory residential structure where the lot size is equal to or greater than ten (10) acres.

L(2) = For infill lots, the front setback shall be an average of the adjacent lots.

L(3) = In part of a subdivision of two (2) acres or more, up to two (2) units may be attached by a common wall if the lots which contain the attached structures do not abut the perimeter lot lines of a subdivision, the individual common wall units are on separate lots designed to be sold individually, and they comply with the Subchapter 13. Additionally, units must have the appearance of a single-family residence from the street.

L(4) = Multi-family is permitted only:

1. With a Specific Use Permit; or
2. As part of a Mixed-Use Development; or
3. As part of a Master Plan Development, Existing; or
4. If the development received zoning approval allowing multi-family use within one (1) year prior to the effective date of Ordinance No. 2005-224; or
5. If allowed by a City Council approved neighborhood (small area) plan.

L(5) = Within this district the density of apartments will be calculated as one (1) bedroom equating to one-half (.5) unit.

L(6) = Permitted only on second (2nd) story and above, when an office, retail, or other permitted commercial use is on the ground floor along any avenue, collector, or arterial street, otherwise office or retail uses are not required.

L(7) = Limited to two (2) animals on parcels one (1) to three (3) acres in size. Additional animals may be added at a rate of one (1) per each acre over three (3).

L(8) = Travelers' accommodations, are permitted, provided that:

1. The business-owner or manager shall be required to reside on the property occupied by the accommodation, or adjacent property.
2. That each accommodation unit shall have one (1) off-street parking space, and the owners shall have two (2) parking spaces. All spaces shall be in conformance with the requirements of the Off-Street Parking section of this Chapter.
3. That only one (1) ground or wall sign, constructed of a non-plastic material, non-interior illuminated of four (4) sq. ft. maximum size be allowed. Any exterior illumination of signage shall be installed such that it does not directly illuminate any residential structures adjacent or nearby the travelers' accommodation.
4. That the number of accommodation units allowed shall be proportional to the permitted density of the zone. Each traveler's accommodation unit shall be counted as 0.6 units for the purpose of calculating the permitted number of traveler's accommodations.
5. All traveler's accommodations shall be within two hundred (200) feet of a collector or arterial. Street designations shall be as determined by the City Comprehensive Plan. Distances shall be measured via public street or alley access to the site from the arterial.
6. Excluding the business-owner's unit and the area of the structure it will occupy, there must be at least four hundred (400) sq. ft. of gross interior floor space remaining per unit.
7. Traveler's accommodations are limited to no more than eight (8) guest units.

L(9) = All restrictions of L(8), but limited to no more than fifteen (15) guest units.

L(10) = All restrictions of L(8), but limited to no more than five (5) guest units.

L(11) = Limited to sit down only, and no drive up service permitted. Limited to no more than one hundred (100) seats and no more than four thousand (4,000) square feet of restaurant area.

L(12) = On-premise consumption or retail sales and shall limit the use to no more than ten thousand (10,000) square feet of gross floor area for production, bottling, packaging, storing, and other manufacturing related activities, and additional square footage shall require a Specific Use Permit.

L(13) = Uses are limited to no more than fifty-five thousand (55,000) square feet of gross floor area per lot.

L(14) = Uses are limited to no more than ten thousand (10,000) square feet of gross floor area.

L(15) = Uses are limited to no more than five thousand (5,000) square feet of gross floor area per lot. An SUP is required for additional square footage for Semi-Public Halls, Clubs and Lodges.

L(16) = Uses are limited to no more than one thousand five hundred (1,500) square feet of gross floor area per lot.

L(17) = Uses that exceed twenty-five thousand (25,000) square feet of gross floor area per use require approval of a SUP.

L(18) = Uses are permitted only in association with Gas Stations and are limited to no more than five thousand (5,000) square feet of gross floor area except adjacent to I-35 then uses are limited to ten thousand (10,000) square feet of gross floor area.

L(19) = Allowed as an accessory use to the primary business(es) within the same structure. The accessory use is limited to those employees or owners of the business or businesses within the same structure.

L(20) = Permitted, but outdoor storage of autos prohibited.

L(21) = Bakery and bottling areas not to exceed two thousand five hundred (2,500) square feet. Sales on premises of products produced required in this zone.

L(22) = Uses are permitted only in association with Gas Stations and are limited to no more than twenty-five (25) seats except adjacent to I-35 then the number of seats is limited to fifty (50).

L(23) = Light manufacturing of products sold on site permitted, area of manufacture not to exceed five thousand (5,000) square feet.

L(24) = Light manufacturing of products sold on site permitted, area of manufacture not to exceed one thousand five hundred (1,500) square feet.

L(25) = If proposed use is within two hundred (200) feet of a residential zone, approval is subject to a Specific Use Permit.

L(26) = Uses are limited to no more than two thousand five hundred (2,500) square feet of gross floor area per lot.

L(27) = Must comply with the provisions of Subchapter 89, Gas Well Drilling and Production.

L(28) = Use allowed as part of consolidated parking plan.

L(29) = Wrecker Services and Impound Lots must comply with the following provisions:

1. The subject lot shall comply with the provisions of the Texas Administrative Code, regarding Vehicle Storage Facilities.
2. Lot Screening: All stored vehicles shall be opaquely screened from all rights-of-way and residential uses and zoning districts.
3. Parking and vehicle storage areas associated with wrecker services and impound lots activities are not allowed within undeveloped floodplain, water-related habitat, and riparian buffer environmentally sensitive areas (ESA).
4. Best management practices addressing stormwater quality must be implemented and maintained on site. Management practices must attain the pollutant removal capabilities recommended for parking areas in the Integrated Storm Water Management (ISWM) Manual, as published by the North Central Texas Council of Governments, or similar practices consistent with low impact development (LID) approaches.

L(30) = Permitted as part of a mixed use building and only in conjunction with office, retail, or other permitted commercial, or institutional uses, equal to at least fifteen (15) percent of the floor space of the residential use along any avenue, collector, or arterial street, otherwise these uses are not required.

L(31) = Permitted as part of a mixed use building and only in conjunction with office, retail, or other permitted commercial, or institutional uses, equal to at least twenty-five (25) percent of the floor space of the residential use along any avenue, collector, or arterial street, otherwise these uses are not required.

L(32) = Not allowed to locate adjacent to an arterial and within one thousand (1,000) feet as measured from the nearest property line of a sexually oriented business to the nearest property line of any other sexually oriented business, adult or child daycare, any elderly housing facility, hospital, any residential use, public open space.

L(33) = Additional height may be allowed with an SUP and a viewshed study, which illustrates that any views of the Historic Courthouse are not blocked by the new structure(s) additional height.

L(34) = Permitted with no more than one hundred fifty thousand (150,000) gross square feet and eight (8) truck docks. All docks or loading bays shall be to the rear or side of the structure and not viewable from the

street. The buffering standards for outdoor storage shall apply, both to any outdoor storage activity and to the loading docks.

L(35) =

L(36) = Permitted when combined with retail sales.

L(37) = Five (5)-acre minimum land area required and no more than twenty-five (25) kennels per acre allowed, including indoor and outdoor runs. A natural buffer strip is required adjacent to any residential use.

L(38) = Must meet the requirements of Section 35.12.9.

L(39) =

L(40) =Limited to a maximum twelve (12) units per acre.

L(41) = Lots where the proposed WECS will be located shall have a minimum lot area of two (2) acres. A maximum of one (1) WECS is permitted by right. Multiple WECS are permitted only with approval of a SUP.

L(42) = Building-mounted WECS may not extend higher than ten (10) feet above where the WECS is mounted on the building. The height shall be measured from the base of the WECS where it is mounted on the building to the highest point of the arc of the blades' elevation. If the WECS does not use blades, then height is measured from the base of the WECS where it is mounted on the building to the highest point of the WECS.

L(43) = Electric Substations and Switch Stations are permitted subject to the following criteria:

1. An applicant shall be required to submit an application for a Specific Use Permit pursuant to Subsection 35.6 in accordance with procedures set forth in Subsection 35.3.4 unless it is able to meet the following requirements:
 - A. Use of the property is associated with a City Council approved Capital Improvements Plan (CIP) or other City Council approved Master Plan; and
 - B. A public hearing was held at the City Council for the selection of the site to include:
 - i. Written notice of the public hearing was provided to property owners within two hundred (200) feet and physical addresses within five hundred (500) feet of the subject property at least twelve (12) days prior to public hearing; and
 - ii. A sign advertising the public hearing was posted on or adjacent to the property at least twelve (12) days prior to the public hearing.
 - C. A neighborhood meeting was held at least fifteen (15) days prior to the public hearing at City Council for the acquisition of the site.
2. All Electric Substations or Switch Stations shall comply with the following development requirements:
 1. The proposed electric substation or switch station shall substantially comply with all of the development and regulatory standards established in Subchapter 24; and
 2. A site plan demonstrating substantial conformance with all the applicable design standards identified in Subchapter 24 shall be submitted.